

**In the Shadow of Authoritarian Expropriation: From Reactive to  
Institutionalized Responsiveness in Vietnam and China**

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## Abbreviations

CCP	Chinese Communist Party
CPPCC	Chinese People's Political Consultative Conference
DRV	Democratic Republic of Vietnam
EVN	Empire of Vietnam
GRDP	Gross Regional Domestic Product
GMD	Guomindang (Nationalist Party)
ICP	Indochinese Communist Party
LANDA	Land Alliance (Vietnam)
LSG	Leading Small Groups (China)
MoNRE	Ministry of Land and Natural Resources (Vietnam)
MLR	Ministry of Land Resources (China)
NPC	National People's Congress (China)
NEP	New Economic Policy
PLA	People's Liberation Army
PRC	People's Republic of China
VWP	Vietnam Worker's Party
VCP	Vietnamese Communist Party
VNA	Vietnamese National Assembly

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## Abstract

In the relentless pursuit of development, land expropriation has fueled mounting social unrest in Vietnam and China. Despite their many similarities, Vietnam and China differ highly in how they respond to societal pressures and demands. Whereas responsiveness in Vietnam has been more institutionalized, China has been more reactive. Whereas Vietnam has enacted deliberate, programmatic, and comprehensive reforms to narrow the scope of government discretion, China has allowed expansive leeway for local governments to expropriate land for indiscriminate purposes. *Why, then, are some authoritarian regimes more responsive than others? Why do some authoritarian regimes respond to social demands in a more institutionalized manner while others are more reactive?* Alternative explanations focusing solely on credible threats, ideology, institutional arrangements, and land fiscalization do not fully account for variation in authoritarian responsiveness. Rather, I argue that overlooked historical divergences in paths to party and state formation fundamentally determine the behavioral parameters of political institutions and their interactions with societal interests, which profoundly affect authoritarian responsiveness. In this respect, in Vietnam, party and state institutions emerged from entrenched legacies of accommodation that produced greater inter-institutional autonomy and societal incorporation. By contrast, in China, state building occurred on the bedrock of party hegemony through confrontations that resulted in the supplantation of state institutions by the party, and in the dominance of elite agendas over societal interests. The combination of these institutional characteristics and patterned interactions between the state and society explains why Vietnam's responsiveness to social unrest is more institutionalized, whereas China's responsiveness is more reactive.

## Résumé

Dans le contexte de la poursuite sans relâche du développement, l'expropriation des terres a alimenté l'agitation sociale croissante au Vietnam et en Chine. Malgré leurs nombreuses similitudes, le Vietnam et la Chine diffèrent fortement dans leur façon de répondre aux pressions et aux demandes sociales. La réponse du Vietnam est plus institutionnalisée, tandis que celle de la Chine, plus réactive. Alors que le Vietnam a adopté des réformes délibérées, programmatiques et globales pour réduire le champ du pouvoir discrétionnaire du gouvernement, la Chine a laissé une plus grande marge de manœuvre aux gouvernements locaux pour exproprier des terres à des fins indiscriminées. *Pourquoi, alors, certains régimes autoritaires sont-ils plus prédisposés à répondre aux pressions et demandes sociales que d'autres, qui sont plus enclins à réagir ? Pourquoi certains régimes autoritaires répondent-ils aux demandes sociales d'une manière plus institutionnalisée alors que d'autres sont plus réactifs?* D'autres explications axées uniquement sur les menaces crédibles, l'idéologie, les arrangements institutionnels et la fiscalisation des terres ne tiennent pas pleinement compte de la variation dans la prédisposition des gouvernements autoritaires à répondre aux demandes sociales. Je soutiens que les divergences historiques dans les processus de formation des partis et de l'État, souvent négligées, sont fondamentalement déterminantes des paramètres comportementaux des institutions politiques et de leurs interactions avec les intérêts de la société, ce qui affecte profondément la prédisposition de l'État autoritaire à répondre aux demandes sociales. Au Vietnam, les institutions du parti et de l'État se sont développées sur la base d'un héritage historique de concessions et de négociations entre la société et le gouvernement, produisant ainsi une plus grande autonomie interinstitutionnelle et une plus grande incorporation sociétale. En revanche, en Chine, la construction de l'État s'est faite sur la base de l'hégémonie des

partis par le biais d'affrontements qui ont abouti à la supplantation des institutions de l'État par les partis et à la domination du programme de l'élite sur les intérêts de la société. La combinaison de ces caractéristiques institutionnelles et des interactions structurées entre l'État et la société explique pourquoi le Vietnam est plus prédisposé à répondre aux demandes sociales, et à y répondre de manière institutionnalisée, tandis que la Chine l'est moins, et est plus prédisposée à répondre de manière réactive.

## Chapter 1 Historical Pathways and Dynamics of Authoritarian Responsiveness

### Introduction

Across a wide range of democratic and authoritarian regimes in contemporary Asia, state-society relations are fractured by sources of social unrest, invoking conflicts, confrontations, and even violent clashes between governments and citizens. In accounting for the varying extent to which regimes seek to alleviate social tensions and address citizens' demand, entrenched theories have conventionally linked democratic representation with government responsiveness, namely, with electoral competition and policies that adhere to citizens' preferences. Emergent studies have instead contested that, absent competitive elections, authoritarian regimes do not always merely rely on raw coercion and repression to manage social unrest, but also demonstrate receptivity and responsiveness to popular grievances and demands. The central questions that motivate this study rest on this fundamental proposition that autocrats can be repressive and responsive at the same time.<sup>1</sup>

Yet, not all authoritarian regimes are equally responsive or responsive in the same manner. In an effort to distinguish the variants in authoritarian responsiveness, I conceive responsiveness as a continuous spectrum that varies with regard not only to whether a regime receives and addresses social claims, rather than ignores or represses them, but also with regard to the extent to which the responses of a regime gain "value and stability."<sup>2</sup> Toward one end of this behavioral spectrum, *reactive responsiveness* is relatively limited, particularistic, ad-hoc, and temporary, like fire extinguishers in emergency situations or the slapping of a quick band-aid on an open wound. Toward the opposite end, *institutionalized responsiveness* consists of more coherent, complex,

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<sup>1</sup> Crouch 1996b; Kerkvliet 2010, 2019.

<sup>2</sup> Huntington 1968.

programmatic, and durable measures intended to resolve and incorporate contentious demands voiced through societal pressures or unrest.

*Why are some authoritarian regimes more responsive than others? Why do some authoritarian regimes respond to social demands in a more institutionalized manner while others are more reactive?* Delving deeper into how and why authoritarian regimes vary so widely in their responsiveness, my dissertation is fundamentally concerned with the institutional pathways and the origins of their divergence that underlie differences in policy choices and modes of response to social unrest under communist and authoritarian rule. Built on the conceptual framework developed in this study, a structured, paired comparison of the two most similar communist regimes of Vietnam and China discloses a compelling puzzle. In both countries, compulsory government land seizures have been a central cause of surging petitions, protests, and demonstrations. However, in Vietnam, regime responsiveness to contentious claims pertaining to government land expropriation has been more institutionalized, whereas regime responsiveness to similar claims in China has been more reactive. Vietnam has enacted deliberate, systematic, comprehensive, and coherent reforms of the country's legal land expropriation system aimed at narrowing the scope of government authority, discretion, and abuse. By contrast, in spite of persistent unrest and pressures for deeper reforms, China has failed to assertively restrict the expansive scope of government discretion, and instead has resorted to ad-hoc, lackluster measures, and deliberate institutional ambiguity. Whereas Vietnam's institutionalized responsiveness results in more consistent and uniform restrictions on local land expropriation that strengthen safeguards for individuals and households, China's reactive responsiveness allows significant leeway for local governments to enact variable policies to administer compulsory land seizures in pursuit of elite agenda.

In explaining this empirical puzzle, the study advances a central theoretical argument: Variable paths of party and state formation fundamentally shape the inter-institutional autonomy of authoritarian regimes and the patterned interactions between state and society that profoundly affect authoritarian responsiveness to societal interests. In distinguishing party formation from state formation, the study underscores that the prominent sequencing and dynamics of these two distinct processes produce very different organizational legacies and sets of patterned state-society interactions. In this sense, differences in the extent to which authoritarian regimes are responsive to social pressures and demands, and the ways in which they differ are deeply rooted in macro-historical divergences that are highly path dependent.

Party and state institutions that historically emerge from entrenched legacies of accommodation embody diffuse political authority that allow for higher degrees of autonomy between party and state institutions, albeit within authoritarian bounds. The extent to which political institutions within authoritarian regimes develop their own capacities, functional differentiation, and organizational identity is crucial to fostering competitiveness among institutions and providing receptive avenues for diverse societal interests. Furthermore, accommodation also produces patterned interactions between state and society wherein the party-state not only has stable roots in society, but the nature of its linkages with society is based on regularized moderation of elite agendas in congruence with social demands. Originating in historical legacies of accommodation, authoritarian regimes that possess greater degrees of inter-institutional autonomy and a pattern of incorporation of societal interests are thus more responsive than others.

In Vietnam, the Vietnamese Communist Party failed to consolidate prior to the making of the state, and built a communist state upon elite compromises and accommodation of divergent

interests. State building, in other words, occurred on the back of an inchoate party with tenuous organizational and mobilizational capacity, therein demanding greater accommodation. As a result, in Vietnam, party and state functions are more clearly delineated, and state-society interactions are animated by more regularized incorporation of societal interests. By contrast, in China, having established a cohesive, disciplined, and unified organizational apparatus, the Chinese Communist Party embarked on a distinctive path of confrontation in which the party readily exerted its dominance over state and society. Here, the communist state was built instead on the bedrock of party hegemony wherein confrontation was the predominant path to power. Consequently, state institutions have been supplanted by the concentration of political authority in the party, and social forces are highly subject to effective mobilization and control. Given this significant divergence in the historical path undertaken by the two communist regimes, Vietnam has thus been relatively more responsive than China in the ways in which it has addressed social unrest fueled by pervasive government land seizures.

The study advances this central argument with a research design that pays distinctive attention to process-tracing over time through systematic contextualized comparisons and intensive case studies that define comparative historical research. First, the many similarities between Vietnam and China allow for a structured comparison with a rare degree of control that makes the comparison ideal for investigating cross-cutting theoretical questions about the nature of communist and authoritarian rule. Second, theory and empirical findings are built on in-depth comparative historical analysis and 16 months of fieldwork in Vietnam and China. I trace the countries' divergent pathways to party and state formation, how these pathways shaped political institutions and regularized state-society interactions, and how they profoundly affect regime responsiveness to social pressures under authoritarianism.

## **Conceptualizing Authoritarian Responsiveness**

Responsiveness is generally defined as the extent to which a government adheres to citizen preferences and demands.<sup>3</sup> While the concept has been rooted in democratic theories,<sup>4</sup> responsiveness is a crucial dimension in regime performance that paradoxically entrenches the persistence of authoritarian regimes. The premise of the notion of authoritarian responsiveness is that authoritarian regimes can be repressive and responsive at the same time. Harold Crouch illustrated, for example, how the Malaysian government reacted to the 1969 riots amid rising tensions between Malays and non-Malays with immediate repression by declaring a state of emergency, suspending Parliament, and arresting opposition activists. At the same time, the government also adopted responsive measures by enacting pro-Malay policies, such as the New Economic Policy aimed at reducing the economic and social disparity between Malays and non-Malays, providing scholarships to Malay students while imposing quotas on non-Malay entries to universities, and changing the language used at school to Malay.<sup>5</sup> Together, repression and responsiveness comprise the wide spectrum of behavior that can be observed in authoritarian regimes.

Although there is a general recognition that responsiveness exists under authoritarianism, incongruent and indefinite conceptualizations of authoritarian responsiveness produce a state of the field in which it is increasingly difficult to distinguish variants of authoritarian responsiveness. Insufficient attention to concept formation has resulted in what Giovanni Sartori describes as a “Hegelian night in which all the cows look black (and eventually the milkman is taken for a cow).”<sup>6</sup> Some studies evaluate responsiveness as the extent to which laws and policies adhere to citizen

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<sup>3</sup> Manin, et al. 1999.

<sup>4</sup> Dahl 1971.

<sup>5</sup> Crouch 1996b.

<sup>6</sup> Sartori 1970a.

preferences and their macro outcomes.<sup>7</sup> Others define responsiveness as variable forms of concessions, tolerance, and blind-eye governance.<sup>8</sup> A number of studies even conflate regime receptivity, measured by written government replies to citizen claims online, with actual responsiveness.<sup>9</sup> These definitions and the indicators that they employ are not congruent. This results in a fragmentation of the field that limits the theoretical value of studies aimed at advancing a broader comparative agenda that explains variation in, and maps, the parameters of authoritarian responsiveness.

I address this fragmented state of the literature by proposing a revised framework for comparative studies. I propose that, on a continuous spectrum of regime behavior, variants of responsiveness by authoritarian regimes can be distinguished by their degree of institutionalization. Institutionalization, as defined by Huntington, is “the process by which organizations and procedures acquire value and stability.”<sup>10</sup> By this criterion, *reactive responsiveness* is relatively more temporaneous, sporadic, marginal, particularistic, and incoherent, whereas *institutionalized responsiveness* constitutes more substantive forms of responsiveness through relatively more durable, systematic, complex, and coherent change. Institutionalized responsiveness is distinguished by its extensiveness beyond the more narrow and limited scale, scope, and time horizon of reactive responsiveness. Both are not mutually exclusive, and can operate at different levels of government as well as at micro and macro levels of analysis. It is this conceptual lens that reveals the variance in authoritarian responsiveness between the two most similar, single-party communist regimes of Vietnam and China.

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<sup>7</sup> Manin, et al. 1999; Kerkvliet 2005; Malesky and Schuler 2010; Reilly 2011; Heurlin 2016; Kuhonta 2016..

<sup>8</sup> Cai 2008; Weller 2008; Cai 2010; Conrad 2011; Stockmann 2012.

<sup>9</sup> Chen, et al. 2016; Su and Meng 2016.

<sup>10</sup> Huntington 1968, 12.



## **Comparative Puzzle**

Forced land seizures have been a fueling source of social resistance and anger toward government authorities in both China and Vietnam. In 2012, when the Vietnamese government deployed more than 100 police and military officers to forcibly evict Doan Van Vuon from his farmland in Tien Lang District, he fought back with homemade boobytraps and explosives that resounded throughout the country. In one of the largest land clashes in Vietnam during 2003 to 2013, nearly 2,000 to 4,000 farmers collectively protested government requisitions of their farmland for a new urban zone in Van Giang District. Over a six-year period, they resorted to all means, from petitioning, staging sit-ins and demonstrations in the country's capital, to physically clashing with armed security forces, marching into government buildings, and barricading local officials from entries or exits.

In China, incidents such as these are also routine. A collective petition campaign against local authorities for appropriating and selling villagers' rural land in Wukan escalated into recurring protests and revolts over a three-year period, drawing nearly 13,000 to 15,000 villagers at times. Social discontent over government land seizures has spilled over to the popular online video game "Nail Household vs. Demolition Team" in which players win by defending their houses with rocks, shotguns, and dynamite against guards and gangsters, who seek to demolish their homes. In real life, individuals refusing to leave when faced with forced eviction and demolition sometimes risk death—such was the case of He Zhi Hua from the Yuelu district of Changsha city who was run over by a steamroller, or Hong Xiaorou, a four-year-old girl killed by a bulldozer while her family tried to stop the demolition of their home in Fujian province. Some resist by choosing suicide and self-immolation rather than watching their land and homes being taken.

With respect to the problem of state land acquisitions, there are many apparent similarities between Vietnam and China. In both countries, there has been a dramatic spike in social unrest caused by land seizures. Following the 2003 Land Law in Vietnam, the scope of the government to expropriate land expanded to allow land seizures for “economic development” purposes. Subsequently, the number of petitions protesting land seizures received by the Vietnamese government increased exponentially. For instance, the Ministry of Land and Natural Resources (MoNRE) received 5,211 in 2003 and doubled that number (10,650) in 2006.<sup>11</sup> In Vietnam, from 2008 to 2011, an average of 70 percent of petitions received by the Government Inspectorate revolved around land.<sup>12</sup> Similarly, rural land acquisitions and urban housing demolitions were cited by the Deputy Director of the National Bureau of Letters and Visits as the leading causes of petition letters and visits to the bureau in China.<sup>13</sup> Since the 1998 Land Administration Law went into effect in China, the number of petitions received by the Ministry of Land Resources (MLR) spiked from 4,448 in 1998 to as high as 14,148 in 2004.<sup>14</sup> In both countries, the persistence and prevalence of social unrest caused by land seizures have amplified pressure on the central government to adopt systematic reforms of existing land institutions. Cognizant of the social tensions caused by pervasive government land expropriation, central authorities in both countries have publicly remarked that it is imperative for the state to address this prominent source of social instability. Yet, their responsiveness has significantly differed.

In response, Vietnam has enacted deliberate, systematic, comprehensive, and coherent reforms of the country’s legal land expropriation system. Between 2003 and 2017, Vietnam revised

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<sup>11</sup> Cited in, World Bank 2011.

<sup>12</sup> Thanh tra Chính Phủ [Government Inspectorate] 2012.

<sup>13</sup> "Xinfang ju: Qun zhong lai xin lai fang fanying tuchu zai zhengdi chaiqian deng wenti 信访局：群众来信来访反映突出在征地拆迁等问题 [National Bureau of Letters and Visits: Most Reported Issues from the People's Letters and Visits are about Expropriation and Demolition]" 2013.

<sup>14</sup> *Zhongguo Guotu Ziyuan Tongji Nianqian 中国国土资源统计年鉴 [China Land Resources Statistical Yearbook]*.

the Land Law with the aim of narrowing the scope of government authority and discretion in land expropriation. Specifically, revisions of the law incorporated societal input calling for clearer definitions of national and public interests, stronger due processes and procedural rights, and more rigorous legislative oversight of government land acquisitions. These revisions were not merely procedural but had important substantive implications. Since the revised Land Law went into effect in 2013, there has been an overall decline in government land seizures as well as in land-related petitions across the country.

The more institutionalized — programmatic, systematic, comprehensive, coherent, and durable — the response, the more it narrows the allowable space for arbitrary land seizures, irrespective of differences across localities. Findings of consistency in constraints on local land expropriation between two “most different” cases within Vietnam further corroborate the greater degree of institutionalization of the regime’s responsiveness. The greater specificity and depth of the revised Land Law have institutionalized more systematic and uniform restrictions on government land expropriation. Even in two most different counties in the two most different provinces of Can Tho and Quang Tri, local authorities are subject to the same rigorous constraints. There is little variance with regard to how much discretion or leeway is conferred to local authorities to seize land for private, profit-oriented, and commercial purposes, thereby strengthening the safeguards for individuals to protect and defend their rights and interests.

By contrast, in spite of persistent unrest and pressure for deeper reforms, China’s responsiveness has been relatively more reactive. Rather than enacting programmatic reforms to assertively restrict the expansive scope of government discretion in land expropriation, China instead resorted to ad-hoc, lackluster measures, and deliberate institutional ambiguity. During the same period from 2003 to 2017, the Chinese Communist Party and the State Council

acknowledged problems with government land acquisitions, permitted local experiments of variable land policies. These were intended to provide local governments with greater leeway to administer different local policies and to divert rural discontent. But actual substantive revisions in the scope, procedures, and legislative oversight of government land expropriation through the Land Administration Law were repeatedly delayed and reneged. As a consequence of the lesser degrees of institutionalization of these responses, there is much greater variability in land expropriation policies enacted at the local level, and tenuous safeguards for individuals from arbitrary land seizures.

## **Argument**

Why have two most similar communist, single-party regimes differed so dramatically in their responsiveness to social unrest? Why has Vietnam responded in such an institutionalized manner, whereas responsiveness by China has been relatively more reactive? Much of the scholarship on modes of authoritarian response focuses on cost-benefit calculations,<sup>15</sup> central-local relations,<sup>16</sup> or institutional arrangements.<sup>17</sup> In this study, I contend that the differences between Vietnam and China have much deeper historical roots. Accounts focusing solely on the above factors largely overlook the historical processes that determine the behavioral parameters of political institutions and their interactions with societal interests.

During its early formation, the Vietnamese Communist Party<sup>18</sup> was a disparate organization that failed to coalesce power. In its endeavor to gain national independence, the party that was formed operated as a united front of many different political factions, irrespective of their

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<sup>15</sup> Cai 2008.

<sup>16</sup> Heurlin 2016.

<sup>17</sup> Malesky, et al. 2011a; Cai and Sun 2018; Schuler 2018.

<sup>18</sup> The Vietnamese Communist Party was called by different names at different phases of its historical development. Since the Introduction chapter does not elaborate on the details here, to avoid confusion, I only refer to the party by the name of the Vietnamese Communist Party.

commitment to communism or the party itself. Under this broad front by the communists' own design, the party seized control in 1945 and founded the Democratic Republic of Vietnam. But given the party's lack of organizational capacity, ideological coherence, discipline, and unity, the formation of the new state was built on compromises and a fragile coalition of communists and non-communists in which the party retained and greatly relied on the colonial apparatus along with the personnel of the former regime. To assuage fears of communism within the coalition, only two months after coming into power in the name of a united front with non-communist groups, the party even announced its self-dissolution. Thus, from the early outset the Vietnamese Communist Party had needed to compromise and incorporate broad divergent interests. These were reflected in the design of state structures, particularly the role conferred to the legislature, the diffusion of political power within the party, as well as its moderate policies.

Despite the later expansion of the party, it failed to exert dominance and penetrate society to the same extent that the Chinese Communist Party did. Unable to mobilize society, the Vietnamese Communist Party consistently had to moderate its socialist agenda in response to societal interests. This was epitomized by the land-to-the tiller reforms between 1953 and 1956, and by the ensuing error rectification campaign between 1956 and 1957 in which the party responded to social grievances by admitting mistakes made by party cadres and rehabilitated those wrongly classified and punished as landlords and rich peasants.

Organizational legacies of accommodation remained entrenched with the evolution of party and state institutions under the Socialist Republic of Vietnam established in 1976. When the Vietnamese Communist Party was confronted with a socio-economic crisis, it enacted Renovation reforms that propelled periods of economic growth in the year after. It also responded to social resistance against the cooperative system by proceeding to decollectivize, to restore a household

economy, and to grant individual land-use rights. Institutionally, there was increasing emphasis on delineating party and state functions. The legislature and its oversight of the government were further strengthened. The institutionalization of these features effectively provided openings for the incorporation of diverse interests and would bind the Vietnamese communist regime to be more receptive and responsive to social unrest.

By contrast, the Chinese Communist Party emerged from its struggle against the Guomindang more unified, disciplined, and consolidated than before. During its exile in remote areas of Jiangxi and Yan'an between 1927 and 1949, the party successfully centralized its authority and transformed the party through intensive cadre screening, routine purges, ideological training, and a full-scale rectification campaign. Rather than compromising with the Guomindang, the Chinese Communist Party eradicated its rivalry in an all-out civil war with the force of an army and an organizational apparatus that exceeded the Vietnamese Communist Party. The Chinese Communist Party exerted its dominance after it seized control and established the People's Republic of China in 1949.

Unlike the Vietnamese Communist Party, the Chinese Communist Party held on to its power during the state formation process. Party consolidation and state building were tightly enmeshed. Expansion in party membership and the integration of new members into the state apparatus were accompanied by routine purges and mass campaigns to root out half-hearted cadres, and to maintain party discipline and unity. During the initial transition phase of state building and regime consolidation from 1949 to 1954, the Chinese Communist Party implemented the "Campaign to Suppress Counterrevolutionaries," the "Three-Anti Campaign," and the "Five Anti-Campaign." These were evidence of not only the confrontational path undertaken by the Chinese Communist Party in the formation of the party and the state, but also of its pattern of mass

mobilization and control, and of the lesser degree of its accommodation and moderation of its socialist agenda in response to societal interests.

Party dominance also supplanted state institutions. In the second phase of the consolidation of the Chinese communist regime under Mao from 1954 to 1960, legislative developments were halted when the party unleashed the “Anti-Rightist Campaign.” Resorting to old repertoires and mobilizational tactics, the Chinese Communist Party purged deputies serving in the National People’s Congress by subjecting those labeled as “rightists” to public confessions, suspensions, labor education, and executions. By 1966 the National People’s Congress ceased to operate altogether for the next nine years during the Cultural Revolution. Concurrently, the party became increasingly and directly involved in policy and government administration through party committees, central leading small groups of the party, and the concentration of authority in the hands of the Standing Committee of the Politburo headed by Mao.

Overlooked historical divergences in paths to party and state formation produce different institutional configurations and patterns of state-society interactions critical to explaining variation in authoritarian responsiveness. Whereas party consolidation preceded state formation in China, setting the country on a predominant path of confrontation, the Vietnamese Communist Party embarked on state formation as an inchoate organization that necessitated greater compromises and accommodation. These dynamics set the two countries on divergent paths that created entrenched organizational legacies and conditioned the patterned interactions between state and society. As a result, party and state structures in Vietnam are characterized by a greater degree of inter-institutional autonomy than China, wherein political authority is more diffuse, party functions are more clearly delineated from those of the state, and the legislature exercises oversight of the government. State-society interactions in Vietnam are also oriented by a pattern of greater societal

incorporation and regularized moderation of elite agenda in congruence with societal interests and demand. Fundamentally rooted in macro-historical dynamics of party formation and state formation, the combination of these institutional characteristics and interactions between state and society explains why Vietnam's responsiveness to social unrest is more institutionalized, whereas China's responsiveness is more reactive.

**Figure 1-1 Diagram of Theoretical Argument**



**Table 1-1 Framework for Explaining Variation in Authoritarian Responsiveness**

	Path to Party & State Formation	Inter-Institutional Autonomy	Societal Rootedness	Responsiveness
<b>Vietnam</b>	Accommodation	+ ➤ Diffusion of political authority ➤ Delineation between party & state institutions ➤ Legislative oversight of the government	+ ➤ Societal incorporation ➤ Moderation of elite agenda in congruence with societal interest	Institutionalized
<b>China</b>	Confrontation	- ➤ Concentration of political authority ➤ Party supplantation of state institutions ➤ Legislative subordination	- ➤ Mass mobilization and control ➤ Dominance of elite agenda over societal interest	Reactive



## Research Design

I pursue theoretical inquiries on authoritarian responsive with a controlled comparison of two most similar systems, Vietnam and China. In asking whether controlled comparison still has a place in comparative politics, Dan Slater and Daniel Ziblatt cogently highlight the advantage of a “theoretically informed combination of control and variation” in a controlled comparison.<sup>19</sup> By selecting cases with comparable, similar properties, the design allows for intensive process-tracing to identify the precise mechanisms that explain variation, and to establish a robust internal validity of the argument.<sup>20</sup> A controlled comparison with “representative variation”, that is, “when the variation in the sample broadly mirrors variation in some broader and explicitly defined population of cases,” also increases the external validity of the study.<sup>21</sup>

Using this logic, there is an important argument to be made for the paired comparison of Vietnam and China. Both share a deep historical lineage of communism that is evidenced by the similar features in the configuration of their single-party political system. Both have been highly resilient authoritarian regimes. On the issue of land, both countries implemented similar land reforms during critical periods of state building. Similar market reforms and developmental imperatives have also propelled massive state land acquisitions in both countries, resulting in similar societal pressures for systematic institutional reforms. Yet, Vietnam and China significantly diverge in terms of their responsiveness. The paired comparison of Vietnam with China has important analytical value, not only because of their similarities, but because of their divergence *in spite* of those similarities. Their difference in terms of the degree of institutionalization of their responsiveness captures a variation that is not unique to these particular

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<sup>19</sup> Slater and Ziblatt 2013.

<sup>20</sup> Collier 2011; Ricks and Liu 2018.

<sup>21</sup> Slater and Ziblatt 2013, 1312.

cases, but is representative of other authoritarian and communist regimes. The comparison therein provides fertile empirical terrain for addressing broader, cross-cutting questions about the relationship between state and society, authoritarian institutions, and the nature of communist and authoritarian rule.

In order to assess the responsiveness of Vietnam and China to social unrest caused by land expropriation at a macro level of analysis, I trace the causal links between societal calls for reforms and the measures taken by the two party-states in response. Moreover, to mitigate the risk of erroneously equating any observation of actions taken by the regimes as responses to the societal demands, I especially put weight on causal process observations that provide evidence of these crucial links.<sup>22</sup> I closely trace this chain of responsiveness, from regime receptivity of contentious social claims to the deliberation and decision-making process of central party and state institutions on purposeful designs of laws and policies, and the extent to which they have incorporated societal input for more rigorous restrictions on the authority of local governments to expropriate land for private, commercial profits in Vietnam and China. This analysis draws on transcriptions of legislative debates, primary party and government documents, as well as secondary reports and coverage of the debates. In-person interviews with civil society actors who participated in the law and policymaking process also greatly informed the analysis in the study.

Moreover, for a rigorous evaluation of the institutionalization of Vietnam's responsiveness compared to China, I adopt a nested research design of two most different cases in two different provinces within Vietnam. One is a rural county in Quang Tri Province in the North Central Coast. The other is an urban district in Can Tho City in the Mekong Delta. I use pseudonyms in these cases of the study to protect the anonymity of the interviewees. Based on John Stuart Mill's method

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<sup>22</sup> Brady and Collier 2004; George and Bennett 2005.

of agreement in a most different research system, the case selection at the subnational level is informed by the logic that the more institutionalized reforms are, the more these will reduce leeway and local variation on the permissible scope of government authority and procedural safeguards for citizens in land expropriation. In spite of the differences in these subnational cases, evidence of uniform restrictions on local authorities and strengthened procedural safeguards for citizens further corroborates the institutionalization of Vietnam's responsiveness to societal claims. By contrast, China's reactive responsiveness allows for greater variability at the local level and immense local discretion, which produces greater uncertainty and precarity for individual citizens.

Through comparative historical analysis, I advance the central argument that divergent paths in party and state formation fundamentally shape the institutional arrangements and nature of state-society interactions, which profoundly affect authoritarian responsiveness. In doing so, I take a longer view of history to identify the overarching macro-historical origins that undergird Vietnam's greater institutionalized responsiveness compared to China. In line with the comparative advantage of this research tradition, the analysis thus places importance on the sequencing of events, the context in which they occur, and the path dependence of the resulting decisions and outcomes that structure the development of authoritarian institutions and their character. The analytical framework makes use of primary materials, including documents that I collected during fieldwork from the National Archives Center III in Hanoi, Vietnam, leaders' speeches and writings, party and government documents in Vietnamese, Mandarin, and English (when translations are available), as well as secondary materials that help enrich and fill gaps in the historical analysis. Translations of materials and interviews in Vietnamese and Mandarin are my own, unless otherwise noted and cited.

Empirical analysis of the cases also draws on 16 months of fieldwork in both China and Vietnam that comprised participant observation, interviews, and collection of primary data. In Hanoi, Vietnam, I attended and observed workshops, training sessions, and activities by civil society and state institutions in their law and policy engagement. I also conducted semi-structured interviews with policymakers, government bureaucrats, experts, activists, and civil society groups directly involved in the land revision process. In addition, in Vietnam, I retrieved archival records on the evolution of land institutions and infrastructural reforms of the party-state. Likewise, in Beijing, China, I collated statistics on land-use change, petitions, and records of legislative debates. I also interviewed NGOs, academics, and experts on land policy, and attended public talks by former party leaders and policymakers. At the subnational level, I conducted site visits of industrial parks and special economic zones, observed forced evictions, as well as interviewed local officials, land administrators, and dispossessed villagers in the provinces of Can Tho, Quang Tri, Quang Nam, and Da Nang in Vietnam. In China, I also interviewed local officials and bureaucrats involved in land management in several counties and villages in the provinces of Guangdong and Guizhou. This ensured that I have a broad sample at the local level for grounded and deeper assessment of the differences between Vietnam and China.

Responsiveness is not a one-time event but an ongoing, dialectical process during which social demands and regime responses constantly evolve, which makes responsiveness a constantly moving target. For purposes of analysis, the study closely traces the responsiveness of the party-state in Vietnam and China within a limited time frame from 2003 to 2017, that is, from the point when social unrest surged until the end of fieldwork. Since the end of 2017, I returned to China from March to May 2019 for more fieldwork at the local level. When applicable, I also include

updates of relevant developments in land law and policy enacted in the countries since 2018 to date.

Lastly, it is worthwhile to clarify the scope of the study. The study focuses on a substantive policy area: land expropriation. I choose to focus on this issue because of its relevance and importance as one of the leading causes of social unrest in both countries. Land is a central resource to all social groups and sectors in society, and disputes over land are representative of the social tensions between state and society in Vietnam and China. While the study does not explore other issue areas in detail, evidence from existing scholarship suggests that Vietnam also demonstrates more responsiveness than China in other social aspects. In particular, Vietnam responded to workers' grievances by recognizing workers' right to strike, and creating a tripartite system as promoted by the International Labour Organization which consists of employer associations, unions, and the government, all of whom negotiate on salient terms concerning workers' rights; China, however, has not.<sup>23</sup> Moreover, on a macro, aggregate level, Vietnam has also fared significantly better in reducing income inequality than China.<sup>24</sup> Thus, while the study is centered on the variation in responsiveness between Vietnam and China in land-related issues, this variation and its theoretical explanation may also be generalizable to other issue areas.

### **Analytical Contributions of the Study**

In pursuit of a comparative agenda on regime responsiveness to social unrest under authoritarianism, the study engages with, and makes the following contributions to core debates in comparative politics. First, despite growing analytical interest, the lack of conceptual tools to advance theoretical inquiries on variation in authoritarian responsiveness has hampered the

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<sup>23</sup> Chan 2020.

<sup>24</sup> Malesky, et al. 2011a..

accumulation of comparative research on the subject. It is difficult to speak of knowledge accumulation when the existing literature has taken responsiveness to mean a wide range of behavior observed of authoritarian regimes. The study thus proposes a conceptual framework to guide, anchor, and advance comparative analysis of regime responsiveness. The framework conceives regime responsiveness as a continuous spectrum that varies in degrees of institutionalization. In doing so, the study does not intend to dismiss all other existing definitions altogether. Rather, it seeks to provide a yardstick for synthesizing and comparing how authoritarian regimes vary in responsiveness to societal pressure and demand.

Second, the study underscores the eroding analytical value of regime type as a variable for explaining salient political outcomes. While responsiveness has been conventionally associated with democracies, the fact that authoritarian regimes have also been found to be responsive requires us to unpack and transcend the constraints of this authoritarianism-democracy dualism in order to identify the particular attributes, mechanisms, and processes that account for differences in regime responsiveness. In doing so, the study furthers our comparative understanding of authoritarian institutions. Moreover, within the subset of regimes that are classified as authoritarian, there is immense variance. The divergence between Vietnam and China is an exemplar of this. Their divergence naturally raises the crucial question of why.

In addressing this question, the study advances a central argument that traces the deeper historical roots of why and how two similar communist, single-party regimes have come to drastically differ in their responsiveness to social discontent. In particular, major contributions to the scholarship on state formation have addressed how developmental states arrive at their cohesive structures and capacity to pursue developmental goals.<sup>25</sup> The study draws on these

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<sup>25</sup> Kohli 2004; Vu 2010a.

prominent contributions and extends this lineage of comparative-historical analysis of the origins of state structures to explain variation in authoritarian responsiveness. Under the rubric of developmental states, both Vietnam and China fit the brief. Yet, from the state formation literature, it is not evident how the formational dynamics and features that have enabled regimes to achieve developmental goals also affect their responsiveness to social unrest. It should also be asked why Vietnam embarked on a path of accommodation to state formation, whereas China took a path of confrontation. As I highlight in the study, whereas state formation was undertaken by an inchoate communist party in Vietnam, the Chinese communist state was built on the bedrock of party unity, discipline, and dominance. These dynamics in the relationship between the party and the state are thus deeply historical and critical to understanding why the two authoritarian regimes vary in their responsiveness.

Third, the focus of the study on law and the legislature as the channel of responsiveness addresses the relationship between law and authoritarianism. Emerging research has recognized the use of law, on the one hand, as a crucial instrument to consolidate authoritarian rule.<sup>26</sup> Under a “rule by law,” stability is enhanced as conflicts are brought under the purview of state-dominated legal frameworks and government actions are made more legitimate.<sup>27</sup> A “partial rule of law,” on the other hand, may be established to tie the autocrat’s hand, and provide rational-legal grounds for citizens to stake their rightful resistance.<sup>28</sup> The study sheds light on why some authoritarian regimes turn to the use of law to respond to social unrest, why some tie their own hands and those of their agents, and why others do not.

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<sup>26</sup> Silverstein 2008.

<sup>27</sup> Ginsburg 2008; Ginsburg and Moustafa 2008.

<sup>28</sup> O'Brien and Li 2006; Wang 2014; Gallagher 2017.

Finally, in focusing on the institutionalization of a regime's responsiveness, the study is normatively concerned with the notable limitations of ad hoc, tenuous, volatile, reactive responses to social issues that demand deeper, far-reaching, and programmatic reforms. In Wukan, Guangdong Province in China, for instance, mass protests against local authorities were hailed, at one point, as a victory for grassroots democracy, and yet they failed to result in long-lasting institutional and empowering change for villagers. First started as a collective petition campaign in 2009, conflicts between villagers and local authorities escalated into recurring protests and revolts by as many as 13,000 villagers when local authorities sold land to real estate developers against villagers' will.<sup>29</sup> When long standoffs between villagers and security forces erupted into violent confrontations in 2012, Provincial Party Secretary Wang Yang was dispatched to manage the situation. Wang appeased the villagers by firing local officials, freeing protestors from jail, and allowing for re-election of the village committee. While these indicated responsiveness, as later reports found, the election itself did not result in any meaningful change, nor did the villagers receive their land back or higher compensation.<sup>30</sup> When I visited Wukan in 2016, villagers were weary that Wukan had already been forgotten. "Nobody cares about Wukan anymore," one resident shared. "Before, there were many reporters. Now, there is no one." When asked if there had been any change since 2012, he simply said, "Nothing. Everything is the same . . . It is finished. Everything that could be done has already been done."<sup>31</sup> What, then, differentiates one regime from another that institutionalizes responsiveness beyond these kinds of targeted incidents of management of social unrest to enact systematic change, particularly where the cause of conflict is recurring and widespread? Motivated by this concern, I have thus devoted my analytical focus

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<sup>29</sup> Wong 2011.

<sup>30</sup> Pomfret 2013.

<sup>31</sup> Personal Interview CHGD 20160712. Villager. Wukan, China, July 12, 2016.



to the question of why some authoritarian regimes demonstrate institutionalized responsiveness while others fall short.

## **Organization of the Dissertation**

The dissertation consists of three main parts. In Part One, chapter two and three set out to present the conceptual and theoretical framework of the study. Chapter two is devoted to the singular task of concept formation with the aim of elucidating and synthesizing the wide-ranging definitions of authoritarian responsiveness that have been used in the existing literature. In doing so, it introduces the conceptual spectrum of institutionalized responsiveness and reactive responsiveness as an analytical strategy to identify, assess, and compare variants in authoritarian responsiveness across regimes. Chapter three discusses alternative explanations of the empirical puzzle, and elaborates on the theoretical argument developed in the study to fully account for the variance in authoritarian responsiveness between Vietnam and China.

Part Two is comprised of chapter four and five on Vietnam. Chapter four first provides an in-depth account of the macro-historical dynamics that shape Vietnam's path of accommodation to party and state formation, which forged its institutional features and pattern of state-society interactions over time. From the emergence of communism in Vietnam between 1925 to 1945, it traces the period of state building by the communist party between 1945 to 1960 under the Democratic Republic of Vietnam, to the incipient establishment of the single-party regime of the Socialist Republic of Vietnam between 1976 and 1986. Chapter 5 picks up from the contemporary period to provide a detailed account of the causal chain of Vietnam's responsiveness, from the underlying causes of surging social unrest due to government land seizures, to the receptivity of the communist regime, to the policy advocacy undertaken by civil society to aggregate social preferences, and lastly, to the actual reforms taken by the political apparatus, and how a

comparison of two subnational cases within Vietnam further substantiate the institutionalization of the regime's responsiveness.

Part Three consists of chapter six and seven on China. Chapter six traces the origins of the Chinese Communist Party from 1911 to 1949 during which the party successfully consolidated and centralized political authority within the party. Next, it analyzes the two phases from 1949 to 1954, and from 1954 to 1960 during which the party exerted its dominance in the process of state formation, consolidating the party's grip over state and society through confrontation and mass mobilization campaigns. Fundamentally, the institutional character of the party and the state, as well as the pattern of interactions between state and society had been forged by that point. Despite subsequent developments during the post-Maoist era, these elements have remained deeply entrenched and continued to affect the ways in which the CCP responds to social unrest. While chapter six offers a grand historical narrative that underlies China's divergence from Vietnam, chapter seven examines how China falls short in its responsiveness to intensifying demands for deeper reforms of its land expropriation system.

The concluding chapter summarizes the central argument, and further expands on the theoretical implications of authoritarian responsiveness for regime political legitimacy, and its contingent effects on dynamics of social contention and outcomes. In doing so, it also proposes a comparative agenda for future research.

## **PART ONE: CONCEPT AND THEORY**

## Chapter 2 — Responsiveness with Adjectives: Concept Formation in Comparative Research

*Intolerably blunted conceptual tools are conducive, on the one hand, to wasteful if not misleading research, and, on the other hand, to a meaningless togetherness based on pseudo-equivalences.*

– Giovanni Sartori<sup>1</sup>

### Introduction

Research on regime responsiveness under authoritarianism has gained increasing traction in comparative politics. However, despite its salience, the concept of authoritarian responsiveness has ironically lapsed into obfuscation. The precise meaning of the concept and its attributes are shrouded by an indiscriminate range of definitions and measures in the existing literature. Scant attention to concept formation has given way to definitional pluralism without deeper critical reflections on the precise qualifications of the various definitions and their relation to one another. Some transplant the definition of responsiveness directly from democratic studies, as policy that reflects citizen preferences. Others equate authoritarian responsiveness with tolerance, concessions, or even more literally, as written replies to citizens' online inquiries. For this reason, the concept is sometimes criticized for equating any behavior that is not outright repression as authoritarian responsiveness, rendering the concept a hollow vessel without any coherence or substance. This has immediate consequences for the development of a distinct research program and knowledge accumulation on authoritarian governance and responsiveness in comparative politics.

Moreover, concerns over fundamental concepts may be overshadowed by eager interests in factual problems and their explanations. In a statement that Karl Popper termed “antiessentialist exhortation,” he wrote, “*Never let yourself be goaded into taking seriously problems about words*

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<sup>1</sup> Sartori 1970b, 1053.

*and their meanings. What must be taken seriously are questions of fact, and assertions about facts: theories and hypotheses; the problems they solve; and the problems they raise.*”<sup>2</sup> Factual observations and analyses, however, are oriented by and anchored in foundational concepts that must be defined and continuously sharpened. As in the example given by John Gerring, “If I say ‘Somoza was a fascist,’ the hearer is apt to respond, ‘Define ‘fascist.’”<sup>3</sup> Far from being a mere play on words and their meanings, to take concept formation seriously is, therefore, to remedy the principal problem of “prov[ing] practically anything simply by defining terms in a convenient way.”<sup>4</sup> The generation of new knowledge based on previously obtained knowledge has been synonymous with “progress in understanding and learning,” which has been prioritized as a leading objective in political science and the social sciences.<sup>5</sup> Knowledge accumulation built with “blunted conceptual tools,” however, as Giovanni Sartori plainly puts it, is tantamount to “wasteful if not misleading research” and “a meaningless togetherness based on pseudo-equivalences.”<sup>6</sup>

In this chapter, I propose a new conceptual framework for synthesizing and assessing variation in authoritarian responsiveness. Attention is directed to the crucial task of concept formation for advancing comparative research agendas. In doing so, I begin with the proposition that authoritarian regimes do not endure merely by coercion or repression, but also demonstrate responsiveness to social demands. At this general level, *responsiveness* can be broadly defined as the extent to which a regime adheres to citizen preferences and demands. Signals of social grievances, preferences, and demands may take the forms of protests and demonstrations, petitions

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<sup>2</sup> Popper 1976, 15 (emphasis in original).

<sup>3</sup> Gerring 1999, 359.

<sup>4</sup> Gerring 1999, 359.

<sup>5</sup> Kuhn 1996; Mahoney 2003.

<sup>6</sup> Sartori 1970b, 1053.

and complaints, as well as quieter and covert means of contention. More specifically, however, the ways in which authoritarian regimes manage and address social unrest can be conceived within a *continuous spectrum* of repression-responsiveness whereby authoritarian regimes can be repressive and responsive at the same time. Building on this conceptualization, I put forth a crucial distinction between *reactive responsiveness* and *institutionalized responsiveness*. The essential distinction between the two hinges on their *relative institutionalization*, understood as “the process by which organizations and procedures acquire value and stability.”<sup>7</sup> At one end of the spectrum, responsiveness is reactive, consisting of ad-hoc measures, like the application of an emergency fire extinguisher or a quick band-aid slapped on an open wound. At the opposite end, responsiveness consists of institutionalized, systematic, and deep-rooted changes that address and incorporate societal input.

It is important to clarify that this conceptualization does not propose a binary and nominal categorization in either/or terms of variation in responsiveness of authoritarian regimes. Rather, it is a variation in *relative degrees of institutionalization*. In this sense, a regime may either respond in a relatively reactive way or in a relatively institutionalized way. In these terms, greater institutionalization is also equated with greater responsiveness, whereas a regime that is mostly reactive is thereby less responsive. By using institutionalization as the central yardstick, this conceptual framework thus reorients comparative analyses of the ways in which authoritarian regimes respond to societal pressures.

### **Muddling Authoritarian Responsiveness**

The existing scholarship on authoritarian responsiveness is muddled by incongruent concepts and measurements. Responsiveness itself is a concept deeply rooted in democratic theories but remains

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<sup>7</sup> Huntington 1968, 12.

underdeveloped in studies of authoritarian regimes. Deriving from this lack of concept formation is the issue of operationalization and measurement. Existing studies have used a number of different indicators that do not necessarily point to equivalent concepts or definitions. The incongruence in these constitutive definitions and measurements limits the comparability and accumulation of theoretical and empirical knowledge in the current literature on authoritarian responsiveness.

Among prominent works in the extant literature, some adapt conventional definitions of responsiveness directly from democratic studies and examine the extent to which changes in laws and policies adhere to citizen preferences in authoritarian contexts. According to Bernard Manin, Adam Przeworski, and Susan Stokes, “a government is ‘responsive’ if it adopts policies that are signaled as preferred by citizens.”<sup>8</sup> Based on this definition, Christopher Heurlin determines that China’s proactive monitoring of citizen opposition and its selective policy changes when it gauges opposition to be particularly widespread constitute the behavioral traits of a representative case of “responsive authoritarianism.”<sup>9</sup> In the same vein, Erik Kuhonta argued that Malaysia and Vietnam’s relatively successful efforts in achieving economic growth with equity is evidence of their programmatic and responsive policies.<sup>10</sup> He also portrayed the People’s Action Party in Singapore as responsive to public interest when it adopted a near-universal public housing policy and retracted the Graduate Mothers Scheme due to social resistance to the policy.<sup>11</sup> James Reilly likewise showed that Chinese leaders responded to public sentiments by shifting their foreign policy toward Japan in the direction demanded by public pressure.<sup>12</sup> In another example, Benedict

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<sup>8</sup> Przeworski, et al. 1999, 9.

<sup>9</sup> Heurlin 2016, 3.

<sup>10</sup> Kuhonta 2011.

<sup>11</sup> Kuhonta 2016.

<sup>12</sup> Reilly 2011.

Kerkvliet suggested that decollectivization was the Vietnamese Communist Party's response to everyday forms of resistance against collectivist policies by villagers in the Red River Delta.<sup>13</sup>

Departing from the focus in the works above on policy responses by authoritarian regimes, others conceive authoritarian responsiveness with greater fluidity as various forms of granting “concessions.” The Chinese government, for instance, may make concessions that are viewed as responsive to popular resistance by offering higher compensations to villagers in land-related disputes, or by dispatching higher-level authorities to discipline lower-level officials at local sites of resistance.<sup>14</sup> Courtenay Conrad draws a further distinction between “material concessions” and “rights concessions.”<sup>15</sup> Material concessions, on the one hand, are provisions of public and private material goods, like expenditures on public healthcare and private consumption of food supplies, directed at members of an opposition group rather than the general population. Rights concessions, on the other hand, refer to “an opening of the political space that gives the opposition an opportunity to operate in areas outside the control of the regime,” such as by permitting increasing freedom of the press and inviting the opposition to join the legislature.<sup>16</sup> In similar terms, Robert Weller describes the Chinese government as being responsive by “allowing a place” for, rather than cracking down on environmental NGOs, lawsuits, petitions, media coverage, and protests.<sup>17</sup> Weller describes responsiveness under these circumstances as “blind-eye governance,” in which “the government chooses to overlook extra-legal behavior as long as social groups keep within certain limits.”<sup>18</sup> Building on this definition, Daniela Stockmann identifies the Chinese

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<sup>13</sup> Kerkvliet 2005.

<sup>14</sup> Cai 2008, 2010.

<sup>15</sup> Conrad 2011.

<sup>16</sup> Conrad 2011, 1170.

<sup>17</sup> Weller 2008, 119.

<sup>18</sup> Weller 2008, xx; Weller 2012.



government's toleration of demands for societal space and the increasing autonomy of media outlets due to marketization as evidence of authoritarian responsiveness.<sup>19</sup>

In other instances, actual responsiveness has become conflated with regime receptivity.<sup>20</sup> In a field experiment, Jidong Chen, Jennifer Pan and Yiqing Xu analyze the extent to which local county officials “responded” to citizen written requests via government websites for assistance in obtaining social welfare by measuring: (a) whether there is a written correspondence in response to citizen online requests for assistance; (b) if there is a response, when the response is given; (c) whether the response is viewable by the general public; and (d) the specific content of the response.<sup>21</sup> Following the steps of Chen, Pan and Xu, Zheng Su and Tianguang Meng operationalize government responsiveness as whether citizens’ online demands had been replied to or not by local governments using data collected from online Local Leadership Message Boards.<sup>22</sup> The reason for their operationalization was that they regard the “government's responding to citizens' demands and requests as a minimum form of responsiveness.”<sup>23</sup> The rationale, however, reflects a dissatisfactory engagement with the concept. While the authors avowed to operationalize “a minimum form of responsiveness,” the actual measure – that the government *replies* to online citizen inquiries in writing – may only indicate the extent to which citizen opinions, comments, or grievances are transmitted to government officials. Whether government officials in fact take any concrete actions to address those claims is not substantiated by this indicator. In a later work, Tianguang Meng, Jennifer Pan, and Ping Yang recognized a distinction between “receptivity” and “responsiveness,” and defined “receptivity” as “the

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<sup>19</sup> Stockmann 2012, 255.

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<sup>21</sup> Chen, et al. 2016.

<sup>22</sup> Su and Meng 2016.

<sup>23</sup> Su and Meng 2016, 58.

willingness of political leaders to incorporate citizen preferences.”<sup>24</sup> Indeed, regime receptivity is a minimum condition for a regime to respond, but does not in and of itself constitute actual responsiveness.

The conflation between the two can also be found in an exemplary study by Edmund Malesky and Paul Schuler of lawmakers in the 12<sup>th</sup> Vietnamese National Assembly (VNA).<sup>25</sup> The authors adopt the definition of responsiveness posited by Manin, Przeworski and Stokes.<sup>26</sup> To get at this notion of responsiveness, they measured the extent to which VNA deputies reflected the wishes of their constituents in the content and language of their questions to ministers in legislative query sessions. Their measure of individual performance in query sessions, however, serves as a proxy that does not indicate whether VNA deputies took any further action toward policy change in direct response to the preferences and concerns of their constituents. The study makes an important contribution in measuring the extent to which lawmakers are receptive to constituent demands, and transmit that information to other institutions of the regime. However, analysis of actual responsiveness by VNA deputies requires an additional step that then tracks and traces whether those who conveyed the interests of their constituents in the query sessions took any concrete steps to adhere to and incorporate those interests, such as in the form of a policy change.

Incoherence in the conceptualization of authoritarian responsiveness, as shown, has resulted in numerous indicators that do not necessarily point to congruent definitions as a starting point. Written replies to citizen inquiries, blind-eye governance and partial tolerance, or temporary concessions are not the same as durable, de jure changes in law and policy. At times, the concept is stretched to the point that any gestures that is not outright repression could be expediently

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<sup>24</sup> Meng, et al. 2017, 403.

<sup>25</sup> Malesky and Schuler 2010.

<sup>26</sup> Przeworski, et al. 1999.

equated with authoritarian responsiveness. The indefiniteness and elusiveness produced by such conceptual stretching is like a “Hegelian night in which all the cows look black (and eventually the milkman is taken for a cow).”<sup>27</sup> There lacks a coherent conceptual mapping that synthesizes and systematizes the contrasting conceptualizations underpinning the existing scholarship on authoritarian responsiveness. The consequences are conceptual disjunctures and fragmentation that limit comparative research agendas as well as the accumulation of theoretical and empirical knowledge on authoritarian responsiveness.

### **Re-Conceptualizing Authoritarian Responsiveness**

Giovanni Sartori identifies the pervasive problem of conceptual stretching in his seminal article, “Concept Misformation in Comparative Politics,” first published in 1970, but much of his incisive critique remains enduringly pertinent in the discipline. As Sartori puts it, “The major premise is, then, that quantification enters the scene after, and only after, having formed the concept. The minor premise is that the ‘stuff’ of quantification – the things underpinned by the numbers – cannot be provided by quantification itself.”<sup>28</sup> Concept formation, in other words, is a necessary process *prior to* quantification.

Heeding Sartori’s advice, in this section, I will focus on the task of concept formation and map the concept of responsiveness using his “ladder of abstraction.” As a concept moves up and down the ladder – from high, medium, to low and vice versa, there is an inherent tradeoff between its extension and its intension. In striving to make the concept more universal, its specific attributes will be lessened. Conversely, a conceptualization with greater specification will focus instead on identifying, unfolding, and augmenting particular attributes or properties of the concept.<sup>29</sup>

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<sup>27</sup> Sartori 1970b, 64.

<sup>28</sup> Sartori 1970b, 64.

<sup>29</sup> Sartori 1970, 66.

Taking this approach to concept formation offers several advantages. It locates the concept of authoritarian responsiveness in relation to a universal conceptualization of the root concept—responsiveness—without modifiers. By the same account, the model also lends itself to a systematic explication of the specific attributes that differentiate authoritarian responsiveness from other mid-range conceptualizations – for instance, democratic responsiveness. As the concept travels down the ladder from a mid-range level of generalization toward a more contextual definition, I will further accentuate the configurative elements of the spectrum of reactive and institutionalized responsiveness by authoritarian regimes.

**Table 2-1 Ladder of Conceptual Abstraction**

Levels of Abstraction	Conceptualization	
High Level: Universal	Responsiveness	
Medium Level: General	Authoritarian responsiveness	
Low Level: Configurative	Reactive	Institutionalized

***Locating Authoritarian Responsiveness on the Ladder of Abstraction***

The root concept of authoritarian responsiveness is “*responsiveness*,” without any modifiers. At the highest level of abstraction, responsiveness can be simply defined as the extent to which a regime adheres to societal preferences and demands. This conceptualization underscores the fact that responsiveness is relational in its fundamental character, which always begs the questions of responsiveness by whom and to whom. As a generalization, without specifying any particular institutions, state actors, or societal groups, this relationship is largely conceived as one between state and society, whereby the nature of responsiveness constitutes an interactive process that engages state and societal actors in dynamic ways at multiple levels.

How can we, then, know whether an action taken by the regime is intended as a response directed to pressures from societal groups? And, if so, responsive to whose preferences? — for instance, is the regime responsive to group A, group B, neither or both? The relational nature inherent in the concept means that diligence must be carried out to ascertain whether certain behavior or observable actions taken by the regime are indeed responses to the preferences, claims, or demands of certain societal groups. One must trace and look for evidence of a veritable path, like a trail of breadcrumbs, that connects the regime's action back to the preferences and demands expressed by societal groups and vice versa. This diligence in identifying and tracing the relational path of responsiveness is crucial for answering the questions of: (a) Who is responsive? (b) responsive to whom? and, (c) concerning what?

In the chain of responsiveness, two minimum conditions must present. First, responsiveness is preconditioned on whether there are *signals* of social grievances, preferences and demands. The exact forms of these signals and their means of transmission could differ from noisy, overt forms of contention like demonstrations and protests to covert, quieter forms of everyday resistance, through channels such as by voting in formal elections to filing petitions, or informal complaints, and so forth. In spite of the various ways and the various means by which social groups may express their preferences and exert pressures on the regime, these signals essentially kickstart the chain of responsiveness by putting forth cases and claims that demand a regime's attention.

Second, a regime must then be *receptive* of these signals. It is worthwhile to clarify the distinction between receptivity and responsiveness as the two are easily conflated. Regime receptivity constitutes a necessary condition for responsiveness, but it is insufficient. Whereas receptivity denotes the extent to which a regime *intercepts* social claims and demands,

responsiveness denotes the extent to which a regime actually *acts* to adhere to those claims and demands. In other words, responsiveness refers to what happens *after* a regime receives the claims signaled by societal groups. Whether a regime has information on social preferences, is cognizant of and receptive to societal pressures are necessary conditions for responsiveness, but are in and of themselves qualitatively different from whether a regime takes any subsequent actions to address those claims.

As one moves away from a high-flown universal conceptualization of responsiveness toward greater intension and contextual analysis, responsiveness under authoritarianism can be distinguished by several key attributes. The premise of authoritarian responsiveness is that authoritarian regimes can be repressive and responsive at the same time. Rather than viewing these as binary categories, it is more accurate to understand repression and responsiveness as a behavioral spectrum of the ways in which authoritarian regimes manage social demands and unrest.

On the other hand, the mere absence of repression does not provide a sufficient basis for automatically assuming that an authoritarian regime is responsive. In December 2007, a group of villagers from Jiangsu, Shaanxi, and Heilongjiang provinces publicly issued online declarations to privatize and reclaim ownership of their farm land.<sup>30</sup> Nearly 40,000 villagers from Donnangang and 72 other villages in Heilongjiang province first declared that they would reclaim private ownership of 247,000 acres from the village collectives.<sup>31</sup> A few days after, nearly 70,000 farmers from 76 villages in Shaanxi province,<sup>32</sup> and 250 families from Zhuangchun in Jiangsu province also issued

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<sup>30</sup> Hartono 2007; Bajoria 2008.

<sup>31</sup> "Heilongjiang sheng Fujin shi Dongnangang cun deng: 72 cun 4 wan nongmin xuanbu yongyou tudi quan xiang quan guo de gong gao [An Announcement to the Country by Heilongjiang Province Fujin City Dongnangang Village, etc.: 40,000 Villagers in 72 Villages Announced Their Right to Land Ownership] " 2007.

<sup>32</sup> The declaration stated, "We, seventy thousand returning migrant farmers, collectively decided to take back the right of ownership of our land. We tell the whole nation: this land belongs to us and are for our future generations to use. We throw away the 'collective ownership' of this land. We have permanent ownership of 24,710 acres, which are currently used by all the villages. We also have permanent ownership of another 24,710 acres, which the State Council has given farmers the right to use, but the land is being used by officials at various levels. We will organize to divide

similar statements online.<sup>33</sup> In reaction, Heilongjiang officials immediately detained and sent the leader of the collective action Yu Changwu to labor camp. Police in Shaanxi province also made their rounds of criminal detentions.<sup>34</sup> However, central authorities demonstrated tolerance by not arresting or imposing other punitive measures on the rest of the villagers. Instead, they encouraged villagers to seek redress via institutionalized channels such as formal petitions instead. The central government, however, rejected any prospects of reform in an official statement published on the state news channel *Xinhua*, ““China will not end the decades-old policy on rural land ownership, which says that rural land is collectively owned by villagers instead of individual farmers.”<sup>35</sup> Despite its tolerance of the villagers’ contention, Chinese authorities did not take any action to incorporate and adhere to their demands. On the contrary, they were in fact non-responsive to the villagers’ preferences in their dismissal of their demands. As this incident illustrates, mere tolerance indicated by the absence of overriding repression does not substantiate that an authoritarian regime is responsive.

Furthermore, as ideal types, authoritarian responsiveness fundamentally differs from responsiveness under democracy. Under the necessary condition that citizens can formulate their preferences, signify their preferences, and have their preferences be weighed equally in the conduct of their government, democracy as an ideal type is characterized by the “continuing responsiveness

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this land evenly among farmers for them to own it forever, and end the illegal occupation of the land by officials of various levels.” Cited in, “China’s Emerging Land Rights Movement,” *China Digital Times*.

<sup>33</sup> Villagers declared in the online statement, “In every dynasty, it is clear that every villager owned their land. Farmers respected their land rights, and all the transactions concerning this land were commercial transactions according to legally protected rules. Since the opening and reform period, there are new terms such as ‘village collective ownership’ (*cunjiti suoyou* 村集体所有) and ‘utilizing rights.’ But farmers believe that whatever the terminology, the land belongs to farmers and is intended for farmers to live on and develop for generations. Now these farmers, according to the ‘rule of heaven’ (*tianli* 天理), history (*lishi* 历史) and the current utilization situation of the land, announce to the nation that, in Zhuangcun, all housing land belongs to each family permanently. Agricultural land and mountainous land will be evenly divided among all villagers. This land once belonged to our ancestors, but now belongs to us and our future generations!” Cited in, “China’s Emerging Land Rights Movement,” *China Digital Times*.

<sup>34</sup> Shipeng and Lim 2007.

<sup>35</sup> “Official: China won’t privatize rural farmland” 2007.

of the government to the preferences of its citizens, considered as political equals.”<sup>36</sup> However, Robert Dahl notes that such an ideal type rarely exists in practice, and labels it a “polyarchy” rather than a “democracy.”<sup>37</sup> Short of a polyarchy, democratic systems may not meet all the necessary conditions for continuing responsiveness, but would still fare more highly on the axes of public contestation and inclusiveness than non-democracies. Under a free and competitive electoral system, democratic leaders would be incentivized by electoral mechanisms to show greater responsiveness to their constituents compared to political systems with lower levels of public contestation and participation.<sup>38</sup> On this basis, democracies should be more fully and consistently responsive to the public across issue areas than authoritarian regimes.

It is also important to underscore that authoritarian responsiveness is not by definition synonymous with democratization or liberalization. This means that responsiveness under authoritarianism constitutes a type of *responsiveness within bounds*.<sup>39</sup> Whereas signals of citizen preferences would directly lead to government responses like a well-oiled transmission belt under an ideal-type democracy, autocrats do not consistently but selectively respond to societal claims or policy issues. Which specific issues, degrees, and forms of responsiveness are “within bounds”

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<sup>36</sup> Dahl 1971, 1.. Dahl (1971, 2-3) elaborates and lists eight institutional guarantees to ensure these conditions: (1) Freedom to form and join organizations; (2) Freedom of expression; (3) Right to vote; (4) Eligibility for public office; (5) Right of political leaders to compete; (6) Alternative sources of information; (7) Free and fair elections; and (8) Institutions for making government policies depend on votes and other expressions of preference.

<sup>37</sup> Dahl 1971.

<sup>38</sup> Powell 2004.

<sup>39</sup> I adopt the terminology of “within bounds” from Rory Truex (2016), but draw a distinction between “responsiveness” and “representation.” Truex (2016, 6) posits the concept of “representation within bounds” to connote the narrower parameters of authoritarian behavior whereby “authoritarian parliamentary representatives reflect the interests of their constituents on a broad range of issues, but remain reticent on sensitive issues core to the authoritarian state.” In this definition, there is little distinction between representation and responsiveness, as to be “substantively” representative is to be responsive to the interests of the represented. Given the analytic interest in the study specifically on the behavior of legislative institutions under authoritarianism, it might be naturally apt for Truex to employ the language of representation. However, rather than conflating the two, I follow the tradition of Manin, Przeworski, and Stokes in drawing a crucial distinction between responsiveness and representation. A government is representative if it pursues the interests of the majority, that is, if the outcomes of its behavior reflect the preferences of the majority (Manin, Przeworski and Stokes 1999, 8) . In this sense, as Manin, Przeworski and Stokes (1999, 10) succinctly put it, “A government may act in a representative fashion because it is responsive or because it is accountable. [...] Yet, neither a responsive nor an accountable government need be representative.”



and are “out of bounds” may depend on the context of the particular case and the perception of the autocrat. The invariable baseline is that autocrats can be responsive up to certain extent, but only insofar as doing so would not in turn threaten the political survival of the regime.

Under authoritarianism, responsiveness may also be without direct accountability. Governments are accountable if citizens possess mechanisms to sanction their leaders on the basis of their performance.<sup>40</sup> Under democracy, procedural competitive elections theoretically allow citizens to credibly punish their representatives by voting out incumbents in the next election. In an authoritarian political system, absent such institutional means, whether a government is responsive and whether citizens have the means to sanction autocratic leaders are not necessarily synonymous. This also allows authoritarian regimes to exercise wider discretion in the selectivity of their responsiveness.

**Figure 2-1 Chain of Authoritarian Responsiveness**



***Spectrum of Authoritarian Responsiveness: Reactive and Institutionalized Responsiveness***

In studies of democracies, responsiveness is generally defined as government policies that adhere to citizen preferences.<sup>41</sup> Theoretically, individuals would signal their preferences, and the state

<sup>40</sup> Przeworski, et al. 1999.

<sup>41</sup> Dahl 1971; Przeworski, et al. 1999; Powell 2004.

would accordingly supply policies in response.<sup>42</sup> By contrast, the existing scholarship finds that there is high variability in the extent and ways in which authoritarian regimes respond to societal pressure. What has been missing is a systematic framework that provides a coherent basis for synthesizing, comparing, and assessing the variability of responsiveness under authoritarianism. As I previously noted, in managing societal demands and unrest, authoritarian regimes can be repressive and responsive at the same time. Responsiveness is constitutive of this repressive-responsive spectrum exhibited by authoritarian regimes. Consistent with this conceptualization of responsiveness as a continuum, I put forth a crucial distinction between *reactive responsiveness* and *institutionalized responsiveness*.<sup>43</sup> These are two ends of the spectrum of the varying ways that authoritarian regimes respond to societal demands.

Responsiveness by authoritarian regimes to societal pressures varies in the degree of its institutionalization. Defined as “the process by which organizations and procedures acquire value and stability,” institutionalization is characterized by adaptability, complexity, autonomy, and coherence.<sup>44</sup> First, adaptability speaks to “the probability of successful adjustment” to successive challenges in a non-static environment.<sup>45</sup> How durable a response is and how long a response continues is indicative of its adaptability. Second, a response characterized by high complexity is one with high multiplication of significant depth and scope.<sup>46</sup> For example, a complex legislation adopted by the government as a response to public demands would be relatively more detailed,

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<sup>42</sup> Moravcsik 1997.

<sup>43</sup> Here, in seeking to refine the concept of authoritarian responsiveness, I do not focus on the repressive spectrum of authoritarian regimes but only on the spectrum of regime responsiveness. But, in fact, the distinction between reactive and institutionalized regime behavior can be further extended and applied across the repressive-responsive spectrum, whereby the use of force for suppression or coercion by authoritarian regimes also varies from being more reactive to more institutionalized. This lays an important foundation for building and expanding on a distinctive research agenda on the repressive-responsive nature of authoritarian regimes.

<sup>44</sup> Huntington 1968, 12.

<sup>45</sup> Huntington 1968, 13-17.

<sup>46</sup> Huntington 1968, 17-20.

specific, and extensive than one that is not. Third, autonomy is defined as “the extent to which political organization and procedures exist independently of other social groupings and methods of behavior.”<sup>47</sup> In these terms, a highly volatile and particularistic response is less autonomous than one that comprises broader public interests. In response to protests by villagers against a government’s land seizure, for instance, local authorities could offer higher compensation only to a few number of targeted households. In this example, the response would be seen as less autonomous than one in which the government increases the compensation for all of the protesting villagers affected by the land seizure. Lastly, responsiveness with greater coherence is characteristically more unified, consistent, programmatic, and systematic than one that is sporadic, inconsistent, and disorganized.<sup>48</sup>

From low to high levels of institutionalization that can be measured by the properties outlined above, reactive responsiveness and institutionalized responsiveness constitute two opposite ends of the spectrum. Toward one end, *reactive responsiveness* constitutes relatively more temporary, sporadic, marginal, and particularistic accommodations. This can often be identified in the ways in which government authorities react to a specific protest incident and the steps that it then takes in the short term during the period proximate to the event. Toward the other end, *institutionalized responsiveness* constitutes more substantive measures through relatively more durable, systematic, complex, and coherent change. Institutionalized responsiveness might be traced back to particular incidents perceived as beyond the pale, but generally extends beyond the scope of a particular incident. It is distinguished by a higher level of extensiveness than the relatively narrower and more limited scale, scope, and time horizon of reactive measures. Finally,

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<sup>47</sup> Huntington 1968, 20.

<sup>48</sup> Huntington 1968, 22-24.

reactive and institutionalized responsiveness are not mutually exclusive, and can operate at different levels of government as well as at micro and macro levels of analysis.

This parsimonious framework allows for synthesis and differentiation of the range of responses exhibited by authoritarian regimes on the basis of a common conceptualization with a greater degree of validity and cogency. On the reactive-institutionalized spectrum of authoritarian responsiveness, concessions by the Chinese government to incidents of unrest noted in Yongshun Cai's study, for instance, are located toward the left side of the spectrum. In one incident cited by Cai, in response to people's resistance against housing demolition in Hunan province, homeowners were given higher compensation and four officials were removed.<sup>49</sup> Although the specific concessions made by government authorities may vary by incident, they were targeted, short-term, and limited. By comparison, in Andrew Mertha's *China's Water Warrior*, the Chinese government's retraction of its policy in response to citizen opposition, and halting the construction of the Three Gorges Dam Project in Dujiangyan is a relatively more institutionalized response than the types of concessions described by Cai.<sup>50</sup> Yet, given that the Chinese government ultimately went ahead and completed the Three Gorges Dam Project in 2006, even this responsiveness is comparatively less institutionalized than the Vietnamese government's decision to implement decollectivization in response to everyday resistance from peasants, which Kerkvliet has detailed in *The Power of Everyday Politics*.<sup>51</sup> Decollectivization was not undertaken in targeted sites with resistance, but was systematically extended to the rest of the country through gradual but coherent, complex, durable and substantive policies. In the same vein, the New Economic Policy (NEP) enacted by UMNO in 1971 following the riot of 13 May 1969 in Malaysia is also a case of highly

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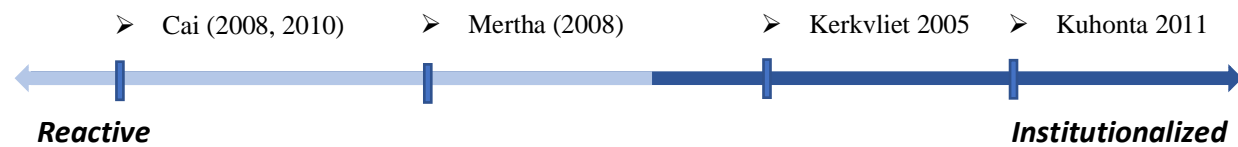
<sup>49</sup> Cai 2008, 421.

<sup>50</sup> Mertha 2008.

<sup>51</sup> Kerkvliet 2005.

institutionalized responsiveness.<sup>52</sup> Aimed to reduce economic and social disparity between Malays and non-Malays, particularly the Chinese, the NEP comprised systematic policies in education, language, and economy that significantly restructured and facilitated Malaysia to achieve growth with higher equity.<sup>53</sup>

**Figure 2-2 The Spectrum of Authoritarian Responsiveness**



It is important to clarify that the key difference between reactive and institutionalized responsiveness cannot be solely reduced to whether or not a policy is adopted as a response. Indeed, the adoption of formal laws and policies may generally suggest greater institutionalization, and may be commonly assumed as synonymous with institutionalized responsiveness. Yet, as part of the arsenal of authoritarian rule, laws and policies can also be easily manipulated and used in a reactive manner. In other words, the distinction between reactive and institutionalized responsiveness is not one of law versus no law, or policy versus no policy per se. *Instead, it is concerned with the substantive nature and not merely the procedural form of the response.* Methodologically, what this means is that greater due diligence is required to assess the actual content of laws policies, as well as the extent to which a regime actually promulgates, executes, and seeks to put them into effect.

Responses by the Vietnamese government to the 1997 Thai Binh uprising offer an instructive case to illustrate this important distinction. One year before the uprising, villagers from several communes in Thai Binh Province began to vocalize their grievances against local

<sup>52</sup> Crouch 1996a, 24-26, 211-213.

<sup>53</sup> Kuhonta 2011.

authorities for imposing exorbitant and arbitrary fees and taxes, misallocating agricultural land, and embezzling public funds for local infrastructure projects.<sup>54</sup> Some collected signatures and filed petitions with authorities at various levels. Others staged sit-ins at the entrance of the provincial People's Committee. In most instances, villagers' complaints were dismissed, delayed, or heard but ignored and left unresolved. As a result of failures by local authorities to respond to villagers' grievances, protests grew more frequent, large-scale, and disruptive. By 1997, at times of heightened tensions, the number of protestors totaled nearly 2,000. On May 11, 1997, nearly 2,000 villagers from 36 of 38 communes in Quynh Phu District mobilized in mass numbers,<sup>55</sup> and bicycled to the district and provincial capitals where they stayed for two days and one night in protests.<sup>56</sup> According to an official record published by the People's Committee of Thai Binh province in 2010, on June 16, 1997, disorder erupted in Quynh Hoa Commune, the "number one hotspot" during the uprising. About 300 villagers from Quynh Hoa Commune in Thai Binh Province detained the Party Committee Secretary, the Chairman of the Commune People's Committee, and the Deputy of the Financial Committee. They then marched to Quynh Phu District, beating and humiliating the detained officials on the way.<sup>57</sup>

Given the heightened levels of social instability during this period, by September 12, 1997, 34 cadres and officials of various rankings and positions from Quynh Hoa Commune presented their resignation to the district authorities. As tensions escalated, on November 12, 1997, about 400 villagers gathered at the provincial People's Committee. Protestors demanded to meet with the Chairman of the People's Committee, and broke out in violence, smashing windows and

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<sup>54</sup> Luong 2010, 250-251.

<sup>55</sup> Luong 2003, 21.

<sup>56</sup> Lai 1997.

<sup>57</sup> Nguyen and Nguyen 2010.

vandalizing the building.<sup>58</sup> In another instance in June 1997 in An Ninh Commune of District, hundreds and thousands of villagers surrounded the commune's administrative center, smashing chairs and office tables, flowerpots and chinaware, and conference rooms in the building, and chased after commune cadres who fled in bewilderment. Villagers also damaged and burned properties and houses of village officials in the same night.<sup>59</sup> Once a cradle and front banner of the Vietnamese Communist Party, Thai Binh was now designated a "hot spot" (*diem nong*) of rural unrest.<sup>60</sup>

As early as three days after the uprising, Prime Minister Vo Van Kiet instructed a team of researchers and party cadres led by Tuong Lai, Director of Vietnam Social Sciences Institute, to conduct an investigative site visit. In conclusion to this fact-finding report, Lai proposed three "scenarios" (*kich ban*) to the government on how to manage the situation. First was to be "passive" (*bi dong*) and "cope" (*doi pho*) with the situation by lowering the fees required of villagers on the one hand, to "repress" (*tran ap*) leaders and instigators of the mass protests on the other hand, and to discipline a number of "corrupt cadres who lost the people's faith" (*can bo tham nhung mat long dan*). Second was for the central and provincial governments to send representatives to the "hot spot", to publicly meet and receive villagers' petitions, to directly respond to villager's questions, and to note any issues that would need to be further inquired into. Third, in addition to the previous recommendations, it was also imperative to "promptly build a law-based state and basically reform the administrative apparatus to operate in accordance to its function . . . Clearly identify the functions of Party organs and administrative organs of the State in order to have a

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<sup>58</sup> Nguyen and Nguyen 2010.

<sup>59</sup> Nguyen and Nguyen 2010.

<sup>60</sup> Lai 1997.

coherent system of inspection and supervision coherently through the commune level.”<sup>61</sup> To varying degrees, the Vietnamese government pursued all three.

The immediate actions taken by the government comprised both targeted repressive and reactive measures in order to promptly expunge unrest and restore order. The government first dispatched 1,200 police personnel and several Politburo members to investigate and manage the situation.<sup>62</sup> Some protestors and local police and government officials were later arrested, prosecuted or expelled from the Party.<sup>63</sup> Thai Binh Province sent 242 cadres from all levels and armed forces to the site of the uprising, disciplined more than 2,000 cadres and local officials, and replaced half to two thirds of local cadres in more than 70 percent of party cells at the grassroots level.<sup>64</sup>

At the same time, there was a broader understanding among political elites that the Thai Binh uprising was symptomatic of deeper causes that necessitated more fundamental institutionalized responses. As President Tran Duc Luong reflected on the incident, “This is a lesson for us. Our party and state recognize that the discontent of the people in these cases was right.”<sup>65</sup> Former General Secretary Do Muoi echoed the same sentiment, “There are many complicated reasons for hot spots, but one common cause is officials involved in corruption, red tape, a lack of democracy, law violations, and intruding on people’s legitimate interests.”<sup>66</sup>

A number of key policies and regulations were further initiated. In the year following the uprising, the Politburo issued Directive 30-CT/TW on the Formulation and Implementation of Regulations on Grassroots Democracy. The Politburo stressed that “the principle of ‘people know,

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<sup>61</sup> Lai 1997.

<sup>62</sup> Abuza 2001, 84.

<sup>63</sup> Abuza 2001.

<sup>64</sup> Ta and Duy Huong 2011b, a.

<sup>65</sup> Abuza 2001, 85.

<sup>66</sup> Abuza 2001, 84.



people discuss, people implement, and people supervise' (*dan biet, dan ban, dan lam, dan kiem tra*) has not been concretized and institutionalized into law."<sup>67</sup> Specifically, the directive instructed that the government establish institutional and legal mechanisms for people at the grassroots to obtain information about government plans or policies affecting their living conditions, to participate and provide input in the local decision-making process, to monitor and evaluate activities enacted by the local government, and to determine the responsibilities of local organizations to address and respond to people's petitions and complaints.<sup>68</sup> Subsequent measures taken by the Vietnamese government indicate that the Politburo's directive was not all rhetorical.

Heeding the Politburo's mandate, in 1998 the Vietnamese government first passed Decree No. 29/1998/ND-CP on the Promulgation of Regulations on Commune Democracy.<sup>69</sup> Commonly referred to as the "grassroots democracy decree," it required local governments to consult and gain approval from the local population by popular vote particularly regarding issues involving infrastructure projects and social affairs within the commune.<sup>70</sup> Local authorities were also required to timely publicize all policies, land use plans, annual budgets, loans and popular contributions, and other commune finances. Through the People's Councils, the Fatherland Front, and other mass organizations, villagers could monitor and inspect local government performance.<sup>71</sup> Furthermore, village leaders now had to be directly elected, and village meetings had to be

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<sup>67</sup> "Chi thi 30-CT/TW ve xay dung va thuc hien Quy che dan chu o co so [Directive No. 30-CT/TW on the Formulation and Implementation of Regulations on Grassroots Democracy]" 1998.

<sup>68</sup> Ibid.

<sup>69</sup> See, "Nghị định 29/1998/NĐ-CP về Ban hành Quy chế thực hiện dân chủ cấp xã [Decree No. 29/1998/ND-CP on the Promulgation of Regulations on Commune Democracy]" 1998. Other implementing regulations were also enacted in effort to establish models and mechanisms for grassroots democracy across government organizations and agencies, including Decree No 71/1998/ND-CP "Implementation of Democracy in the Operation of State Agencies and Organizations," and Decree No 07/1999/ND-CP "Promulgating the Regulations on Exercising Democracy in State-Owned Enterprises."

<sup>70</sup> Luong 2010, 251.

<sup>71</sup> Luong 2010, 251.

regularly held every six months.<sup>72</sup> These provisions were later expanded by the Standing Committee of the Vietnamese National Assembly in Ordinance No. 34/2007/PL-UBTVQH11 on the Implementation of Democracy at Commune, Ward, and Township Level.<sup>73</sup> There were other substantive changes. Starting in 2002, there had to be at least two candidates for each position for the village head.<sup>74</sup> In 2003, the government further abolished taxes on agricultural land to alleviate the burden of farmers and villagers.<sup>75</sup>

Relative to the repressive and reactive responses immediately taken to squelch unrest in Thai Binh by the Vietnamese government, policies and regulations enacted in the aftermath of the uprising aimed to address deeper causes of rural unrest. The Politburo's Directive No. 30 was acted upon with purposeful intent toward institutionalizing mechanisms for people's participation, monitoring and evaluation, and public information. While the outcomes in the implementation of these policies may vary and there remain significant challenges, the fact that these mechanisms were enduring, pursued, and enacted with willful intent by the central government indicate that the responses were not merely superficial, and that they possessed the substance of deeper institutionalized responsiveness.

## **Conclusion**

Comparative research agendas on the extent to which authoritarian regimes respond and adhere to societal preferences has gained increasing traction in political science. However, the elusiveness and incongruence of conceptualizations of authoritarian responsiveness in the existing scholarship creates palpable limitations for comparative studies and knowledge accumulation on authoritarian

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<sup>72</sup> Vu 2003, 6.

<sup>73</sup> "Phap lenh 34/2007/PL-UBTVQH11 thuc hien dan chu o xa, phuong, thi tran [Ordinance No. 34/2007/PL-UBTVQH11 on the Implementation of Democracy at Commune, Ward, and Township Level]."

<sup>74</sup> Luong 2010, 251.

<sup>75</sup> Luong 2010, 251.

responsiveness. There lacks a conceptual framework that identifies the key elements that are constitutive of the expansive spectrum of how authoritarian regimes respond to societal pressures, and that synthesizes the contrasting conceptualizations used in the existing literature.

In order to provide a firm anchor for comparative analyses of the variance in responsiveness within and across authoritarian regimes, this chapter has been devoted solely to the task of concept formation. I locate the concept of authoritarian responsiveness as part of a repressive-responsive continuum, and expound on the core attributes of the concept. On a continuous spectrum of regime behavior under authoritarianism, responsiveness to social unrest by authoritarian regimes can vary in both their modes of responses and their degrees of institutionalization. Toward one end, reactive responsiveness is sporadic, particularistic, simple, and short-run – like a quick band-aid slapped on an open wound. Toward the opposite end, institutionalized responsiveness is relatively more coherent, programmatic, complex, and long-term. In these terms, a regime that demonstrates greater institutionalized responsiveness is therefore also relatively more responsive than one that is reactive in its responsiveness to social discontent.

In subsequent chapters, I apply this conceptual framework to analyze and disclose the variation in authoritarian responsiveness to social unrest by the two most similar single-party, communist regimes of Vietnam and China. Despite the fact that both regimes have been confronted with similar societal pressures caused by endemic government land seizures, Vietnam has responded with institutionalized, systematic, comprehensive, and coherent reforms at the national level while China has not. Specifically, Vietnam has enacted and institutionalized deliberate reforms of the legal land expropriation regime to narrow the scope of government authority, discretion, and abuse. Tighter restrictions and legislative oversight are written into the law with deliberate clarity and specificity, aimed at constraining government authority. Standardized

procedures and processes were stipulated to better ensure uniformity and transparency in government practices at the subnational level. Alternative mechanisms were further instituted to allow for wider public participation, monitoring and evaluation in order to strengthen the rights of households and individuals against arbitrary land seizures. By contrast, responses by China have been more ad hoc, variable, and deliberately ambiguous. Lackluster reforms by China with marginal adjustments continue to accommodate rather than assertively restrict the expansive scope of government discretion. In short, much-needed coherent, systematic, uniform legal reforms enacted by Vietnam clearly distinguish it from China's reactive responsiveness to social unrest fueled by land expropriation.

## **Chapter 3 — Theoretical Framework: Historical Accumulation and Divergence**

### **Introduction**

While the previous chapter elaborated on the concept that anchors this study's comparative analysis of Vietnam and China's responsiveness to social unrest, this chapter expands on the central argument that explains the variation between the two countries. It focuses on the divergent historical paths that determine the configuration of power among political institutions, and the patterns of state-society interactions which constitute the parameters of institutional behavior of regimes. Whereas the path taken by the Vietnamese Communist Party (VCP) was marked by accommodationist elements, the Chinese Communist Party (CCP) charted its way to power through confrontation and coercion. These contrasting departures have fundamentally forged the ways in which party and state institutions are structured and rooted in society, which directly affect avenues for regime responsiveness. Simply put, responsiveness under authoritarianism thus hinges on the particular institutional character and the nature of societal rootedness of a regime, each of which originates in historical dynamics of party and state formation.

In the sections below, I will first consider several pertinent alternative explanations that solely focus on credible threats, ideology, institutions, and land fiscalization, and why they fail to fully account for variation in authoritarian responsiveness across regimes. I will elaborate the central argument that the dissertation seeks to advance through a comparative historical analysis of the two most similar single-party, communist regimes of Vietnam and China. The discussion further situates the central argument in relation to the existing literature. In contrast to the aforementioned rival explanations, my central argument underscores the importance of overlooked

historical divergences in paths to party and state formation, and the salient ways in which they profoundly affect authoritarian responsiveness.

### **Alternative Explanations**

One alternative explanation draws on the proposition that autocrats are fundamentally concerned with the uncertainty of regime survival and potential threats of revolution.<sup>1</sup> Termed the “credible threat assumption,” Rory Truex argues that this preoccupation effectively creates strong incentives for autocrats to be responsive.<sup>2</sup> As Truex writes, “If the Citizen is too weak – i.e., the probability of successful revolution too low – the outcome is the Stable Nonresponsive Equilibrium.”<sup>3</sup> According to this argument, the more credible and imminent the threats, the more responsive autocrats will be.

Autocrats, however, are not solely preoccupied with their regime survival, and may have other reasons to be responsive. While I concur with the argument that the probability of credible threats to regime survival is a significant factor that could influence authoritarian responsiveness, it is not the only significant determinant. Moreover, it does not explain the observable variation between Vietnam and China. In both countries, land seizures have been equally disconcerting to the security of the political regimes. Party leadership in both countries have similarly expressed concerns about surging social unrest, and cited land expropriation as one of the leading causes of social instability. If both regimes have experienced similar levels of unrest and expressed similar concerns about the impact of land expropriation on social stability, why then has one regime adopted more systematic and institutionalized reforms than the other? Credible threats to regime stability do not explain the marked difference between Vietnam and China.

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<sup>1</sup> Wintrobe 1998; Gandhi 2008.

<sup>2</sup> Truex 2016, 37-38.

<sup>3</sup> Truex 2016, 37.

Second, it may be questioned whether ideology is the instrumental variable that has oriented Vietnam and China to different paths of party and state formation, which has then determined the ways in which they respond to social unrest. Was the VCP a pragmatic party from the start, wherein the party did not embody the same ideological commitment or adherence to socialism as the CCP? Was accommodation solely a function of the VCP's intrinsic ideological position as opposed to a result of party weaknesses in the face of systemic constraints? In this view, communism was merely a means for the VCP to achieve national independence, and the party was not ideologically devoted to the pursuit of socialist policies as the CCP was.

In this study, I show, however, that accommodation by the VCP when it embarked on state formation was preceded by the party's failure to consolidate its organizational apparatus during the critical formation of the party prior to 1945. The party was henceforth impelled to moderate party platforms and to incorporate non-communist groups to establish a coalition government under the Democratic Republic of Vietnam. As Tuong Vu has stressed, "[Indochinese Communist Party] leaders were not nationalist lambs being turned into communist wolves due to the force of circumstances. On the contrary, it was the force of circumstances in 1945 that made them put on nationalist fur; with the new developments of 1947, they had no qualms in shedding that cover."<sup>4</sup> Put differently, the VCP (or the Indochinese Communist Party as it was initially called) was not merely conceived as a hollow shell to further nationalist pursuit. On the contrary, party leaders also endorsed Marxism-Leninism, and sought to advance socialist policies in Vietnam.<sup>5</sup> These could be seen in the party's insistence on the implementation of land collectivization policies, and in its attempted construction of a socialist economy. Yet, structural constraints impeded the party's socialist endeavors. Furthermore, prior compromises by the party effectively produced entrenched

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<sup>4</sup> Vu 2009b, 531.

<sup>5</sup> Vu 2016b.

organizational legacies and patterns of state-society interactions that profoundly deepened Vietnamese communists' path to accommodation and greater responsiveness to social demands.

Unlike the ideological argument, institutionalists accounts look instead to differences in elite political institutions to make sense of the divergent outcomes between Vietnam and China. To explain why income inequality level is lower in Vietnam compared to China, Edmund Malesky, Regina Abrami, and Yu Zheng point to the diffusion of political authority in Vietnam and the concentration of political power in China to account for the divergence in their public goods provisions and redistributive policies.<sup>6</sup> Specifically, they argue that the institutional design of elite political institutions in Vietnam has empowered broader divergent interests to influence policy decisions, which has resulted in policies that are more representative of greater public goods.

While my own analysis builds on these authors' important contribution to comparative studies of Vietnam and China, particularly with regard to the differences in institutional arrangements that they have identified between the two countries, a parallel comparison of these institutional features raises questions about how they developed in the first place. As I aim to show in this study, the historical paths through which the party and state were molded trace back to critical periods of their initial formation, which have had a lasting effect on the subsequent course of institutional development, as well as of patterns of state-society engagements. In this sense, their historical divergence penetrates much more deeply than a strictly institutionalist and ahistorical explanation of variation in authoritarian responsiveness would entertain.

In addition, what has been missing is a detailed account that traces the causal process and links in the various mechanisms that affect how authoritarian regimes respond to social demands. For instance, Malesky, Abrami and Zheng persuasively demonstrate that Vietnam has performed

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<sup>6</sup> Malesky, et al. 2011a..



more positively than China in reducing income inequality, and focus on the various ways by which central party institutions differ, namely the CCP Politburo and the VCP Central Committee. Yet, their study does not document how these institutional differences and their competitive interests actually operate in the policymaking process that yield the divergent redistributive outcomes. In explaining why Vietnam and China differ, I also seek to fill this gap by illustrating how these elements are linked in the pathway through which they influence regime responsiveness.

Lastly, alternative explanation to China's reluctance to restrict government land expropriation is the fiscal importance of land to local governments. Major fiscal reform of tax-sharing arrangements between the central and local governments in 1994, and the abolition of the agricultural tax as part of the tax-for-fee reform in 2004 have drastically reduced local revenues in China. For this reason, local governments have heavily relied on land accumulation through compulsory seizures as the primary source of local extrabudgetary revenues.<sup>7</sup> In China studies, this phenomenon has been termed "land fiscalization" (*tudi caizheng* 土地财政).<sup>8</sup> It might thus be argued that, due to local governments' fiscal dependence on land, it has been necessary for the central government to provide leeway for government land expropriation.

This explanation, however, is not fully satisfactory. For one, the prevalence of land expropriation in China has not merely been a contingent outcome of fiscal reforms. Rather, the central leadership has deliberately instituted a land system in which the government can tightly control the land supply, particularly access to rural land, and make use of compulsory expropriation as the primary mechanism for the accumulation of rural land for construction purposes. In other words, the party-state has centralized land use and land supply by requiring that land acquisitions must be carried out through the state. State control of land supply has been used

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<sup>7</sup> Rithmire 2017.

<sup>8</sup> Edin 2003; Whiting 2011a; Ong 2014.

as a “macromanagement tool” by the central leadership to promote urbanization, foster rapid economic growth, and achieve developmental goals. In doing so, the central government has also promulgated developmental policies intended to encourage local authorities to fixate on growth and urbanization targets. In this sense, the indiscriminate use of land expropriation as a mechanism for land accumulation has been deliberately integral to the macro developmental policy of the Chinese central leadership, rather than a contingent outcome.

Moreover, in Vietnam, local governments also have strong fiscal incentives to generate extrabudgetary revenues from land. On the one hand, fiscal transfers from the central government still occupy a large proportion of local budgets, and local governments are still reliant on the center for revenue subsidies.<sup>9</sup> On the other hand, similar to China, Vietnam has also dismantled the tax on agricultural output in 1993,<sup>10</sup> and in 2003, adopted policies that have exempted individuals and households from agricultural land-use tax, which have also constituted a loss of revenue for the Vietnamese government.<sup>11</sup> Furthermore, under Vietnam’s State Budget Law, local authorities are allowed to retain 100 percent of land-generated revenue.<sup>12</sup> These include agricultural land use tax, non-agricultural land use tax, land use fees, land lease, user fees for land with properties attached, and revenues collected from public land funds.<sup>13</sup> In other words, instead of having to share these revenues with the central government, local governments have greater fiscal autonomy when it comes to land-based revenues. This similarly provides strong incentives for the Vietnamese local governments to acquire land through compulsory requisitions at a lower price, and then to allocate, auction off, or lease this land to investors and developers at a higher price to reap windfall profit.

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<sup>9</sup> Morgan and Trinh 2016.

<sup>10</sup> Law on Agricultural Land-Use Tax 1993.

<sup>11</sup> Resolution No. 15/2003/QH11. The exemption has been extended by Resolution No. 55/2010/QH12, and Resolution No. 28/2016/QH14.

<sup>12</sup> The State Budget Law was first adopted in 1996, amended in 1998, and revised in 2002 and 2015.

<sup>13</sup> State Budget Law of Vietnam 2015, art. 37.

## **Theoretical Framework for Explaining Variation in Authoritarian Responsiveness**

The central thesis that underpins this study is that authoritarian responsiveness is strongly influenced by entrenched legacies of party and state formation through the particular ways in which they forged the relationship between party and state institutions, and state-society engagements over time. It is important to elaborate on the theoretical axes that buttress this argument, and to situate the theoretical position that it takes in relation to the broader existing literature. First, my argument complements but distinguishes itself from explanations that locate the central causes of regime responsiveness solely in organizational and bureaucratic politics. Rather, I argue that variation in authoritarian responsiveness derives from overlooked differences in variable paths to power historically undertaken by regimes, which determine the parameters of their institutional character and the nature of their linkages with social forces. In Vietnam, accommodation has been the preeminent pattern that emerged from party fragmentation, state building based upon political compromises, and greater incorporation of societal interests. By contrast, China has epitomized a pattern of confrontation in which the party exerts dominance over state and society, supplanting state institutions and effectively mobilizing social forces in pursuit of elite agendas.

Second, my central argument modifies theoretical claims regarding the importance of institutionalization for social reforms by focusing on two particular attributes: (a) autonomy; and (b) societal rootedness. In this study, I shift the focus from Huntington's concern with the autonomy of political institutions from social forces to the relative autonomy *inter* party and state institutions within authoritarian bounds. In addition, when the existing scholarship assesses the societal rootedness of a party as a constitutive attribute of party institutionalization, the focus is broadly on the extent to which parties have a particular social base or linkages with social groups. Instead, I show that while both Vietnam and China have cultivated stable roots in society, they exemplify very different types of societal rootedness. Key differences between Vietnam and China

in inter-institutional autonomy and the nature of societal rootedness of the two regimes directly result from the variable paths of party and state formation that each has taken, which explain why a path of accommodation has pushed one regime toward greater institutionalized responsiveness, whereas for the other, a path of confrontation has not.

In putting forth the above argument, the theoretical lens of analysis in this study is neither state-centered nor society-centered. I approach the comparative analysis of Vietnam and China from a dialogical perspective that stresses the relational and mutually constitutive influence of state and societal dynamics on authoritarian responsiveness.

### ***Bringing History Back In: Dynamics of Party and State Formation***

The prominent theoretical argument in this study is that the determinants of authoritarian responsiveness need to be understood in relation to the circumstances under which they emerged, that they are historically intertwined, and remain deeply entrenched. The emphasis is on historical depth, and on tracing the processes and dynamics under which the party and the state were formed, as well as the nature of their patterned state-society engagements. In doing so, the study identifies the conditions that explain why the two regimes embarked on divergent paths by tracing proximate institutional causes of responsiveness back to their historical origins.

Other existing explanations have focused on organizational politics and power distribution of political institutions. Deriving from subnational studies of variation within China, Meina Cai and Xin Sun, for instance, find that in cases where elected Villagers' Committees exercise effective authority over party branches within the village by constraining their discretionary behavior, village leaders are more likely to represent the interests of villagers during land expropriation.<sup>14</sup> Likewise, Christopher Heurlin argues that whether or not policies within China are responsive to

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<sup>14</sup> Cai and Sun 2018.

the claims voiced by citizens through land protests and petitions depend on the particular policy portfolios that government ministries control, as opposed to those of the legislature. Because these institutions embody very different interests, government ministries would prefer to respond to citizens' preferences by passing their own regulations on issues that they directly oversee, rather than through laws in the legislative arena, where they would expect to face more impediments.<sup>15</sup> In other words, actors are strategic in the venues that they choose, and organizational politics among institutions within regimes can affect their modes of responsiveness.

At one level, then, my explanation of the variation in authoritarian responsiveness between Vietnam and China complement rather than contradict the general claim that the balance of power among political institutions, and organizational politics both have important roles in configuring whether and how institutions respond to contentious social claims. In my own comparative analysis of Vietnam and China, I also pay meticulous attention to the various interests and actors in the lawmaking and policymaking arenas, and how the relative differentiation between party and state institutions, as well as the degree of institutionalization of the legislature and its oversight over executive branches of government animate and affect the politics of the regimes' responsiveness to social unrest. Moreover, I specifically trace how social claims and input from civil society coalitions travel through various stages from the grassroots to the central-level of lawmaking and policymaking under authoritarianism.

At another fundamental level, however, the central argument that undergirds this study is that the root causes of these institutional differences and the variable ways in which authoritarian regimes respond to social unrest cannot be fully explained and appreciated without bringing history back in. They are deeply rooted in macro-historical forces, particularly in divergent paths of party

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<sup>15</sup> Heurlin 2016.

and state formation that produce entrenched legacies upon which political institutions and state-society relations are built. By studying these elements macroscopically, one is able to identify an overriding pattern of accommodation that distinguishes Vietnam from China's approach of confrontation, mass mobilization, and control.

There are few works in the existing literature that have systematically studied and compared Vietnam and China's state formation. Tuong Vu's *Paths to Development* is one of the few that has taken up this challenging task. In this seminal work, Vu schematically identifies combinations of elite-mass engagements among six cases from South Korea, Vietnam (1945-1960), China (Republican China and Maoist China), and Indonesia (under Sukarno and under Suharto) that exemplify paths of accommodation, confrontation, and mixtures of the two in the countries' state formation.<sup>16</sup> In my analysis of the party and state formation dynamics of communist rule in Vietnam and China, I have adapted Vu's schematic labels of these paths, namely, accommodation and confrontation. In important ways, my analysis draws on and picks up from where Vu has left off.

However, while Vu is interested in how dynamics of state formation affect the structures and components of developmental states, I am fundamentally concerned with a different puzzle. In fact, while Vietnam and China are both thought of as developmental states, they highly differ in their responsiveness to social unrest, suggesting that the composite characteristics of a *developmental* state and a *responsive* regime are not entirely the same. In continuously tracing the emergence and development of the VCP and the CCP in this study, my analysis focuses on and captures other aspects of the two regimes, with an eye to how these aspects affect their responsiveness. Second, in occupying itself with the origins of developmental states, Vu's study

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<sup>16</sup> Vu 2010a..

does not then extend its historical analysis to illustrate how salient differences in state formation dynamics impact developmental outcomes under different regimes. In contrast, I fully expound the causal chain, from the origins of the party and state institutions to their consequent differences, to how they operate and impact the politics of regimes' actual responsiveness to social discontent in contemporary land seizures.

In differentiating the processes of party formation from state formation, I demonstrate how the VCP embarked on state building as an inchoate party with fragmented authority and tenuous organizational capacity, thereby demanding from the start that the party extensively accommodate and incorporate broader elite and societal interests. These dynamics were particularly prominent when the VCP was still embedded in part of the broad united front of Viet Minh, and as part of a coalition government with non-communist groups until 1951, when the party first re-emerged from its self-dissolution under the name of the Vietnam Workers' Party. Yet, even afterwards, these dynamics of accommodation persisted as the party actively sought to consolidate its organization and authority in further pursuit of socialist goals and the construction of a communist state in Vietnam.

By contrast, the CCP charted a course to power that relied on the party's cohesive, disciplined and unified organizational apparatus through intensive and routine training, purges, and mass campaigns of purification. During its years in exile in Jiangxi, the party had already gained experience in state building through the attempt to establish the Chinese Soviet Republic, a government in exile with separate state and military structures under the leadership of Mao Zedong and the CCP. Following an enduring test of the party's resilience during the Long March to Yan'an, the party further implemented a comprehensive Rectification Campaign between 1942 and 1944 that radically crystallized party cohesion to a degree that the VCP could not parallel.

Henceforth, state building under the CCP became inextricably intertwined with the consolidation of party hegemony and increased concentration of authority in the party's paramount leadership, whereby oppositional forces were confronted and decisively eliminated. When push came to shove, the party exerted its dominance and control over the state and society rather than moderating party agendas and platforms to accommodate broader diverse interests, as evidenced by the "Campaign to Suppress Counterrevolutionaries," the "Three-Anti Campaign," the "Five Anti-Campaign," and the "Anti-Rightist Campaign," all between 1949 and 1960.

The sequencing and dynamics of party and state building during these critical periods have etched their impact on the configuration of political institutions and the patterned relations between state and society. The combination of these elements has fundamentally molded and affected the ways in which the two communist regimes receive and respond to societal pressures.

### ***Inter-Institutional Autonomy and Societal Rootedness of Authoritarian Regimes***

Institutionalization has been argued to be central to the complex causes of authoritarian resilience,<sup>17</sup> and to the articulation of social, public interests.<sup>18</sup> As one of the core attributes of institutionalization conceived by Samuel Huntington, autonomy refers to the extent to which political organizations are insulated from social forces.<sup>19</sup> With these same terms, Theda Skocpol defines autonomy as the extent to which states formulate and pursue their own distinctive goals, independent from the particularistic demands or interests of social groups. Skocpol goes so far as to argue that, "Unless such independent goal formulation occurs, there is little need to talk about states as important actors."<sup>20</sup> The patrimonial plunder of the Philippine state is a case in point.<sup>21</sup>

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<sup>17</sup> Nathan 2003.

<sup>18</sup> Kuhonta 2011; Hicken and Kuhonta 2014.

<sup>19</sup> Huntington 1968.

<sup>20</sup> Skocpol 1985, 9.

<sup>21</sup> Hutchcroft 1991.



Yet, if one takes Huntington's formula to its extreme, a highly autonomous and insular regime would be completely unresponsive to social preferences and demands.

I propose, however, that *inter-institutional autonomy* is imperative for authoritarian responsiveness. This notion refers instead to the diffusion of political authority among political institutions, the delineation of party and state institutions, and their relative functional differentiation. It may be counterintuitive to speak of autonomy under authoritarianism, but authoritarian regimes are not monolithic.<sup>22</sup> As Tuong Vu stresses, "Rather than distinguishing the different functions of the party and the state, the term 'party-state' treats them as if they are inseparable. However, both 'party-state' and the official concept obscure the tension between the two. Despite a high level of enmeshing between them, the party and the state must be considered two separate organizations."<sup>23</sup> Highly autonomous institutions possess greater degrees of functional differentiation and organizational identity that foster competitive interests in policymaking processes, providing more avenues for contesting, receiving, and enhancing responsiveness to social unrest.

Within the single-party regimes of Vietnam and China, autonomy varies first in terms of the relative separation between the party and the state. The Vietnamese state maintains greater functional differentiation from the VCP, whereas the Chinese state is captured by and increasingly merged with the CCP. Within the state apparatus itself, the relative autonomy between the legislature and the executive also highly differs. The Vietnamese legislature, known as the Vietnamese National Assembly (VNA), exercises stronger supervisory functions over the

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<sup>22</sup> Lieberthal and Oksenberg 1988.

<sup>23</sup> Vu 2016a..

Vietnamese Government (*Chính phủ*).<sup>24</sup> The greater autonomy of the Vietnamese legislature has ensured a more effective line of communication and feedback from civil society. In Vietnam, LANDA, a coalition of domestic civil society organizations formed in 2012, actively advocated through organized formal and informal channels for greater reforms of the Land Law. The VNA's organizational identity and supervisory functions over the executive organs effectively facilitated LANDA's efficacy and advocacy for more stringent constraints on government discretion. VNA deputies were also able to leverage the resources provided by LANDA to elevate their own capacity and position against the Government. Consequently, key proposals advocated by LANDA were incorporated in the actual revision of the Land Law in 2013. On the contrary, the Chinese National People's Congress (NPC) is significantly constrained and absorbed by the extensive influence of the State Council and the CCP. Responsiveness in China is hence relegated to ad-hoc and limited changes to allow greater leeway for the ways in which local governments react to societal developments.

Another key difference deriving from the divergent paths of party and state formation taken by Vietnam and China is *the nature of their rootedness in society*. Contesting Huntington's overemphasis on the insularity of political institutions from social forces, Scott Mainwaring and Timothy Scully underscore the degree to which political organizations have a stable social base and societal linkages.<sup>25</sup> Erik Kuhonta has applied this notion of societal rootedness to characterize institutionalized parties, which are more likely to adopt programmatic social reforms. As Kuhonta states, "Parties rooted in society will tend to have an ideological agenda that provides the party with consistency that is crucial for sustaining programmatic policies. Furthermore, rootedness in

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<sup>24</sup> In Vietnam, the executive organ is termed the Government (*Chính phủ*). The term "Government" in Vietnam is therefore the equivalent of the State Council in China, which similarly includes the line of ministries and executive agencies.

<sup>25</sup> Mainwaring and Scully 1995; Mainwaring 1998.

society allows the party to maintain constant dialogue with its constituents, which enables the organization to respond to needs at the grass roots effectively.”<sup>26</sup> However, the difference between Vietnam and China is not one of having or not having social roots. Both the VCP and the CCP rose to power by building a social base rooted in the peasantry. Both parties harbored ideological agendas in pursuit of socialist goals. In these aspects, they have both established deep linkages with social groups.

Rather, Vietnam and China have developed markedly different kinds of societal rootedness through contrasting patterns of state-society interactions over the long duration of their formation. In Vietnam, the party has on numerous occasions moderated its agenda in congruence with societal interests, as in the manner in which it launched an error rectification campaign for the mistakes that it committed during the land reform. By contrast, the CCP flexed its muscles and authority to mobilize the masses through effective persuasion and control in pursuit of the party’s ideological agenda at great societal cost. At the party’s height, its policy resulted in the loss of millions of lives during the Great Leap Forward and nearly a decade of turmoil during the Cultural Revolution. Reforms in the post-Maoist era also fell short compared to Vietnam, where individuals were granted clearer land-use rights while China opted to preserve a more ambiguous rights-regime of collective ownership of rural land. The 1989 Tiananmen Massacre marked another pivotal moment in which the CCP resorted to coercion when persuasion and mobilization tactics failed to sway societal pressures in the party’s direction. In these ways, in Vietnam, the nature of societal rootedness forged by a process of accommodation effectively oriented the regime to be more receptive and responsive to social unrest than China.

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<sup>26</sup> Kuhonta 2011, 26.

### *Dialogical Shifts From State-Centered and Society-Centered Theories*

In the early 1980s, Skocpol wrote in favor of a “paradigmatic reorientation” from society-centered theories to state-centered explanations of economic and social phenomena.<sup>27</sup> The underlying contention of Skocpol’s call of “bringing the state back in” was that the state is not a disinterested arena that merely reflects the contested inputs of social forces, but that the state is an independent actor with distinctive agendas and configurations that directly influence societal relations and politics.<sup>28</sup> This tension between society-centered and state-centered analyses are manifest in many avenues of comparative politics. For example, it has been manifest in familiar debates about the impact of top-down versus bottom-up causes of decollectivization in post-Maoist China. Some have stressed the role of the state and party cadres as gatekeepers of reformist policies that allowed Chinese farmers to “free themselves,”<sup>29</sup> whereas others viewed decollectivization reforms as the result of peasant influence and power.<sup>30</sup>

The theoretical framework that undergirds this study neither fits with a state-centered nor a society-centered approach, but more closely aligns with a “dialogical” lens.<sup>31</sup> As Benedict Kerkvliet simply puts it, a “dialogical” lens suggests that there is “two-way communication and influence between citizens and authorities.”<sup>32</sup> And, as Hy Van Luong further notes, it is best understood in a broad sense to “include indirect and nonverbal communication,” without assuming that “dialogue partners” have equal power vis-à-vis each other.<sup>33</sup> Commensurate with this lens, the notion of responsiveness itself implies that the authority of the state over society, and the impingement of societal pressures upon the state are intrinsically *relational*. While the central

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<sup>27</sup> Skocpol 1985, 4.

<sup>28</sup> Skocpol 1985.

<sup>29</sup> Zweig 1997.

<sup>30</sup> Zhou 1996.

<sup>31</sup> Kerkvliet 2001; Luong 2003; Kerkvliet 2019.

<sup>32</sup> Kerkvliet 2019, 145.

<sup>33</sup> Luong 2003, 24-25.

argument developed in the study focuses on the institutional formation of the party and the state, it also stresses the significance of patterned interactions between the state and society. In particular, the study distinguishes the ways in which the VCP has historically moderated elite agendas to accommodate societal interests, in contrast to the CCP's mass campaigns designed to mobilize social forces while exerting party dominance over society in pursuit of its ideological agendas. These distinctive patterns are constitutive of the different kinds of linkages that have developed between the party-state and society in Vietnam and China, which are coterminous with the modes in which they receive and respond to social demands. In these aspects, the argument of this study stands in sharp contrast with theoretical explanations solely based on elite politics, or on a "bureaucratic polity" model "in which major decisions are made entirely within the bureaucracy and are influenced by it rather than by extra-bureaucratic forces in society — whether parliamentary parties, interest groups, or mass movements."<sup>34</sup>

On the other hand, explanations of variation in responsiveness cannot be divorced from an account of the formation of the party and the state that take these entities seriously. A strictly society-centered approach may focus instead on differentiating the various social actors and policy entrepreneurs involved, the frames by which they strategically choose to advance their claims, and their mobilizational tactics. Responsiveness would then merely be viewed as the consequence of the variability of these elements, rather than of the structures and characteristics of political institutions. Instead, this study poses the following question: when an authoritarian regime is confronted with similar societal pressures and claims, why does one respond differently from the other?

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<sup>34</sup> Riggs 1966; Porter 1993, 101, emphasis in original..

The central argument in this study highlights the fact that the nominal similarities between Vietnam and China in fact obscure the ways in which their party and state structures significantly differ. In Vietnam, there is a more defined delineation between party and state institutions, and an empowered legislature with oversight over the executive agencies of the government. On the contrary, in China, the party exerts a more domineering presence over state institutions, merging party and state functions to a greater degree than in Vietnam. Despite developments in the post-reform period to strengthen the Chinese legislature, it fails to coalesce the same degree of authority and institutionalization as the legislature in Vietnam. These differences fundamentally structure the organizational behavior and identity of political institutions, and determine the extent to which there exist receptive avenues for advancing societal interests.

## **Conclusion**

Whether or not an authoritarian regime is responsive to social unrest, and why some are more responsive than others are the core questions that have preoccupied this study. To explain variation in authoritarian responsiveness, I have argued that it is imperative to look beyond proximate institutional factors, and to locate the deeper causes rooted in macro-historical forces which account for why authoritarian institutions and their interactions with society differ in the first place. More specifically, I attribute the differences between the two most similar, single-party, communist regimes of Vietnam and China to the variable paths of their party and state formation, which determine the behavioral parameters of political institutions and the ways in which they respond to societal claims. In Vietnam, a pattern of accommodation has been deeply embedded through party and state formation dynamics, whereby state building occurred on the back of an inchoate party and the incorporation of divergent interests. Greater emphasis was placed on delineating the functions of party and state institutions. The legislature, in particular, became

increasingly institutionalized and empowered with oversight authority over executive state organs, serving as an input channel for receiving and responding to societal demands. Through these distinct party and state formation processes, the nature of Vietnam's rootedness in society had been characterized by greater moderation of the party's ideological agendas to accommodate societal interests. The combination of these elements and their entrenched legacies has effectively conditioned and oriented Vietnam to be more consistently responsive in a more institutionalized manner than China.

By contrast, China epitomizes an entrenched pattern of confrontation characterized by the imposition of party dominance over state structures and social forces. By the time that the CCP embarked on state formation, the party was a formidable political apparatus that was highly disciplined, cohesive, and consolidated to a degree that the VCP could not match. State building and party consolidation were tightly enmeshed under the paramount leadership of Mao Zedong in ways that effectively stripped state structures of their functional differentiation from party institutions. The Chinese legislature, in particular, was muzzled and severely weakened during the Anti-Rightist Campaign and the Cultural Revolution. Despite legislative developments and renewed efforts to restore the centrality of law in the post-Maoist period in China, the legislature in China remains markedly less institutionalized compared to Vietnam. The superimposition of party dominance was also reflective in ways in which the regime mobilized the masses and retained control over social forces to advance its ideological agendas, irrespective of societal costs. These were taken to the extreme in the Great Leap Forward and the Cultural Revolution, but had been preceded by a pattern of state-society interactions that was already cemented by 1960 in the second phase of the party's consolidation of its rein on the Chinese communist state. The entrenchment

of these patterns and their organizational legacies explain why China has been less responsive and more reactive to social unrest.

In the next chapters, I will empirically trace the divergent paths taken by Vietnam and China through comparative historical analysis. In doing so, I will identify the conditions that explain why Vietnam embarked on a path of accommodation while China took a path of confrontation, and how these dynamics produced salient differences between the two regimes. I will further trace how these differences remain pronounced and affect the responsiveness of the two regimes to contemporary unrest caused by the pervasiveness of government land seizures.



## **PART TWO: PATHWAY OF ACCOMMODATION AND INSTITUTIONALIZED RESPONSIVENESS IN VIETNAM**

## **Chapter 4 — Party Fractures and Accommodation in Vietnam**

### **Introduction**

This chapter embarks on an explanation of the fundamental differences between Vietnam and China by locating the macro-historical forces that forged the configuration of party and states structures, and patterns of state-society interactions in Vietnam. Specifically, it traces the ways in which Vietnam historically diverged from China over two time periods: (a) the Democratic Republic of Vietnam (1945-1960); and (b) the Socialist Republic of Vietnam (1976-1986).

From the outset, the Vietnamese Communist Party (VCP) made extensive compromises that fractured party dominance of state and society. By September 1945 after communist forces seized power in the name of the united front of Viet Minh, the VCP was still relatively fragile, unconsolidated, and marginal with only 5,000 members.<sup>1</sup> Consequently, the VCP downplayed many central party platforms and incorporated divergent interests in party and state structures in order to maintain an expansive alliance that it relied on to run the state. Likewise, the VCP lacked the capacity to exercise a mode of effective mass mobilization and societal control. Instead, linkages with social forces were cultivated through greater receptivity and moderation of elite agendas in congruence with social demands. These were evident in the ways in which the political apparatus addressed social contention in the land-to-the-tiller reform and the error rectification campaign.

Under the Socialist Republic of Vietnam, organizational legacies of accommodation and the incorporation of societal interests became more deeply entrenched. These were evidenced by the clearer delineation between party and state institutions, and the diffusion of the party's political power over existing institutions. In particular, the legislature not only retained its importance in

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<sup>1</sup> Goscha 2016, 235.

the state apparatus, but was increasingly empowered in its supervisory functions and oversight of the executive government. Moreover, despite its ambitious goal to transform the country into a socialist economy, the Vietnamese communist regime effectively moderated its ideological agenda in response to social discontent by decollectivizing land and agricultural production in Vietnam. The party further enacted pragmatic and programmatic reforms of the country's economy with renovation policies that resulted in the country's rapid economic growth and development.

As this chapter demonstrates, the historical dynamics of the country's party and state formation have fundamentally shaped the institutional configuration and the nature of state-society interactions in Vietnam. Because state building was led by an inchoate party organization and was forged through a path of flexibility and accommodation, the relationship between party and state institutions have been characterized by greater inter-institutional autonomy with clearer functional differentiation and a greater distribution of power that allow for competitive interests and cross-institutional checks. In Vietnam, the nature of the party's roots in society and state-society engagements also embody a pattern of moderation of elite agendas to incorporate societal interests. The combination of these elements explains why Vietnam has been more consistently responsive with a greater degree of institutionalization than China.

## **Party Origin and Formation, 1925-1945**

### ***Birth of the Vietnamese Communist Party and the Early Struggles***

The Vietnamese Communist Party was founded at a time when the political arena was highly fragmented. Preceding attempts by nationalist movements and political organizations to establish Vietnam's independence had not borne fruits. Within these, Phan Boi Chau and Phan Chu Trinh were two prominent intellectuals seeking to modernize and re-make Vietnam. Both were widely revered as heroic patriots at the time. In 1925, Phan Boi Chau was arrested, put on trial, and initially

condemned to death until the sentence was commuted to house arrest by French authorities.<sup>2</sup> A few months after, Phan Chu Trinh died during the night on March 24, 1926 due to chronic illness. Despite mounting popular pressure for a national funeral to be organized for Phan Chu Trinh, police and colonial authorities imposed a ban against all funeral processions. This set of events unleashed an outpouring of anger, protests, and strikes by the masses, particularly among Vietnamese youths and students.<sup>3</sup> The life imprisonment of Phan Boi Chau and the death of Phan Chu Trinh marked a pivotal point and signaled that “the new generation must take over from the old.”<sup>4</sup> A stream of nationalist organizations emerged on the political scene.<sup>5</sup>

It was against the backdrop of this political rupture that cells of the VCP began to grow. After spending several years in Moscow learning about Marxism-Leninism and being actively involved in the Communist International (Comintern), Ho Chi Minh arrived in Guangzhou, China in December 1924 as an interpreter for Mikhail Markovich Borodin, who had been sent by the Soviet Union to advise Sun Yat-Sen and the Guomindang (GMD). It was in Guangzhou that Ho seized advantage of the more auspicious environment abroad to form the Vietnamese Revolutionary Youth League (*Viet Nam Thanh Nien Cach Menh Hoi*, hereinafter Youth League) on June 21, 1925. Concurrently, he established the Communist Youth Corps (*Thanh Nien Cong San Doan*, hereinafter Youth Corps). Ho was concerned that Vietnamese still had little understanding of communism at the time. For this reason, Ho strategically set up the Youth League and the Youth Corps as a “two-tier,” “wheel-within-a-wheel” arrangement to both attract a wider, mass-based membership, and to build a core of communism from within.<sup>6</sup> As Ho reflected,

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<sup>2</sup> Phan Chu Trinh spent the next 15 years in quietude in Hue and passed away on October 29, 1940.

<sup>3</sup> See Tai 1992, 154-160; Goscha 2016, 134.

<sup>4</sup> Tai 1992, 156.

<sup>5</sup> See Tai 1992, 23-40.

<sup>6</sup> Pike 1978, 3.

“Revolution can be compared to climbing a mountain. The stronger makes it to the top, the weaker remains half-way; everyone climbs according to his strength. If we compelled everybody to climb all the way up to the top, many people would refuse to accompany us.”<sup>7</sup> In accordance with this logic, the Youth League constituted a broader, nationalist organization open to anyone with patriotic aspirations whether or not they were communists, whereas the Youth Corps functioned as a nucleus and proto-communist party within the larger membership of the Youth League. These groups became the cradle for communist revolutionaries who were trained and smuggled back to Vietnam to recruit and organize the masses for insurrection.

In 1929, the Youth League dissolved due to intensified suppression and internal schisms over the direction and leadership of the organization. The GMD had become hostile, and forced the Youth League to relocate its headquarters from Guangzhou to Guangxi, then to Hong Kong.<sup>8</sup> Internally, those within the Youth League disagreed over whether to prioritize the fight for national independence and unity, or proletarian policies that would alienate other social classes. The question of the extent to which there should be a united communist party of Vietnam was especially pronounced at the National Party Congress in Hong Kong in May 1929. While delegates from North Vietnam demanded that a communist party be created to replace the Youth League, others were reluctant to even place the issue on the agenda.<sup>9</sup>

By mid-May 1929, the Vietnamese Revolutionary Youth League disintegrated and dissolved into three main factions. Based in Hanoi, the Indochinese Communist Party (*Dong Duong Cong San Dang*), also known as the Tonkin Group, was composed of urban and industrial workers. The Annam Communist Party (*Annam Cong San Dang*) was mostly made up of teachers

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<sup>7</sup> Quoted in, Tai 1992, 176.

<sup>8</sup> The Guomindang began to suspect ties between the Youth League and its domestic rival the Chinese Communist Party. See Pike 1978, 6; Huynh 1982, 114.

<sup>9</sup> Huynh 1982, 114-119.

and intellectuals. Lastly, the Indochinese Communist League (*Dong Duong Cong San Lien Doan*) enlisted support mostly from students and teachers.<sup>10</sup> These three groups rivaled one another for formal recognition by the Communist International (the Comintern).

The Comintern, however, did not view the sectarianism among communist groups in Vietnam favorably. On October 27, 1929, the Comintern issued a directive to the communist groups, calling for an end to the existing sectarianism in Indochina.<sup>11</sup> Heeding the Comintern's call, Ho Chi Minh organized a conference in Hong Kong to unify the various communist groups. Out of this conference, the Vietnamese Communist Party (*Viet Nam Cong San Dang*, or VCP) was officially established on February 3, 1930, with the backing of Moscow. Although Ho Chi Minh had an instrumental role in coalescing disparate groups under the new party, he did not immediately seize the reins of party leadership. Instead, a Central Committee was formed, and Tran Phu was selected as General Secretary of the VCP.<sup>12</sup>

In October 1930, the VCP changed its name to the Indochinese Communist Party (*Dang Cong San Dong Duong*, or ICP).<sup>13</sup> The ICP operated under secrecy both domestically and internationally through much of the 1930s. During this period, it weathered repeated repression, and internal disputes. In late summer of 1930, the ICP mobilized villagers to revolt against local governments headed by the colonial administration in Nghe An and Ha Tinh provinces. The Nghe-Tinh Soviet revolts prompted French authorities to react with intensified repression. Consequently, an estimate of 100,000 Vietnamese were jailed, and 50,000 were exiled.<sup>14</sup> At the end of what was

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<sup>10</sup> See Pike 1978, 8-10.

<sup>11</sup> Quoted in, Turner 1975, 16.

<sup>12</sup> Smith 1998, 804-805.

<sup>13</sup> The Executive Committee of the Third International wanted the name to be changed to the Indochinese Communist Party as opposed to Vietnamese Communist Party (Tønnesson 1991, 100.). This Indochinese Communist Party (*Dang Cong San Dong Duong*), however, is not to be confused with the other Indochinese Communist Party (*Dong Duong Cong San Dang*), also known as the Tonkin Group, founded earlier in 1929.

<sup>14</sup> Pike 1978, 20.

known as the “White Terrors” (*cac cuoc khung bo trang*) between 1930 and 1931, the core of the ICP membership and leadership apparatus was nearly decimated. Then ICP General Secretary Tran Phu was jailed and died in prison in 1931. Ho himself was arrested while abroad and detained from 1930 to 1932.

The ICP took an interval to regroup before it organized the First National Party Congress in Macao on March 27-31, 1935. The Congress was attended by thirteen delegates,<sup>15</sup> and identified three key tasks: (a) Build and consolidate the party; (b) broaden the party’s mass base; and (c) fight against imperialist wars.<sup>16</sup> Those at the Congress arrived at the conclusion that the party was not in any position to carry out a successful communist revolution under the circumstances, given the party’s organizational weakness. The immediate task, then, was to prioritize “the war against fascism and imperialism, opposition against colonial reactionaries and collaborators, demand for [the country’s] democratic independence, rice and clothes, and peace.”<sup>17</sup> This affirmation signaled a gradual but notable reorientation of the ICP’s political strategy and trajectory.

After the First Congress, the ICP reconstituted and increased its membership by 60 percent between early 1936 and late 1937.<sup>18</sup> Despite this brief revival, the ICP experienced another grievous blow of suppression from the French police in September 1939 following the signing of the Nazi-Soviet Non-Aggression Pact. Thousands of ICP members were arrested and imprisoned in the raid. Consequently, the ICP instructed its members to take all activities underground and to operate in complete secrecy.<sup>19</sup>

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<sup>15</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 2018.

<sup>16</sup> Ho Chi Minh and Le Hong Phong were both away with the Comintern in Moscow, and hence could not attend. “Nghị quyết Chính trị của Đại biểu Đại hội lần thứ nhất Đảng Cộng sản Đông Dương ngày 27 đến 31 tháng 3 năm 1935 [Political Resolution of the First Party Congress of the Indochinese Communist Party on March 27 -31, 1935]” 1935, 23.

<sup>17</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1999.

<sup>18</sup> Pike 1978, 23.

<sup>19</sup> Marr 1995b, 155-156.

### ***Viet Minh and the 1945 August Revolution***

Subject to formidable constraints, the ICP was constantly forced to reconstitute itself by moderating its communist aspirations and accommodating other competing political groups. The ICP compromised its socialist vision to strategically expand the party. At the Eighth Plenum of the ICP Central Committee chaired by Ho Chi Minh in Pac Bo, Cao Bang province on May 10-19, 1941, the ICP adopted a formal resolution to form the League for Vietnam's Independence (*Viet Nam Doc Lap Dong Minh*, or *Viet Minh*).<sup>20</sup> To explain this historic decision, the party echoed the rationale formulated at the First Congress. As the Resolution adopted by the Central Committee at the Eighth Plenum of the First Party Congress stated,

During this time, the rights of the [working] class must be placed after the life and death, and the survival of the nation and of the people. During this time, if the problem of national liberation cannot be resolved . . . then the entire nation and the people will continue to endure a lifetime of [living like] horses and buffalos, and the rights and interests of any class and sector will not be achieved even in ten thousand years.<sup>21</sup>

Even the agrarian question of land reform, once a central platform of the ICP, was postponed indefinitely. In this manner, the Eighth Plenum marked a momentous shift by the ICP toward a more united-front approach that prioritized nationalist causes over socialist ones, and national liberation over class struggles as a necessary step on the path toward socialism.

From the outset, the Viet Minh constituted a broad front by design. Its pronounced platform aimed “to unite all social classes of the people irrespective of their religion, parties, political inclinations, or social classes” to fight against France and Japan for Vietnam's independence, and to create “a people's government of the Democratic Republic of Vietnam.”<sup>22</sup> Under the umbrella of the Viet Minh, the ICP incorporated and formed alliances with other existing groups, regardless

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<sup>20</sup> At this meeting, Truong Chinh was selected as Party General Secretary.

<sup>21</sup> Ban Chấp hành Trung ương Đảng Cộng sản Việt Nam [Central Committee of the Vietnamese Communist Party] 1941, 113.

<sup>22</sup> “Chương trình Việt Minh [Viet Minh Program], Hội nghị Ban chấp hành Trung ương, Khoa I”.



of whether they were communist or not. The condition for joining was simple. According to the Viet Minh's bylaws, "Any political party or organization of the Vietnamese or minority people living in Vietnamese territory — regardless of their social class, religion, or political inclination — that accepts the objectives, principles, and program of the Viet Minh Central Committee is allowed to participate in the Viet Minh Front."<sup>23</sup> Consequently, noncommunist groups joined the Viet Minh under these broad terms. The New Vietnam Association (*Tan Viet Nam Hoi*) founded in North and Central Vietnam by intellectuals and professionals active in the journal *Thanh Nghi* quietly dissolved in August 1945 and joined the Viet Minh.<sup>24</sup> This broad alliance practically diluted the dominance and cohesiveness of the ICP. As Tuong Vu concludes, "In the rush to expand, the ICP failed to maintain boundaries between itself and its united front organizations. Over time, it became a united front with its membership incorporating all social classes."<sup>25</sup>

The Japanese occupation of Indochina during World War II later provided a catalyst for the advancement of the ICP. Although Japan allowed France to maintain its colonial administration with few outward changes during the Japanese occupation of Indochina starting in September 1940, French colonial power had already begun to erode.<sup>26</sup> On March 9, 1945, Japan broke its agreements with the Vichy government, ousted the French colonial government, and backed Emperor Bao Dai to nominally reclaim the country's independence. Bao Dai's Prime Minister, Tran Trong Kim, seized the opportunity to form a new government known as the Empire of Vietnam (EVN) on April 16, 1945.<sup>27</sup> Yet, as Christopher Goscha comments, despite the aim of the new government to build Vietnam into an independent, unitary, modern nation-state, "in the

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<sup>23</sup>Quoted in, Huynh 1982, 264.

<sup>24</sup> Vu 1997, 197-228.

<sup>25</sup> Vu 2010a, 135.

<sup>26</sup> Huynh 1982, 238.

<sup>27</sup> Tønnesson 1991, 281.

eyes of Vietnamese nationalists perched on the northern border, the Tran Trong Kim government remained a creature of the Japanese.”<sup>28</sup> When Japan capitulated on August 15, 1945, it was an opportune time for the Viet Minh to seize power. In a series of events known as the August Revolution, the Viet Minh took control of Hanoi and gradually extended to the South. On August 30, 1945, Emperor Bao Dai abdicated and handed over the dynastic seal and sword to Ho Chi Minh, signifying the end of Vietnam’s last emperor and dynasty.<sup>29</sup> On September 2, 1945, Ho read Vietnam’s declaration of independence at Ba Dinh Square, and proclaimed the founding of the Democratic Republic of Vietnam.

## **UNDER THE DEMOCRATIC REPUBLIC OF VIETNAM**

### **Accommodation in State-Making and Party-Building, 1945-1953**

When the ICP first embarked on state-making under the Democratic Republic of Vietnam, it made important compromises to incorporate divergent interests and competing factions. Motivated by political expedience, the party bound itself to a fragile coalition and diluted its communist platform to adopt more inclusive arrangements. These are most evident in the composition of the government formed after the 1945 August Revolution, and the institutional features inscribed in the 1946 Constitution. As a result, the state formed was characterized by divided leadership, moderation, and restraint.

There was a stark difference between the ICP and the Chinese Communist Party (CCP) at this critical juncture. Compared to Vietnam, the CCP was more cohesive and centralized by the time the party embarked on its state-building project in 1949. During the time when communists were forced into exile in the mountainous and rural areas, the CCP had consolidated and solidified

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<sup>28</sup> Goscha 2016, 196.

<sup>29</sup> Goscha 2016, 198-199.

its organizational base in ways that the ICP had failed to do. In particular, the CCP carried out a Rectification Campaign from 1942 to 1944 that intensified purges of “half-hearted” and “disloyal” party members, and subjected members to intensive ideological submission in order to forge party discipline and unity. After Japan surrendered in World War II, the CCP ultimately defeated its rival opposition, the Guomindang, and exerted its dominance in the construction of the Chinese communist state. By contrast, in the formation of the Democratic Republic of Vietnam, not only did the ICP need to incorporate and rely on non-communist groups to form the new government, but the ICP also exercised its role as part of the nationalist united front of Viet Minh rather than as a stand-alone, dominant, and cohesive ruling party.

### ***Coalition-Building Toward an Incipient State***

In the making of the new state under the Democratic Republic of Vietnam, the ICP had strong political and pragmatic incentives to incorporate other political groups, irrespective of whether they were supportive of communism. However, as Gareth Porter suggests, the period of coalition government between the ICP and noncommunist parties was not a step toward pluralism.<sup>30</sup> Rather, it was in the interest of rapidly establishing and expanding its power that the ICP retained the colonial apparatus, incorporating and compromising with other political groups. This pragmatism is evident in the view articulated by Le Duan on the fundamental problems and tasks in Vietnam’s communist revolution:

While keeping firmly in mind the revolutionary goal, the art of revolutionary leadership is like knowing how to *win judiciously step by step* (emphasis in original). Revolution is the work of millions of popular masses standing up to overthrow the ruling classes, which command powerful means of violence together with other material and spiritual forces. That is why a revolution is always a long-term process. From the initial steps to the final victory, a revolution necessarily goes through many difficult and complex stages of struggle full of twists and bends [ . . . ] Throughout the long road leading to the final goal, *one should never fail to consider the concrete conditions of the struggle in each period* (emphasis added) . . . Without taking full notice of all these factors of

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<sup>30</sup> In fact, the Viet Minh government selectively repressed groups that it deemed as reactionary against the Viet Minh’s interest, such as the Cao Dai sect and the Hoa Hao sect in South Vietnam. See Porter 1993, 11-13.

changing concrete reality, a revolutionary may at best perceive the ultimate objective of the struggle, but he will have no commands over the means to achieve it. He will not find the ways, methods and practical means to reach that goal and may commit serious errors in his strategic and tactical guidance of the revolution.<sup>31</sup>

Communist leaders, in other words, viewed the road to socialism within a long-term time horizon that oriented it to embrace more pragmatic and accommodative policies.

Lacking organizational strength yet eager to seize power, the ICP made important compromises as it embarked on the formation of a new state. In leading the Viet Minh, the ICP granted many former EVN officials leading positions in key ministries of the new government.<sup>32</sup> Others from noncommunist nationalist groups were also incorporated.<sup>33</sup> As a result, “the state had a divided leadership with communists sharing substantial power with many non-communists,” Vu describes.<sup>34</sup> Moreover, the Viet Minh kept the composition and legal framework of the colonial bureaucracy mostly intact, to the extent that it could be termed a “colonial graft”.<sup>35</sup> Many Vietnamese bureaucrats formerly working under the French administration continued working under the Democratic Republic of Vietnam in 1945-46, “as if nothing that revolutionary had occurred.”<sup>36</sup> In his written account of the August Revolution, Truong Chinh bemoaned the fact that the ICP did not take a more confrontational approach toward the opposition: “We did not firmly eliminate the various categories of traitors and failed to take sufficient energetic measures against the French colonialists and their agents.”<sup>37</sup> In this manner, compromises made by the ICP were transformed into a shaky coalition of communists and non-communists.

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<sup>31</sup> Le Duan was one of founding leaders of the Vietnamese Communist Party and became Party General Secretary from 1960 to 1986. See Le 1971, 27-28.

<sup>32</sup> Tønnesson 1991, 390-394; Marr 1995a, 504-506; Vu 2010a, 111.

<sup>33</sup> Beresford 1988, 23; Lockhart and Duiker 2006, 68.

<sup>34</sup> Vu 2010a, 115.

<sup>35</sup> Goscha 2016, 229.

<sup>36</sup> Goscha 2016, 230.

<sup>37</sup> Truong 2010, 18-19, 37-39.

In fact, the composition of the new government was shuffled several times. Changes were made to form a broader government consisting of not only ICP members and representatives of other groups within the Viet Minh, but also of those outside the Viet Minh. A provisional government was announced on August 24<sup>th</sup>, initially consisting of ten cabinet members.<sup>38</sup> On August 28<sup>th</sup>, a revised roster was put forth, replacing five members from the ICP and the National Salvation Cultural Association. Of the five new members, one was a Catholic intellectual, two were members of the Vietnamese Democratic Party (*Dang Dan Chu*)<sup>39</sup>, and two were independent intellectuals without any party affiliations.<sup>40</sup> When it was lastly announced on September 2, 1945, the revised composition of the provisional government reflected this broader accommodation by the ICP (see Table 4-1).

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<sup>38</sup> A list of these members is noted by David Marr (1995, 504) in footnote 134. The list included: Ho Chi Minh, Tran Huy Lieu, Vo Nguyen Giap, Nguyen Luong Bang, Chu Van Tan, Duong Duc Hien, Cu Huy Can, Nguyen Dinh Thi, Pham Ngoc Thach, and Nguyen Huu Dang.

<sup>39</sup> The Vietnamese Democratic Party (*Dang Dan Chu*) was founded in June 1944, albeit with Viet Minh support in attempt to rally the urban middle classes to its nationalist cause. The Party was mostly made up of intellectuals and bureaucrats. See Beresford 1988, 18.

<sup>40</sup> Marr 1995a, 504-505.. See footnote 136 in Marr 1995a, 505.. The members that were dropped included: Nguyen Luong Bang, Nguyen Chi Thanh, Bui Van Hach, Nguyen Dinh Thi, and Nguyen Huu Dang. The five additional members were Nguyen Manh Ha, Nguyen Van To, Vu Trong Khanh, Dao Trong Kim, and Vu Dinh Hoc. Marr (1995) further notes that, in fact, none of those on the cabinet came from the group that organized the August 19 insurrection in Hanoi. See also Tønnesson 1991, 391.

**Table 4-1 DRV Provisional Government, September 2, 1945**

Positions	Name	Party Affiliation
Chairman of the Government <sup>41</sup> Minister of Foreign Affairs	Ho Chi Minh	ICP
Minister of Home Affairs	Vo Nguyen Giap	ICP
Minister of Information and Promulgation <sup>42</sup>	Tran Huy Lieu	ICP
Minister of Defense	Chu Van Tan	ICP
Minister of Youth	Duong Duc Hien	Democratic Party
Minister of National Economy	Nguyen Manh Ha	No party affiliation , Catholic
Minister of Social Relief	Nguyen Van To	No party affiliation
Minister of Justice	Vu Trong Khanh	No party affiliation
Minister of Health	Pham Ngoc Thach	ICP
Minister of Transport	Dao Trong Kim	No party affiliation
Minister of Labor	Le Van Hien	ICP
Minister of Finance	Pham Van Dong	ICP
Minister of Education	Vu Dinh Hoe	Democratic Party
Member of the Government (no ministry)	Cu Huy Can	ICP
Member of the Government (no ministry)	Nguyen Van Xuan	ICP
Source: <a href="http://chinhphu.vn/portal/page/portal/chinhphu/thanhvienchinhphuquacacthoiky">http://chinhphu.vn/portal/page/portal/chinhphu/thanhvienchinhphuquacacthoiky</a>		

At the time, the main rival parties of the ICP in North Vietnam were the Vietnamese Nationalist Party (*Viet Nam Quoc Dan Dang*)<sup>43</sup> and the Vietnamese Revolutionary League (*Viet Nam Cach Menh Dong Minh Hoi*)<sup>44</sup>. Both had long received support from the Guomintang. When the Viet Minh seized power in 1945, Chinese troops were also expected to arrive in North Vietnam

<sup>41</sup> Chairman of the Government (*Chu tich Chinh phu*) is the equivalent of Prime Minister in contemporary context.

<sup>42</sup> The Ministry of Information and Promulgation is the equivalent of the Ministry of Information and Communication today.

<sup>43</sup> The Vietnamese Nationalist Party (*Viet Nam Quoc Dan Dang*) was founded in 1927 by Nguyen Thai Hoc, a primary school teacher in Hanoi. Composed chiefly of students, small merchants, civil servants, and ethnic Vietnamese in the French armed forces, it was modeled after the Kuomintang and was heavily influenced by Sun Yat Sen's ideas (Pike, 25).

<sup>44</sup> The Vietnamese Revolutionary League (*Viet Nam Cach Menh Dong Minh Hoi*) was created under pressures from Chinese commanding officer Zhang Fakui and with the backing of the Kuomintang in August 1942 as another nationalist front that specifically excluded the ICP. The membership was primarily made up of members of the VNP. See Duiker 1996, 81.

in early September. There were other rival parties and factions as well. The Greater Vietnam (*Dai Viet*), for instance, was a non-communist, nationalist coalition composed mostly of northern urban elites led by Truong Tu Anh. What these groups all had in common, as Goscha describes, was that, “None of them were pro French; all of them were nationalist; and each was anticommunist.”<sup>45</sup>

The ICP needed to assuage nationalist objections to the formation of a communist state under the Democratic Republic of Vietnam. By early November 1945, the nationalists had set up a coalition bloc dominated by the Vietnamese Nationalist Party and the Vietnamese Revolutionary League, demanding that the provisional government be restructured with participation by all major political groups. After extensive negotiations, the Vietnamese Revolutionary League, the Vietnamese Nationalist Party, and the Viet Minh reached an agreement on December 22, 1945.<sup>46</sup> According to this agreement, leadership would be split between nationalists and communists, with Ho Chi Minh as President, and Nguyen Hai Than, leader of the Vietnamese Revolutionary League, as Vice President. Two cabinet posts in the Ministry of Health and the Ministry of National Economy were also reassigned. These changes were reflected in the composition of the revised provisional coalition government formally established on January 1, 1946 (see Table 4-2). As part of the compromise, it was also agreed that the Vietnamese Nationalist Party would be guaranteed 50 seats and the Vietnamese Revolutionary League 20 seats in the upcoming legislative election. Not long after, the provisional government was dissolved to form a new government at a legislative meeting on March 2, 1946 (see Table 4-3). Curiously enough, former Emperor Bao Dai, going by the name of Nguyen Vinh Thuy, was also incorporated as head of the Consultative High Council of the new coalition government.

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<sup>45</sup> Goscha 2016, 206.

<sup>46</sup> Fall 1956, 8.

**Table 4-2 Provisional Coalition Government, January 1, 1946**

Positions	Name	Party Affiliation
Chairman of the Government Minister of Foreign Affairs	Ho Chi Minh	ICP
Vice-Chairman of the Government	Nguyen Hai Than*	Vietnamese Revolutionary League
Minister of Home Affairs	Vo Nguyen Giap	ICP
Minister of Information and Mass Mobilization	Tran Huy Lieu	ICP
Minister of Defense	Chu Van Tan	ICP
Minister of Youth	Duong Duc Hien	Democratic Party
Minister of National Economy	Nguyen Tuong Long*	Vietnamese Nationalist Party <sup>47</sup>
Minister of Social Relief	Nguyen Van To	No party affiliation
Minister of Justice	Vu Trong Khanh	No party affiliation
Minister of Health	Truong Dinh Tri*	Vietnamese Revolutionary League
Minister of Transport	Dao Trong Kim	No party affiliation
Minister of Labor	Le Van Hien	ICP
Minister of Finance	Pham Van Dong	ICP
Minister of Education	Vu Dinh Hoe	Democratic Party
Minister of Agriculture	Cu Huy Can*	ICP
Member of the Government (no ministry)	Nguyen Van Xuan	ICP
Note: Changes to the composition of the government is noted with an asterisk*. Source: <a href="http://chinhphu.vn/portal/page/portal/chinhphu/thanhvienchinhphuquacacathoiky?governmentId=606">http://chinhphu.vn/portal/page/portal/chinhphu/thanhvienchinhphuquacacathoiky?governmentId=606</a>		

<sup>47</sup> For a brief discussion of Nguyen Tuong Long's party affiliation, see Pham 2019, 40.



**Table 4-3 Government of Union and Resistance, March 2, 1946**

Positions	Name	Party Affiliation
Chairman of the Government	Ho Chi Minh	ICP
Vice-Chairman	Nguyen Hai Than	Vietnamese Revolutionary League
Minister of Foreign Affairs	Nguyen Tuong Tam	Popular Party of Greater Vietnam
Minister of Home Affairs	Huynh Thuc Khang*	No party affiliation
Minister of Economy	Chu Ba Phuong*	Democratic Party
Minister of Finance	Le Van Hien*	ICP
Minister of Defense	Phan Anh*	No party affiliation
Minister of Social Relief, Health, & Labor	Truong Dinh Tri	Vietnamese Revolutionary League
Minister of Education	Dang Thai Mai*	ICP
Minister of Justice	Vu Dinh Hoe*	Democratic Party
Minister of Transport	Tran Dang Khoa*	Democratic Party
Minister of Agriculture	Bo Xuan Luat (until Apr. 1946)* Huynh Thien Loc (fr. Apr. 1946)*	No party affiliation Vietnamese Revolutionary League
Consultative High Council	Nguyen Vinh Thuy (Bao Dai)*	13th and last emperor of the Nguyen dynasty
Chairman of the Committee of Resistance	Vo Nguyen Giap*	ICP
Note: Changes to the composition of the government is noted with an asterisk*. Source: <a href="http://chinhphu.vn/portal/page/portal/chinhphu/thanhvienchinhphuquacacthoiky?governmentId=607">http://chinhphu.vn/portal/page/portal/chinhphu/thanhvienchinhphuquacacthoiky?governmentId=607</a>		

The first and only multi-party national election for the Vietnamese National Assembly (*Quoc hoi*, or VNA) in the communist history of Vietnam was held on January 6, 1946.<sup>48</sup> Out of 403 legislative seats, 333 seats were elected, consisting of 120 deputies from the Viet Minh, 46 deputies from the Democratic Party (*Dang Dan chu Viet Nam*), 24 deputies from the Socialist Party (*Dang Xa hoi Viet Nam*), and 143 independents without any political affiliations. The other remaining 70 seats were allocated to the Vietnamese Nationalist Party, and the Vietnamese Revolutionary League as part of the compromise formerly made by the Viet Minh.<sup>49</sup> 57 percent of the seats were taken by multiple political parties, and 43 percent were independents with no party

<sup>48</sup> Local People's Councils were also established from the villages up to every level.

<sup>49</sup> Duiker 1996, 117.

affiliation.<sup>50</sup> Geographically, there were 152 elected deputies from North Vietnam, 108 deputies from the Central region, and 73 from the South.<sup>51</sup> Ho Chi Minh touted these results: “In this national legislative election, every party has deputies, although there are also many deputies without any party affiliation as well as women and ethnic minorities. Therefore, the deputies in this National Assembly do not represent any singular party but all of the people of Vietnam.”<sup>52</sup> Through the national election, Ho aimed to project the image of a broadly-based coalition upon which the government was formed.

With the same tone of coalition-building, the process of drafting the 1946 Constitution incorporated a multitude of voices and factions staking their claims in the configuration of key state institutions. As Bernard Fall perceptively notes of the broader context within which the debates on Vietnam’s first constitution unfolded, it was “a time when the regime of Ho Chi Minh still operated on a coalition basis, with French troops and American observers still in Viet-Nam [sic] and the nearest major communist armed forces almost three thousand miles away.”<sup>53</sup> A Launching Committee (*Uy ban khai thao hien phap*) was first formed for the purpose of drafting the Constitution.<sup>54</sup> On September 20, 1945, Decree 34-SL announced the seven members on the committee: (1) Ho Chi Minh; (2) Nguyen Vinh Thuy (former Emperor Bao Dai); (3) Dang Thai Mai; (4) Vu Trong Khanh; (5) Le Van Hien; (6) Nguyen Luong Bang; and (7) Dang Xuan Khu

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<sup>50</sup> "Quoc hoi Viet Nam 70 năm hình thành và phát triển [70 Years of Establishment and Development of the Vietnamese National Assembly]"..

<sup>51</sup> "Người Việt Nam Lan Dâu Di Bưu Cu 70 Năm Trước [The First Time Vietnamese People Going to Vote 70 Years Ago]" 2016.

<sup>52</sup> Quoc Hoi [Vietnamese National Assembly]. 1946. “Khoa Hoi Thu I Ngay 2 Thang 3 Nam 1946: Bien Ban: Buoi Hoi Toan The Dai Hoi Lan Thu Nhat,” *Bien Ban Ky Hoi Va Danh Sach DBQH: Bao Cao, Quyet Dinh Ve Viec Thanh Lap Chinh Phu Khang Chien, Tuyen Ngon, Dien Van Cua Quoc Hoi Va Loi Phat Bieu Cua Ho Chu Tich*. Phong Quoc Hoi 3, Ho So Ky Hoi Thu Nhat, Quoc Hoi Khoa I Ngay 02.03.1946. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].

<sup>53</sup> Fall 1959, 178.

<sup>54</sup> Along with a proclamation of the election date for the legislative election, Decree 14-SL (*Sac lenh so 34-SL*) mandates the establishment of a constitutional drafting launching committee of seven members in order to prepare a draft of the constitution. See, Decree 14-SL, art. 6, dated September 4, 1945.

(more widely known as Truong Chinh).<sup>55</sup> Except for Vu Trong Khanh<sup>56</sup> and Nguyen Vinh Thuy, five out of the seven committee members were communist. Next, the draft was prepared and completed by the executive branch known then as the Council of Ministers (*Hoi dong Chinh phu*) before it was handed over to an expanded Constitutional Drafting Committee consisting of 11 members elected by the legislature at the first plenary session.<sup>57</sup> Then VNA Deputy Ton Duc Thang of the ICP summed up subsequent steps in this extensive process:

Elected by the first plenary session, the Constitutional Drafting Committee (*Uy ban Du thao Hien phap*) was composed of 11 deputies, which included multiple political parties, non-party members, women, religious representatives, and various professions. Based on the draft proposed by the government, on suggestions collected from the people, on the experience of constitutions in other European and Asian countries, and compared with the draft of the Committee for National Reconstruction (*Uy ban Kien quoc*),<sup>58</sup> this Committee has presented a draft of the Constitution to the National Assembly. At the meeting on October 29, the Committee was again expanded, adding ten representatives from various groups, including moderate representatives, southern representatives, and representatives of ethnic people, in order to revise and supplement other necessary provisions, and to begin putting forth the draft for deliberation at the November 2 meeting. Thus, in the matter of drafting the Constitution, we have placed importance on the wishes and opinions of nearly every social class, every political color, every citizen from upper or lower currents, from the South, from the North, and people who followed religion as those without any beliefs.<sup>59</sup>

The drafting and deliberation of the 1946 Constitution of Vietnam markedly differed from China's first Constitution in 1954. Whereas the process in Vietnam bore the imprint of an expansive coalition in which the ICP exercised restrained influence, the CCP exerted its

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<sup>55</sup> "Sac lenh So 34-SL cua Chu tich Chinh phu lam thoi lap mot Uy ban du thao va de trinh Quoc hoi mot ban hien phap cho Viet Nam Dan chu Cong hoa".

<sup>56</sup> Vu Trong Khanh was nominally listed as independent. He formerly served as Governor of the City of Hai Phong in Tran Trong Kim's administration. After the 1945 August Revolution, Vu became the first Minister of Justice in the Provisional Government of the DRV. See Nguyen 2014.

<sup>57</sup> The eleven members in the expanded committee included: Ton Quang Phiet, Tran Duy Hung, Nguyen Thi Thuc, Do Duc Dung, Cu Huy Can, Nguyen Dinh Thi, Huynh Ba Nhung, Tran Tan Tho, Nguyen Cao Hach, Dao Huu Duong, Pham Gia Do. See Anh Hung 2018.

<sup>58</sup> The Committee for National Reconstruction is a broad committee that further increase the number of actors involved in the constitutional drafting process, with 50 of 90 members were intellectuals from various groups and interests, including the wife of former emperor Bao Dai. See Phan 2006.

<sup>59</sup> Quoc Hoi [Vietnamese National Assembly]. 1946. "Nghị Quyết Về Chủ Quyền Quan Thuế Và Ngoại Thương Việt Nam, To Trình Về Ban Dự Án Quy Định Về Chế Độ Lao Động, Hiến Pháp Và Lời Kêu Gọi Của Quốc Hội," *Diễn Văn Bê Mac Của Cu Tôn Đức Thang, Trường Đoàn Chủ tịch Quốc Hội Khoa Học Thu II Từ Ngày 28-10 Đến Ngày 9-11 1946*. Phong Quốc Hội 6, Hồ Sơ Ký Học Thu 2, Quốc Hội Khoa I Từ Ngày 28.10-09.11.1946. Tập 3: Phien Học Ngày 08.11.1946. Hanoi: Trung Tâm Lưu Trữ Quốc Gia III [National Archive III].

dominance and concentrated power vis-à-vis the Politburo in the making of the country's first Constitution. Vietnam's 1946 Constitution and China's 1954 Constitution embodied this notable difference between the two countries. Dubbed as "a charter for independence and unity," the 1946 Constitution in Vietnam established "an inclusionary tone for a regime that had not yet consolidated authority."<sup>60</sup> The Communist Party and socialism were not formally cited and mentioned at all in the text of the 1946 Constitution of Vietnam, whereas China's 1954 Constitution unequivocally pronounced in its preamble that the People's Republic of China was "led by the Communist Party of China" and that it had been in the midst of a gradual transition to socialism since 1949.

A central focus of the constitutional debate was the role of the legislature and its standing committee in Vietnam. In the 1946 Constitution with seven chapters and 70 articles that inscribed the consensus among various actors on the configuration of state institutions, chapter three on the "People's Parliament" (*Nghi vien nhan dan*) consisted of 21 articles. It was the largest chapter in the Constitution, suggesting that there was greater attention devoted to the legislature compared to other sections. The Vietnamese legislature was directly elected, and was headed by a Speaker of the Parliament (*Nghi truong*) and two Vice-Speakers (*Pho nghi truong*), the equivalent of the Chairman and Vice-Chairman of the VNA today. It established a Standing Committee (*Ban thuong vu*) comprised of the Speaker and Vice-Speakers, 12 official members, and three alternate members. In setting up the Standing Committee, deputies disagreed among each other over the scope of its authority and responsibilities. It was first proposed that the VNA Standing Committee would have the following authority: (1) To conduct the work of the legislature; (2) to resolve projects of the Government; (3) to monitor the Government's work and performance; (4) to

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<sup>60</sup> Sidel 2009, 27-28.

propose and vote on problems of administration and justice; and (5) to convene the full National Assembly if necessary. Some contested that this authority was too expansive, and that there should only be a few members on the committee. Others argued that the number of committee members should be increased to be fully representative of the VNA.<sup>61</sup>

There was a perceived tradeoff between the need to centralize power to maintain political stability and the need to incorporate more actors into decision-making structures to safeguard against threats of power monopoly. As the Vietnamese Democratic Party Deputy Do Duc highlighted:

We need to compromise between two principles due to the unique circumstances of our country: (1) During this time when we need to pursue [a war] of resistance, there should not be two opposing state organs, but instead a granting of [full] authority to the Government; (2) Democracy is inviolable, meaning that the National Assembly must have the highest authority, and hence must have enough authority to monitor the Government.<sup>62</sup>

In response, the Viet Minh Deputy Cu Huy Can<sup>63</sup> asserted:

I do not approve granting all authority to the Standing Committee because only the National Assembly with all representatives of the people has complete authority. If the National Assembly selects a Standing Committee with only ten or 15 people but gives it all authority, then that is very dangerous because the Standing Committee can hand that authority over to another smaller group in its place. Like that, one day we can turn into a place of authoritarianism.<sup>64</sup>

Concerned about the potential for institutional discretion and abuse of power, it was decided that the Constitution needed to clearly specify and delineate the authority and duties of the Standing Committee. As opposed to making decisions on its own, specific conditions under which the

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<sup>61</sup> Quoc Hoi [Vietnamese National Assembly]. 1946. "Khoa Hop Thu I Ngay 2 Thang 3 Nam 1946: Bien Ban: Buoi Hop Toan The Dai Hoi Lan Thu Nhat," *Bien Ban Ky Hop Va Danh Sach DBQH: Bao Cao, Quyet Dinh Ve Viec Thanh Lap Chinh Phu Khang Chien, Tuyen Ngon, Dien Van Cua Quoc Hoi Va Loi Phat Bieu Cua Ho Chu Tich*. Phong Quoc Hoi 3, Ho So Ky Hop Thu Nhat, Quoc Hoi Khoa I Ngay 02.03.1946. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].

<sup>62</sup> Ibid.

<sup>63</sup> "Ky niem 100 nam Ngay sinh Nha tho Cu Huy Can [Commemoration of 100- Year Birthday of Poet Cu Huy Can]" 2019.

<sup>64</sup> Quoc Hoi [Vietnamese National Assembly]. 1946. "Khoa Hop Thu I Ngay 2 Thang 3 Nam 1946: Bien Ban: Buoi Hop Toan The Dai Hoi Lan Thu Nhat," *Bien Ban Ky Hop Va Danh Sach DBQH, Bao Cao, Quyet Dinh Ve Viec Thanh Lap Chinh Phu Khang Chien, Tuyen Ngon, Dien Van Cua Quoc Hoi Va Loi Phat Trien Cua Ho Chu Tich*. Phong Quoc Hoi 3, Ho So Ky Hop Thu Nhat Quoc Hoi Khoa I Ngay 02.03.1946. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].

Standing Committee would be required to convene the Vietnamese National Assembly were listed. The VNA could hold a vote of confidence in and form a new Standing committee.<sup>65</sup> The VNA Standing Committee, and by extension the VNA itself, were vested with the authority to monitor, criticize, and question the Government in its legislative query sessions.<sup>66</sup>

By comparison, the Government received less emphasis in the 1946 Constitution with just thirteen articles. The 1946 Constitution defined the executive branch as consisting of the President, the Vice President, and the Council of Ministers, including the Prime Minister, Vice Premiers, Ministers, and Vice-Ministers. There were overlapping linkages between the executive institution and the legislature. The President was chosen by the VNA. The Prime Minister was chosen by the President, and ministers were in turn chosen by the Prime Minister. It was required that the Prime Minister and Ministers be chosen from among VNA deputies, and that they were subject to approval by the legislature.<sup>67</sup> Vice Ministers could be selected from among those within or outside of the VNA.<sup>68</sup> Decrees issued by the Government had to be signed by both the President and one or more Ministers who were then responsible before the legislature.<sup>69</sup> Lastly, the 1946 Constitution introduced the vote of no confidence as a mechanism for the VNA to remove ministers.<sup>70</sup> The motion could be put forward by the Prime Minister, the VNA Standing Committee, or one-fourth of deputies in the VNA.

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<sup>65</sup> 1946 Constitution, art. 36.

<sup>66</sup> For instance, in the next plenary session on October 28, 1946, VNA deputies put forth 88 questions on domestic policies and individual rights which it required the Government to address. See, Quoc Hoi [Vietnamese National Assembly]. 1946. *Tap 1: Tong Hop Bien Ban Cac Phien Hop Cua Quoc Hoi*. Phong Quoc Hoi 4, Ho So Ky Hop Thu 2 Quoc Hoi Khoa I Tu Ngay 28.10-09.11.1946. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].

<sup>67</sup> 1946 Constitution, art. 45.

<sup>68</sup> 1946 Constitution, art. 47.

<sup>69</sup> 1946 Constitution, art. 53.

<sup>70</sup> 1946 Constitution, art. 54. This mechanism was later removed in the 1959, 1980, and 1992 Constitution until it was reinstituted in 2001.

### *Party Dissolution and Re-Organization*

On November 11, 1945, the ICP proactively announced its dissolution in order to present a more united front for a coalition government. One of the main reasons for the self-dissolution of the ICP was to assuage nationalist fears that the government would be dominated by communists,<sup>71</sup> and other international factors compounded the ICP's reluctance to forcefully eliminate the opposition in the first place. Specifically, the Chinese Guomindang army was expected to arrive in North Vietnam, while British troops were expected to arrive in the South. Perceiving these as imminent threats that would assist the French in destroying communist and Viet Minh forces, the ICP determined that it was necessary to dissolve the party and function as a clandestine organization to ensure its political survival.<sup>72</sup> The Political Report of the Central Committee at the Second Party Congress in 1951 explained the rationale behind this decision:

Faced with such severe and pressing circumstances, the party needs to use every means to survive, operate, and develop in order to lead in secret and more effectively, and have time to gradually consolidate the people's forces, consolidate the People's United Front. At that time, the party cannot hesitate. Any hesitation would wreck everything. The party must be decisive and prompt, using all means – even painful means – to save the situation.<sup>73</sup>

The fact that the party chose to dissolve rather than confront or suppress opposition suggests that it was still relatively weak. In short, as Goscha simply puts, “a party that chooses to dissolve itself, even on paper, is not in a position to be totalitarian.”<sup>74</sup>

As a clandestine organization, the ICP conducted massive membership drives, and widely accepted members into the party without any vetting from 1945 to 1949. Party membership increased from 5,000 in August 1945 to 20,000 members by mid-1946, and to 700,000 members

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<sup>71</sup> "Dang Cong san Dong Duong tuyen bo tu giai tan [The Indochinese Communist Party Announced Its Self-Dissolution]" 1945.

<sup>72</sup> "Quoc hoi Viet Nam 70 năm hình thành và phát triển [70 Years of Establishment and Development of the Vietnamese National Assembly]".

<sup>73</sup> Ban Chấp hành Trung ương Đảng Cộng sản Việt Nam [Central Committee of the Vietnamese Communist Party] 1951, 21.

<sup>74</sup> Goscha 2016, 235.

by 1949.<sup>75</sup> Despite its rapid expansion, there was little coherence or cohesion to the ICP. Many members were poorly trained, unreliable, and opportunistic rather than ideologically committed to communist ideas. As Truong Chinh remarked at the Second National Party Congress in 1951:

Since the August Revolution, especially since [the war of] resistance, although [the party] operates half publicly, the influence of the party among the people has increased day by day. Party growth has been outstanding (*vượt bậc*), but that growth has given birth to one big shortcoming: the education of party cadres has not caught up with the development of the party. Many opportunistic elements, desiring status, have joined the party, exploiting the title of party cadre for personal gains . . . *The number of party members is high, the quality of the party is low.*<sup>76</sup>

The indiscriminate approach that the ICP took to expand party membership was constitutive of its accommodation approach to state-making.

After the Viet Minh declared Vietnam's independence and proclaimed the formation of the Democratic Republic of Vietnam, France gradually retook control of many cities and towns, forcing the government in North Vietnam to withdraw into mountainous areas. On April 25, 1947, the Democratic Republic of Vietnam initiated negotiations for a truce with the French. The government was again reshuffled on July 19, 1947 with the addition of non-communist members for minister-level positions to dissuade views of the government as a gang of communists.<sup>77</sup> Attempts by communists to reach a truce with the French in 1947 failed. The French High Commissioner Émile Bollaert responded by offering Vietnam independence within the French Union, but refused to recognize the Democratic Republic of Vietnam.<sup>78</sup> Instead, former Emperor Bao Dai, the Vietnamese Nationalist Party, and the Vietnamese Revolutionary League stealthily negotiated with the French, and competed against the Vietnamese communists for international support.<sup>79</sup> Ultimately, in May 1948, Bao Dai and Bollaert had sealed a mutually beneficial deal to

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<sup>75</sup> Beresford 1988, 24.

<sup>76</sup> Truong 1951, 162 (emphasis added).

<sup>77</sup> See Dang Cong San Viet Nam [Communist Party of Vietnam] 1947.

<sup>78</sup> See Hammer 1966; Lawrence and Logevall 2007, 130-151.

<sup>79</sup> Hammer 1966, 209-222.



establish another government under French tutelage in Saigon, South Vietnam.<sup>80</sup> These developments signaled to the ICP that a coalition government of communists and non-communists and a conciliatory approach with France toward reunification were no longer tenable.

In the same period between 1948 and 1949, strengthened communist movements in the Soviet Union and China ushered in new promises and alternative sources of international support for communism in Vietnam. A Soviet bloc had emerged, and the Information Bureau of Communist and Workers' Parties (Cominform) was established in September 1947. In this spirit, the chief of the Soviet Union Communist Party Andrei Zhdanov called on communist forces worldwide to rise against anti-imperialism. Furthermore, the CCP led by Mao Zedong had defeated the Guomindang in 1949, and proclaimed the founding of a new communist state of the People's Republic of China in that same year.

These shifts in the internal dynamics of the coalition government of the Democratic Republic of Vietnam and the international environment provided conditions for reinvigorated efforts by the ICP to strengthen party organizational cohesion. By early 1950, communists in Vietnam had secured assistance and recognition from the Soviet Union and the CCP. The ICP had also removed non-communists from key positions in the government. The former coalition between communists and nationalists had become practically defunct. These shifts had provided the opportune conditions for the ICP to take a more assertive position in pursuit of its ideological vision.

At the Second Party Congress in February 1951, the ICP reemerged under the new name of the Vietnam Worker's Party (*Dang Lao Dong Viet Nam*, or VWP). Prior to its re-emergence, the party had begun to tighten the membership and consolidate party organization. On September

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<sup>80</sup> Hammer 1966, 221-223.

14, 1950, the Standing Committee of the Central Committee issued a decree to enforce a membership freeze.<sup>81</sup> As it was reiterated, the reason for the freeze was to “focus capacity and resources on the task of consolidating [party] ranks, and to educate party cadres to strengthen the party.”<sup>82</sup> Only starting in February 1957 did the party lift the ban and accepted new members again.<sup>83</sup> More stringent membership criteria were later introduced and codified in the party’s new bylaws.<sup>84</sup>

A year-long political education campaign was implemented starting in 1950, and was followed by subsequent campaigns during the next two years in order to train and indoctrinate cadres on party policies, Marxist and Leninist histories, and self-criticism practices.<sup>85</sup> The VWP launched a “party rectification” (*chinh Dang*) campaign starting in 1951 to purge “contaminated” elements and to centralize party control. Between 1951 and 1953, the party reportedly purged a third of its membership – mainly privileged social groups such as landlords, rich and middle peasants, and urban elites.<sup>86</sup> As stated in the Resolution on the Current Situation and Responsibilities of 1952, “The party needs to be very strong, very clean to practically carry out the responsibilities.”<sup>87</sup>

The Politburo issued a directive on December 1951 along with an implementation plan of the corrective training curriculum and classes to be carried out across areas under its control.<sup>88</sup> The weight and emphasis with which the campaign was carried out was specifically noted in a report delivered by Le Van Luong at the Third Plenum of the Party Central Committee. Not only must

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<sup>81</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1950.

<sup>82</sup> Ibid., p. 482.

<sup>83</sup> Ban Bi Thu [Party Secretariat] 1957, 37.

<sup>84</sup> “Dieu le Dang Lao dong Viet Nam [Bylaws of the Vietnamese Workers' Party]”.

<sup>85</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1953.

<sup>86</sup> Kolko 1985, 46.

<sup>87</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1952b, 166.

<sup>88</sup> Ban Bi Thu [Party Secretariat] 1951; Dang Cong San Viet Nam [Vietnamese Communist Party] 1952a.

cadre training at the central level be executed by the authority directly under the central leadership, but corrective training of cadres at lower administrative levels must also be submitted for review and approval by the center.<sup>89</sup> These organizational campaigns indicated a significant shift by the VWP away from power-sharing arrangements with non-communists toward party consolidation in preparation for more radical socialist reforms.

### **State-Society Interactions, 1945-1960**

Up to this point, I have provided a longer view of history that traces the origin of the Vietnamese Communist Party—or as it was called, the Indochinese Communist Party (ICP), and the compromises made by Vietnamese communists in the construction of the party and the state. Early suppression by international forces and domestic opposition had placed the ICP in a precarious position. These systemic constraints forced the ICP to accommodate and incorporate divergent interests, resulting in the party's self-dissolution, diluted membership, and fragmented state structures.

In this section, I show how a pattern of accommodation fundamentally forged the institutional character of the Vietnamese communist regime, and oriented the political apparatus to receive and respond to societal interests. Despite the party's expansion and consolidation effort after 1947, the ICP essentially lacked the organizational capacity and cohesion to effectively mobilize the masses and to penetrate society like the CCP did in the land reform and the Great Leap Forward under Mao. Furthermore, the ICP could not simply ignore the interests of the rural masses whose support was so crucial to the Party's survival and consolidation. For this reason, the

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<sup>89</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1952c.

ICP oscillated between attempts to mobilize the masses in pursuit of its own ideological vision and a protracted process of constant adjustments, feedback, and responses to rural claims and demands.

### ***Emergent Linkages and Policy Moderation***

Since its outset, the ICP identified the peasantry as a crucial social force for party growth and development. Land-to-the-tillers (*nguoi cay co ruong*) was a central party platform tightly linked to the party's goal of national independence. As Le Duan wrote in a report on the Vietnamese communist revolutionary strategy, "The anti-imperialist struggle cannot be separated from the anti-feudal struggle . . . Since our country is agricultural, with peasants accounting for 90 percent of the population, imperialism relies on feudalism to exploit our people. That is why to liberate our nation, it is essential to liberate the peasants."<sup>90</sup> Truong Chinh and Vo Nguyen Giap also elaborated on the revolutionary potential of the peasantry: "[P]easants account for most of the population and suffer under many layers of oppression and exploitation. Therefore, the peasants have a hidden force, worthy of attention and worthy of respect. We must be aware of all the strengths and weaknesses of the peasants, but we absolutely must not underestimate them."<sup>91</sup>

During the 1944-1945 famine in Central and North Vietnam, communist forces successfully gained support from the peasantry by attacking and opening granaries to alleviate the dire calamity. Several factors contributed to the outbreak of famine under the French and Japanese. The countryside had been forced to feed Japanese troops by selling imposed quotas of paddy outputs for a fraction of the market price starting in late 1942. Other factors, including increased population pressure, falling rice outputs due to poor weather and cultivation methods, forced diversion of rice land to industrial crops, and a heavy agricultural tax burden, added to the rice

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<sup>90</sup> Le 1971, 10.

<sup>91</sup> Truong and Vo 1974, 25.

shortage.<sup>92</sup> The French and the Japanese also adopted the practice of burning rice and maize in place of fuel, and hoarded rice for themselves even as the shortage worsened. Policy under the French to take three-fourths of the rice that was transported from the South to the North further resulted in an overall drop in supply.<sup>93</sup> As reported by the New Tribute of Vietnam (*Vietnam Tan Bao*) newspaper in Hanoi on April 28, 1945:

When we entered the village, we saw the peasants miserably dressed. Many of them had only a piece of mat to cover their bodies. They wandered about aimlessly in the streets like skeletons with skin, without any strength left, without any thoughts, and totally resigned to the ghosts of starvation and disease ... When a dog or a rat died, it was the occasion for the whole village to come around and to prepare it and parcel it out among themselves.<sup>94</sup>

In the five months from December 1944 to May 1945, nearly two million Vietnamese, equivalent to 10 percent of the population, died of famine in North Vietnam.<sup>95</sup> Along with Emperor Bao Dai and the Tran Trong Kim administration, the Japanese and the French were equally regarded by Vietnamese peasants as culprits who did little or nothing to alleviate the famine. On the other hand, the Viet Minh drummed up calls to action and enlisted peasant support, “Hunger! Hunger! Keep your paddy and rice! Destroy the granaries of the bandits. Chase out the French and the Japanese.”<sup>96</sup> Communist forces then led attacks to open up rice granaries to peasants across provinces in North Vietnam. From the perspective of many villagers who had been starving up until communist forces took decisive action, the communists effectively responded to their urgent needs in ways that the Japanese, the French, and other noncommunist groups failed to do. Such responsiveness cultivated crucial support for the ICP in the countryside of North Vietnam.<sup>97</sup>

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<sup>92</sup> Goscha 2016, 199.

<sup>93</sup> Ngo 1973, 130-132.

<sup>94</sup> Quoted in, Ngo 1973, 133.

<sup>95</sup> Ngo 1973, 130; Goscha 2016, 199.

<sup>96</sup> Huynh 1971, 776.

<sup>97</sup> David Marr (1995a.) made the central argument in his study that the Vietnamese Communists’ rise to power in 1945 might well have not succeeded without the second World War and the famine, which allowed the Viet Minh to reach out to the peasantry in desperate times and persuaded the peasants to join and support the Viet Minh.

After the Viet Minh seized power and formed a coalition government of communist and non-communist groups, the ICP enacted policies to widen its popular appeal. Salt, opium, and alcohol taxes were abolished, and, the head tax was reduced to twenty percent.<sup>98</sup> To alleviate the famine that had struck the population in the year before and worsened in 1945, the government offered subsidies for farmers to expand their land cultivation, and established the Farm Credit Bureau to provide loans to the poor.<sup>99</sup> The ICP also adopted policies to reduce land rents by twenty five percent, and distributed communal land to impoverished families at the village level.<sup>100</sup>

At the same time, Vietnamese communists were cautious not to alienate non-communist groups and social forces whom they heavily relied on to staff the government. To assure those living in urban areas of the ICP's moderation and to win their acquiescence, circulars were issued, declaring that private property would not be nationalized.<sup>101</sup> The ICP refrained from mobilizing peasants and alienating landlords and rich peasants. Land temporarily reallocated to peasants was seized only from French landowners and Vietnamese collaborators. In February 1953, Pham Van Dong<sup>102</sup> lamented:

*There are places where this government has nothing which entitles it . . . to be called a government of the people, for the people, and by the people, because it does not truly defend the interests of the peasants and does not truly serve the peasants, but on the contrary defends the interests of the landlords and serves the landlords while it is carrying out the government's policies, such as the land policy, the agricultural taxation policy, and the corvee labor policy; because it not only does not, in the interests of the peasants, oppose the oppression and exploitation of the landlords, but on the contrary uses all methods to support the oppression and exploitation by the landlords; because it has become separated from the masses in the rural areas and even stands in opposition to the masses [ . . . ] Recently, we have seen the impure organizational condition of the administrative organs in the rural areas. In many places, these organizations include a large proportion of landlords,*

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<sup>98</sup> Beresford 1988, 23.

<sup>99</sup> Nguyen 1961, 146-147; Duiker 1996, 113.

<sup>100</sup> Beresford 1988, 23.

<sup>101</sup> Duiker 1996, 114.

<sup>102</sup> Pham Van Dong was a leading member in the Communist Party. He was one of the five members on the Standing Committee of the National Committee for the Liberation in preparation for the August Revolution, and a member of the Politburo from 1951 to 1987. After the August Revolution, he served various points under the DRV, including Minister of Finance from 1945 to 1954, Minister of Foreign Affairs from 1954 to 1955, and Prime Minister of the DRV from 1955 to 1976, and of the Socialist Republic of Vietnam from 1976.

rich peasants, and despots, or have been influenced by landlords, rich peasants, and despots. This is a serious situation which we must rectify.<sup>103</sup>

The sentiment reflects the underlying concern that the ICP had failed to address the claims of the peasants in the countryside since the party established Vietnam's independence and formed a new government as part of the united front of Viet Minh. In a society where peasants accounted for 90 percent of the population, it was imperative that the ICP respond to rural grievances, thereby remaining deeply rooted in society and securing rural popular support. Organizational weaknesses, competing political forces, and other international factors had instead necessitated the ICP to embark on a path of accommodation and moderation. While the ICP promulgated land reallocation and rent reduction policies, local party cells and committees were dominated by landlords and rich peasants. Not surprisingly, even in areas already under the control of the Democratic Republic of Vietnam, two-thirds of landlords had refused to enforce the policies.<sup>104</sup>

### ***Rural Mass Mobilization and Land-to-the-Tillers Reform, 1953-1956***

Preparation for land reform policies began as early as 1948 when developments in the international environment facilitated a shift in communist strategies and party expansion. Land, at this time, was concentrated in the hands of French and Vietnamese landlords. In the mid-1940s, 52 percent of the country's agricultural land was owned by only 3 percent of the local population, leaving more than 60 percent of farmers and agricultural households landless.<sup>105</sup> At the Second Plenum of the First Party Congress in January 1948, the ICP advanced to strengthen the implementation of land rent reduction policies, abolishing any secondary rents, and confiscating land and property belonging to "the enemy" and "traitors" to be temporarily allocated to poor farmers.<sup>106</sup> These

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<sup>103</sup> Quoted in, Moise 1983, 168 (emphasis added).

<sup>104</sup> Beresford 1988, 27.

<sup>105</sup> Do and Iyer 2008, 534.

<sup>106</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 1948, 31-32; Moise 1983, 156. Also see Dang Cong San Viet Nam [Vietnamese Communist Party] 1948a.

actions essentially upheld the measures first initiated by the ICP in November 1945. However, as previously discussed, moderate policies during the united front period from 1945 to mid-1948 and 1949 were not fully implemented, yielding limited actual impact on land tenure security and inequality in the countryside. During this time, further instructions were issued for party cadres to survey the existing rural conditions and land ownership structures, as well as to advance preparation for rural mobilization.<sup>107</sup>

The so-called “peasant question” was fully brought to the fore in a new phase of land reform between 1953 and 1956. Truong Chinh and Vo Nguyen Giap concluded in their study of peasant conditions in Vietnam that, “the key to the Indochinese peasant problem is to give *the peasant land to till*.”<sup>108</sup> Accordingly, on December 4, 1953, the Vietnamese National Assembly (VNA) adopted the first Law on Land Reform (*Luat Cai cach ruong dat*). The stated objective of the reform was “to terminate the right to ownership of agricultural land by French colonialists and other imperialists in Vietnam, [and] to eradicate feudalism [and] land possession by the landlord class.”<sup>109</sup> The reform benefited peasants by seizing land and other production resources from landlords and redistributing them among peasants. In the rhetoric of the VWP, the 1953 Law on Land Reform was a “historic decision” that promised to strengthen “support for the people” and “the war of resistance”, which signified “the [collective] will [and] aspiration of the entire people of the country.”<sup>110</sup>

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<sup>107</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1948b.

<sup>108</sup> Truong and Vo 1974, 14 (emphasis in original).

<sup>109</sup> 1953 Land Reform Law, art. 1

<sup>110</sup> Quoc Hoi [Vietnamese National Assembly]. 1953. “Dien Van Be Mac Cua Cu Ton Duc Thang, Nguyen Truong Ban Thuong Truc Quoc Hoi” [Closing Speech of Ton Duc Thang, Former Chair of the Standing Committee of the Vietnamese National Assembly], Ho So Ve Ky Hop Thu 3 QH Khoa I Tu Ngay 01-04-12-1953. *Tap 3: Phien Hop Chieu 04-12-1953 Ve Luat Cai Cach Ruong Dat Thao Luan Va Loi Keu Goi Cua Ho Chu Tich*. Phong Quoc Hoi, Ho So So 110. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].



The law provided three formal mechanisms for land acquisition by the state: (1) Confiscation (*tich thu*); (2) compulsory requisition (*trung thu*); and (3) compulsory purchase (*trung mua*). Confiscation [*tich thu*] was referred to in Article 2 of the Land Reform Law of 1953 as a form of punishment in which the state seizes all agricultural land and related assets from “French colonialists and other imperialists” without compensation. By contrast, compulsory requisition [*trung thu*] and compulsory purchase [*trung mua*] entail the notion that the compulsory acquisition is exercised for public purposes, often with some form of payment.<sup>111</sup> Lauded by Ho Chi Minh as reflective of the party and the rural class’ munificence, these mechanisms were specified as more lenient alternatives to outright confiscation. As Ho Chi Minh stated, “Landlords have sat leisurely and eaten out of a golden bowl. Now taking back that golden bowl to return to peasants, and letting landlords eat out of an earthen bowl is not too much. The peasant class is munificent and not cruel like the landlord class.”<sup>112</sup>

On April 12, 1953, Decree 149 on Land Policy established a vertical organizational structure of Land Reform Committees (*Uy ban cai cach ruong dat*) at every administrative level to facilitate the implementation of the land reform. At the central level, Ho Chi Minh, as Prime Minister, was appointed to be Chairman of the Committee alongside other ministers and members of the Party Politburo and Central Committee.<sup>113</sup> A Central Land Reform Committee (*Uy ban cai cach ruong dat Truong uong*) was later formed on March 15, 1954 with vast authority to directly oversee, instruct, and execute the land reform and rent reduction program nationwide.<sup>114</sup> The

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<sup>111</sup> See Article 3 and Article 4 of the 1953 Land Reform Law.

<sup>112</sup> Quoc Hoi [Vietnamese National Assembly]. 1953. “Dien Van Be Mac Cua Cu Ton Duc Thang, Nguyen Truong Ban Thuong Truc Quoc Hoi” [Closing Speech of Ton Duc Thang, Former Chair of the Standing Committee of the Vietnamese National Assembly], Ho So Ve Ky Hop Thu 3 QH Khoa I Tu Ngay 01-04-12-1953. *Tap 3: Phien Hop Chieu 04-12-1953 Ve Luat Cai Cach Ruong Dat Thao Luan Va Loi Keu Goi Cua Ho Chu Tich*. Phong Quoc Hoi, Ho So So 110. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].

<sup>113</sup> Cong Thong tin dien tu Chinh phu [Online Information Agency of the Government] 1953.

<sup>114</sup> Ban Bi Thu [Party Secretariat] 1954a, 113-114.

Committee was headed by then Prime Minister Pham Van Dong as Chairman, General Secretary of the VWP Truong Chinh, and Vice-Minister of Agriculture and Forestry Ho Viet Thanh. All were ranking leaders in the VWP Central Committee.

Land redistribution following the passage of the Law on Land Reform effectively solidified rural mass support for communists, particularly among the poor peasants who were the main beneficiaries of the reform. During 1953 to 1956, land reform was implemented in 3,314 communes across 22 provinces in North Vietnam, affecting 2,435,815 households comprised of 10,514,358 household members.<sup>115</sup> Under the slogan of “land to the tiller,” land was redistributed to nearly 73 percent of the population in North Vietnam.<sup>116</sup> According to the Government Work Report, the state confiscated, requisitioned, and purchased 702,544 hectares as of 1956, equivalent to 44.83 percent of the total agricultural land subject to reform in the region, as well as 114,893 water buffaloes and cattle, 1,845,023 farm tools, and 712,053 tons of crops.<sup>117</sup> This had a significant impact on the social class structure of North Vietnamese rural society. As shown in Table 4-4, “landlords” (*dia chu*) lost 81.6 percent of the land that they owned prior to the reform, whereas “very poor peasants” (*co nong*) gained 667.8 percent more than what they had before.<sup>118</sup> Naturally, as Vu observes, “[T]he poor peasants who owed the party for their lands, houses, and

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<sup>115</sup> “Bao Cao Cua Chinh Phu Ve Cai Cach Ruong Dat Va Chinh Don To Chuc, Do Ong Nguyen Duy Trinh, Thu Truong Pho Chu Tich Trinh Bay,” [Government Work Report on Land Reform and Organizational Rearrangement Presented by Vice Prime Minister Nguyen Duy Trinh], Quoc Hoi Khoa I, Ky Hop Thu VI, Tu Ngay 29-12-1956 Den Ngay 25-1-1957. *Tap 1: Cac Phien Hop Ngay 28-29.12.1955 Va Ngay 02-03.01.1957. Bao Cao Cong Tac Cua Chinh Phu, Dau Tranh Thong Nhat Nuoc Nha, Cai Cach Ruong Dat va Chinh Don To Chuc*. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].

<sup>116</sup> Moise 1983, 162-163.

<sup>117</sup> Ibid.

<sup>118</sup> “Bao Cao Cua Chinh Phu Ve Cai Cach Ruong Dat Va Chinh Don To Chuc, Do Ong Nguyen Duy Trinh, Thu Truong Pho Chu Tich Trinh Bay,” [Government Work Report on Land Reform and Organizational Rearrangement Presented by Vice Prime Minister Nguyen Duy Trinh], Quoc Hoi Khoa I, Ky Hop Thu VI, Tu Ngay 29-12-1956 Den Ngay 25-1-1957. *Tap 1: Cac Phien Hop Ngay 28-29.12.1955 Va Ngay 02-03.01.1957. Bao Cao Cong Tac Cua Chinh Phu, Dau Tranh Thong Nhat Nuoc Nha, Cai Cach Ruong Dat va Chinh Don To Chuc*. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].

positions could be trusted to follow the party to their deaths if necessary.”<sup>119</sup> As a result of land reform, as Le Duan reflected, “[T]he spirit and force of resistance of millions of peasants were intensified, reinforcing the worker-peasant alliance and strengthening the people’s power and the National United Front.”<sup>120</sup>

**Table 4-4 Average Agricultural Land Area Before and After Land Reform, 1956**

Agrarian Class Structure	Total Land Area Before Land Reform (m <sup>2</sup> )	Total Land Area After Land Reform (m <sup>2</sup> )	Change in Total Land Area (%)
“Landlords” ( <i>dia chu</i> )	5,499	1,010	-81.6
“Rich peasants” ( <i>phu nong</i> )	2,141	2,155	0.7
“Middle peasants” ( <i>trung nong</i> )	1,151	1,655	43.8
“Poor peasants” ( <i>ban nong</i> )	455	1,431	214.5
“Very poor peasants” ( <i>co nong</i> )	199	1,528	667.8
Source: “Government Work Report on Land Reform and Organizational Rearrangement Presented by Vice Prime Minister Nguyen Duy Trinh,” at the 6 <sup>th</sup> Session of the 1 <sup>st</sup> National Assembly, from 29 December 1956 to 25 January 1957. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].			

There are existing accounts that portray the land reform in North Vietnam as a “bloodbath,” rather than a campaign enacted by the VWP in pursuit of the public interest of the Vietnamese peasantry. Hoang Van Chi’s study of the land reform, *From Colonialism to Communism*, for instance, portrays the reform in North Vietnam as a campaign of terror aimed at “liquidat[ing] the defenseless landowning class,” which engulfed innocent party members, veterans, and other innocent people.<sup>121</sup> In an attempt to purge the party of “contaminated elements,” many individuals who were not the actual targets of the reform were erroneously classified, accused, and persecuted. According to estimates, anywhere from 100,000 to 600,000 people were executed during the reform.<sup>122</sup> In the course of successive waves of the land reform, 150,000 members from 2,876 of

<sup>119</sup> Vu 2014, 26.

<sup>120</sup> Le 1971, 11.

<sup>121</sup> Hoang 1964, 158 and 165.

<sup>122</sup> Gittinger 1959; Hoang 1964; Buttinger 1967; Fall 1967; Turner 1975.

3,777 party cells were reorganized; of those members, 84,000 were purged, expelled, reeducated, imprisoned, or executed.<sup>123</sup>

While I do not seek to dismiss or downplay the violence perpetrated during the land reform, closer analysis in this section shows that a primary aim and outcome of the policy was more equitable land distribution that especially benefited poor peasants. Challenging Hoang Van Chi's account, Gareth Porter directs attention to the ways in which the land reform alleviated the threat of famine, liberated peasants from landlords, and improved the social status of Vietnamese peasants.<sup>124</sup> In these aspects, the land reform in fact addressed the substantive demands of the masses in the countryside of Vietnam.

Purges committed during the land reform in North Vietnam also reflected the defective capacity of the VWP to effectively manage the reform process and mobilize the masses to the same extent as the CCP did under Mao. Indeed, attempts to purge and consolidate the party had been undertaken since 1949 before the initiation of the rent reduction and land reform programs. Through initial assessments of the reform programs, the party perceived the tasks of “rectifying party cells” (*cong tac chinh don chi bo*) and “expelling bad elements from the party” (*duoi het nhung phan tu xau ra khoi Dang*) as integral to the successful implementation of the rent reduction and land reform themselves.<sup>125</sup>

The purges, however, were not intended to be indiscriminate in the manner that transpired. In its instructions, the party specifically targeted landlords, rich peasants, and traitors, noting that it was imperative to correctly classify party cadres, and to investigate the history and activities of each cadre closely and clearly.<sup>126</sup> Based on the results of the pilot campaign first launched in Thai

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<sup>123</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 1956b.

<sup>124</sup> Porter 1973.

<sup>125</sup> Ban Bi Thu [Party Secretariat] 1954b, 115-116.

<sup>126</sup> Ban Bi Thu [Party Secretariat] 1954b, 117-118.

Nguyen Province across six communes between December 1953 and March 1954, the Politburo assessed that party cells at the local level were “contaminated” (*khong duoc trong sach*), corrupted by particularistic interests and personal connections among cadres from “exploitative classes.” The dilution of party membership and organizational cohesion was an extended legacy of accommodation with non-communists during the construction of the government and the communist party itself.<sup>127</sup> Many local cadres were reluctant to mobilize the masses and selectively favored landlords over landless peasants. As a consequence, there were many “errors” (*sai lam*), and “deviations” (*lech lac*) in the implementation process of the reform.<sup>128</sup> In sum, the crux of the problem confronted by the VWP was that it neither fully possessed the capacity to monitor and regulate the implementation process, nor to fully control rural mass mobilization.

### ***Error Rectification Campaign, 1956-1957***

When it was evident by 1956 that the implementation of the land reform resulted in negative consequences and rural grievances, the VWP ceased the reform, admitted errors, and apologized to the public. Between 1956 and 1957, the VWP waged an “error rectification” campaign aimed at addressing and amending the grievances of those who erroneously suffered from purges during the land reform. Concrete steps were taken to readjust and restore the status of those who were wrongly classified as landlords or rich peasants, and wrongly punished. Compensation was offered to victims for the restitution of their property. Furthermore, disciplinary measures were taken along with the re-indoctrination of local party cadres and high-ranking Politburo members. Consequently, there was a significant change in party leadership with severe political repercussions for the power distribution within party and state institutions.

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<sup>127</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 1954.

<sup>128</sup> Ibid.

In the course of the land reform in North Vietnam, many had been wrongly classified as landlords (or as other categories) and were severely punished as a result. There was emerging pressure for the VWP and the state to act in response. By April 1956, the fifth and last wave of the reform was already underway. Teams dispatched by the central authority to evaluate the progress of reform sent back disquieting reports. Through citizen petition, the VWP was also alerted to the brewing discontent and growing outrage in the countryside. As described in Circular No. 37 issued by the Central Committee on June 29, 1956:

Until now, especially since peace has been re-established, there have been many petitions from individuals and organizations sent to Chairman Ho, requesting reviews of [their] queries. The number of petitions has increased day by day, some months with more than 80 petitions, of which the majority pertains to requests for review of injustices (*oan úc*) in land reform or organizational restructuring. There are many letters from party cadres, as well as many petitions from people from every social class.<sup>129</sup>

The peasant uprising in Quynh Luu district, Nghe An province between November 2-14, 1956, also reverberated through the party and the government.<sup>130</sup> Villages took up arms to air their grievances against the harsh consequences of agrarian reform and demanded redress. Protestors burned government offices, party offices, and vehicles, and marched to the provincial capital of Vinh.<sup>131</sup> Regional troops from the 325<sup>th</sup> Infantry Division were initially dispatched with district government representatives to negotiate with protestors, but were overwhelmed, disarmed, and forced to confess to committing wrongdoings in the reform.<sup>132</sup> The uprising lasted until November 14, and order was not fully restored until November 22. Similar disturbances, albeit on a smaller scale, also occurred in other areas.<sup>133</sup>

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<sup>129</sup> Ban Bi Thu [Party Secretariat] 1956c.

<sup>130</sup> For a detail description of the Quynh Luu uprising in Nghe An Province, see Moise 1983, 258-260.

<sup>131</sup> Pike 1978, 111.

<sup>132</sup> Fall 1957, 14.

<sup>133</sup> According to reports, in addition to grievances against land reform, the claims presented by villagers were also religious. In areas with a large Catholic population, villagers were discontent with the restrictions on observance of religious freedom during the land reform. In response to these claims, the Government later granted 16.9 million VND for the restoration of Catholic churches destroyed by the war or typhoons in Thanh Hoa province, and 31.8 million

The VWP issued numerous instructions and directives that indicated its receptivity to and awareness of the problem. On April 12, 1956, the Central Committee issued Directive No. 19 concerning “Several Points on the Problem of Reorganizing (*chinh don*) Rural Party Cells in the Land Reform and on the Evaluation of the Land Reform,”<sup>134</sup> as well as on “Consolidating Rural Party Cells in the Evaluation of the Land Reform.”<sup>135</sup> Not long after, the Central Committee in Directive No. 20, dated May 21, 1956, explicitly called for “Rectifying a Number of Errors and Satisfactorily Completing the Reorganization of Party Cells in Wave 5 of the Land Reform.”<sup>136</sup> As Directive No. 20 emphasized, cadres conducting the land reform generally failed to correctly evaluate the complexity of local cells, and had “heavy bias, viewing all party cells and cadres as bad, therefore needing to be dissolved, and dealt with more than necessary.”<sup>137</sup> The Central Committee particularly noted the abusive use of torture, causing “confusion” (*hoang mang*) and “fear” (*so set*) among cadres and the masses. The Directive firmly instructed: “[*One*] absolutely must not use methods of coercion, deception, or torture to force party cadres to admit errors. For cadres with errors [that cannot be verified] without enough documents and accurate evidence, [*one*] must not carelessly draw conclusions.”<sup>138</sup> In a directive issued by the Politburo on July 5, 1956, Truong Chinh attributed the errors to the central level in neglecting to monitor, evaluate, and correct deviations from the intended reform, as well as to an insufficient understanding of the circumstances, objectives, requests, orientations, and proper methods of the land reform and political reorganization in the course of the implementation.<sup>139</sup>

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VND to a Catholic seminar in the area. In Nghe An province, the government issued public statements recognizing and emphasizing the importance of addressing the discontent of Catholics in the rebellious area. See Fall 1957, 14.

<sup>134</sup> Ban Bi Thu [Party Secretariat] 1956a.

<sup>135</sup> Ban Bi Thu [Party Secretariat] 1956b.

<sup>136</sup> Ban Bi Thu [Party Secretariat] 2002.

<sup>137</sup> Ibid., 206.

<sup>138</sup> Ibid. (emphasis in original).

<sup>139</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 1956a.

Within the state apparatus, the tension between the legislature and the executive over which organ should bear the blame for the errors was palpable. At a legislative meeting on October 1, 1956 during the Sixth Plenum of the Second Party Congress, the VNA attributed the errors to the Government (*Chinh phu*) tasked with the implementation of the land reform. As recorded in the meeting minutes, the VNA demanded a detailed performance evaluation from the Government:

In the Government's report [to the National Assembly], the Government should review and specify concrete results and errors in its implementation of the resolutions [passed by] the National Assembly in the previous plenum and key policies in recent times. The Government should specify concrete measures that the Government will implement to promote [its] advantages, especially in order to rectify the errors that the National Assembly has [reviewed]. Among the proposed measures to rectify these errors, the Government should clearly stipulate the measures used toward organizations or individuals so that the National Assembly can express a clear attitude (*thai do ro ret*), because the National Assembly cannot *not* bear responsibilities before the People for the grave errors, some of which were caused by the Government, causing damage to the lives and properties of the people, heavy losses to the united people front, and to [people's] trust and confidence (*uy tin*) in the Government and the National Assembly.<sup>140</sup>

In response, government members on the Land Reform Committee contested:

The reason why the work of land reform committed errors is mainly because the implementation instructions did not thoroughly reflect or instantiate the spirit of the policy orientation . . . and [because of ] organization. The Government has sternly criticized itself for those errors and has accepted its responsibility in front of the National Assembly. We request that the National Assembly shows an approving attitude for the appropriate spirit of self-criticism of the Government.<sup>141</sup>

The exchange reflected the competitive relations between the legislature and the executive. The VNA was viewed as the elected legislative body with a claim to popular mandates and formal authority vested by the 1946 Constitution to approve the appointments of members of the Government, as well as to monitor and to hold executive agencies accountable.

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<sup>140</sup> Quoc Hoi [Vietnamese National Assembly]. 1956. "Noi Dung Va Le Loi Lam Viec Cua Khoa Hop Quoc Hoi Lan Thu 6, Ngay 1 Thang 10 Nam 1956," *Quoc Hoi Khoa I Tu Ngay 12-1956-25-01.1957. Tap 1: Cac Phien Hop Ngay 28-29.12.1955 Va Ngay 02-03.01.1957. Bao Cao Cong Tac Cua Chinh Phu, Dau Tranh Thong Nhat Nuoc Nha, Cai Cach Ruong Dat Va Chinh Don To Chuc*. Phong Quoc Hoi 19, Ho So Ky Hop Thu 6. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].

<sup>141</sup> Quoc Hoi [Vietnamese National Assembly]. 1956. "Thuyet Trinh Cua Tieu Ban CCRD — Khoa Hop Lan Thu 6," *Quoc Hoi Khoa I Tu Ngay 29-12.1956- 25.01.1957. Tap 6: Phien Hop Ngay 14-15.01.1957 Thuyet Trinh Va Tham Luan Ve Dau Tranh Thong Nhat Nuoc Nha, Cai Cach Ruong Dat Va Kinh Te*. Phong Quoc Hoi 24, Ho So Ky Hop Thu 6. Hanoi: Trung Tam Luu Tru Quoc Gia III [National Archive III].



The VWP then took concrete steps to respond to the claims and grievances of peasants. On August 18, 1956, Ho Chi Minh as President of State and Chairman of the VWP presented a letter addressed to “rural citizens and cadres” in which he publicly admitted that, “errors had been committed in realizing the unity of the peasants [and] . . . in the reform of agricultural organization, as well as in the agricultural taxation policy.”<sup>142</sup> In the letter, Ho vowed to review and redress the injustices suffered by those erroneously classified or arbitrarily persecuted by local party cadres.<sup>143</sup> At the Extended Tenth Plenum of the Central Committee during August 25 to October 10, 1956, the VWP passed several important resolutions. In the Resolution on the Work of the Land Reform and Organizational Restructure, the VWP listed a twelve-point policy program for error rectification.<sup>144</sup> First, among the twelve points, the Resolution ordered all party members and peasants who had been erroneously accused to have their membership, status, rights, and privileges reinstated. Those who had been wrongly imprisoned were to be immediately released. Second, appropriate compensation and economic support were warranted for cadres and people who had been wronged. Third, cadres who had committed errors in the implementation of the land reform and reorganization of the party were ordered to undergo ideological re-indoctrination and education.

The error rectification was carried out according to these guidelines in three principal stages from late 1956 to late 1957. In the first stage from December 1956, teams of cadres were sent down to villages to restore order, gather information, promulgate the rectification policies, and prepare for a comprehensive implementation. Those erroneously put in prison were released, and the former status and rights of victims were restored. The second stage focused primarily on

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<sup>142</sup> Fall 1957.

<sup>143</sup> Ho 1956; Moise 1983, 239.

<sup>144</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1956b.

efforts to provide compensation and restitute property improperly seized from peasants during the reform. At its fullest scale, this phase lasted from May through most of the summer in 1957. The last stage completed the reorganization of political and administrative organizations in the villages, and any other remaining tasks.<sup>145</sup>

At the central level, leaders deemed responsible for the land reform were subject to disciplinary measures, resulting in important leadership changes. While the Central Committee admitted responsibility for the errors, individuals who directly oversaw the implementation of the land reform were held most directly responsible. Specifically, Truong Chinh as General Secretary and representative of the VWP on the government's Land Reform Committee was named at the Tenth Plenum as having an "important responsibility in directing the enforcement of the way and policy of the Center in the tasks of mass mobilization in rent reduction and land reform."<sup>146</sup> As a consequence, Truong Chinh had to conduct self-criticism in front of the Central Committee, and was forced to resign from his post as General Secretary. Ho Chi Minh temporarily filled this post starting the Tenth Plenum of the Second Party Congress until Le Duan replaced Ho as General Secretary in 1960. The eight-person Politburo was expanded to twelve members with the addition of Hoang Van Hoan, Pham Hung, Nguyen Duy Trinh, and Le Thanh Nghi.<sup>147</sup> Other key party figures were also disciplined. Ho Viet Thang who led the Central Committee of the Land Reform was removed from the VWP Central Committee. Having been responsible for the organizational rectification at the provincial and district levels, Le Van Luong was removed from the Politburo and the Central Committee Secretariat, and demoted to be an alternate member for the Central Committee.<sup>148</sup>

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<sup>145</sup> Moise 1983, 250-252.

<sup>146</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1956a.

<sup>147</sup> Ibid.

<sup>148</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1956c.

## **UNDER THE SOCIALIST REPUBLIC OF VIETNAM**

In the previous sections, I illustrated how historical structural constraints and accommodations etched their imprint on the formation of the communist party-state, and state-society relations under the Democratic Republic of Vietnam from 1945 to 1960. International and domestic opposition impelled the Indochinese Communist Party (ICP) to embark on a path of moderation and compromise. As a result, party dominance was immensely fractured, allowing space for broader divergent interests to be incorporated in the design of state institutions. Reflective of this power dynamic, the outcome was a constitutional framework that instituted a robust legislature with oversight authority over the executive government.

I argue that, in Vietnam, where the party was confronted with systemic constraints and lacked the organizational capacity to dominate state and society, the pressure to receive and respond to societal claims was far greater than China. Despite efforts to consolidate the party after 1947, a shift marked by the symbolic renaming of the party as the Vietnam's Worker Party (VWP), the party ultimately failed to penetrate and mobilize the masses in narrow pursuit of its ideological vision. Rather, in seeking to strengthen popular support, the party cultivated stronger rootedness in society, and accommodated broader interests of poor peasants in North Vietnam by implementing land redistribution reforms during 1953 to 1956. Despite the grievous errors committed by the party, the land-to-the-tiller reform substantially improved the living conditions for many poor peasants.

Furthermore, to address mass grievances against the indiscriminate purges committed by party cadres during the reform, substantive measures were taken by the party in what was known as the error rectification campaign from late 1956 to 1957. It is worth noting that the CCP neither admitted its errors nor went to the same extent to respond to villagers' grievances by redressing

the brutality and errors that it committed during the land reform in China. On the contrary, in Vietnam, not only were land and properties seized by party cadres returned to those wrongly classified or accused during the reform, but party cadres and top-level elites were disciplined and even removed. As Party General Secretary, Truong Chinh was demoted to Chairman of the VNA.

Many important historical developments occurred between the two periods: The Democratic Republic of Vietnam (1945-1960), and the Socialist Republic of Vietnam (1976-1986). After the Viet Minh defeated the French at Dien Bien Phu in May 1954, delegations representing the Democratic Republic of Vietnam, France, and other major geopolitical actors, including the United States, Britain, the Soviet Union, and China, convened to carve out an agreement to determine the fate of Indochina. The Geneva Accord officially concluded the First Indochina War, and partitioned Vietnam at the 17<sup>th</sup> parallel until a national election would be held for a unified government after two years. The national election promised in the Geneva Accord in fact never occurred. In South Vietnam, Emperor Bao Dai appointed Ngo Dinh Diem as Prime Minister. After Bao Dai was deposed, Ngo Dinh Diem gained U.S. backing, and became the first President of the Republic of Vietnam in October 1955. Ngo Dinh Diem and his chief advisor and brother Ngo Dinh Nhu were later assassinated in 1963. In the following year, U.S. Congress passed the Gulf of Tonkin Resolution, and granted congressional approval for the escalation of U.S. military involvement in Vietnam.

During the period from 1960 to 1975, the VWP concentrated on two key goals: (a) Advancing socialist policies in North Vietnam; and (b) defeating the U.S. and regaining control of South Vietnam. The Second Indochina War ended in 1975. In June 1976, the Vietnamese National Assembly (VNA) proclaimed the reunification of the country under the new state of the Socialist Republic of Vietnam. Not long after, the VWP was renamed the Vietnamese Communist Party

(VCP) at the Fourth Party Congress in December 1976. This formally marked the transition of a unified Vietnam to single-party rule under communism. Unfettered from the former coalition of communists and non-communists, a more consolidated party sought to affirm its leadership and exert greater dominance over state and society. This was most evident in the collectivization reforms and in the Five Year Plan implemented by the party to transform Vietnam into a socialist country.

However, process tracing through careful comparative historical analysis shows that important differences between Vietnam and China persist and become more salient over time. Organizational legacies resulted from prior accommodation in the formation of the party and the state, the land reform, and the error rectification campaign, and the subsequent leadership change provided the contours for institutions to evolve and forged the patterns of state-society interactions in Vietnam. Specifically, power remained relatively diffuse within and between the party and the state. Without becoming completely defunct under the weight of a supreme party like China under Mao, the VNA maintained its prominence and became an active political arena for power contestation among party leaders, particularly Truong Chinh as VNA Chairman and Le Duan as the new General Secretary replacing Truong Chinh after his demotion. These dynamics culminated in the Renovation and decollectivization reforms designated to address the socio-economic crises resulting from the Second Five Year Plan, and rural resistance against collectivization policies.

### **Organizational Legacies of Accommodation, 1960-1976**

The party and the state that the Socialist Republic of Vietnam inherited in 1976 were more cohesive than the tenuous coalition of communists and non-communists formed after the 1945 August Revolution. By 1960, the VWP had already ended power-sharing arrangements with opposition groups, and had adopted measures to consolidate the political apparatus. In its eventual transition

toward more radical socialist policies, the VWP adopted revisions of the party statute, membership criteria, and the 1959 constitution, proclaiming the party leadership and its socialist orientation.<sup>149</sup>

At the same time, prior accommodation produced organizational legacies that reinforced the underlying institutional differences between Vietnam and China. These were manifest in the distinction between party and state, and the diffusion of power over existing institutions. In particular, the legislature retained important functions in the state apparatus under the 1959 Constitution, and became a central arena for power contestation under Truong Chinh as VNA Chairman. By contrast, in China, the ascendancy of the CCP under Mao stultified legislative developments for nearly two decades from the Anti-Rightist Movement (1957-1958) to the Great Leap Forward (1958-1960) and to the Cultural Revolution (1966-1976). In sum, in Vietnam, legacies of accommodation and power diffusion were enmeshed in and influenced by the evolution of party and state institutions which bore distinctive differences from China.

After the land reform and the error rectification campaign, the VWP perceived that the regime had entered a new phase in the country's communist revolution. The adoption of the 1959 Constitution signified a new juncture for the DRV government and the VWP. Le Duan presented a summary of this new phase:

The Vietnamese revolution then entered a new state, the state in which our people simultaneously carried out two strategic tasks: to build socialism in the North while continuing the struggle for the liberation of the South and the completion of the people's national-democratic revolution throughout the country . . . To meet that situation and those tasks of the revolution, in 1959, our National Assembly adopted the second constitution of our country. The Constitution of 1959 summed up and consolidated the successes obtained by our people throughout the country, affixed the will of our people to resolutely take the North to socialism, making it the firm and strong base of the fight to liberate the South and reunify our fatherland.<sup>150</sup>

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<sup>149</sup> See Pham and Vu 1984.

<sup>150</sup> Le 1976.

The tone of the 1959 Constitution was markedly different from the 1946 Constitution. Rather than evading any mention of a specific party, the new Constitution adopted a forceful, unapologetic tone in its recognition of the leadership of the VWP and its socialist orientation.

Starting at the Third Party Congress in 1960, the VWP invigorated the focus on party-building in the revision of the Party Statute. First, in the new bylaws, the VWP affirmed party leadership as integral to all aspects of the State and to achieving socialism and national reunification among the masses.<sup>151</sup> Given these imperatives, there was an emphasis on ideological work to promulgate and reinforce the party's socialist orientation, as well as on the quality and capacity of party membership. Noting the need to expand party membership, Le Duc Tho stated in his report to the Central Committee on the Revision of the Party Statute on September 6, 1960:

The Party must attend to consolidating the position of the proletariat class, further elevate the ideology level of cadres, party members on Marxist-Leninist theory, strive to overcome every manifestations of capitalist thinking; [it] must also promptly elevate the level of cadres, party members on culture, professions, science, technology. At the same time, the party must strive to heighten party membership criteria, stipulate tighter and higher standards towards party members, [and] must attend to increasing the proportion of the proletariat in the party.<sup>152</sup>

The rationale for stricter membership criteria was clearly articulated, “If we promote the party in an indiscriminate manner, not paying attention to workers and poor peasants (*ban co nong*) in grassroots construction or value number more than quality, then [we] cannot construct a cohesive party with high fighting capacity.” The report further reflected on the specific shortcomings of the land-to-the-tiller reform, and specifically identified the following organizational weaknesses based on the reform experience: “[P]arty cadres did not have the attitude of unconditional obedience (*thai do chap hanh vo dieu kien*),” “put forth their own policies,” and failed to implement central guidelines and policies.<sup>153</sup> On account of these weaknesses, there was a renewed emphasis on party

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<sup>151</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 1960, 711.

<sup>152</sup> Ibid., 660.

<sup>153</sup> Ibid., 692.

centralization aimed at addressing principal-agent problems between central and local party cells.<sup>154</sup>

However, even while the VWP undertook steps to strengthen its grip, it was recognized that some moderation and flexibility were necessary. Rather than restricting party membership solely to the proletarian class and the peasantry, the VWP embraced a relatively open and lenient approach. Le Duc Tho explained the reason behind this accommodation:

[I]f the party has a narrow-minded (*hep hoi*) attitude, not paying attention to fostering the party in other working and intellectual social classes, then it also cannot construct a party with a strong mass character (*tin h chat quan chung manh me*) conducive to the unique social conditions in our country, unite, [and] lead the entire people in the revolution toward victory.<sup>155</sup>

On this basis, drives to recruit new members in the early 1960s and the early 1970s tripled the membership, but failed to improve organizational coherence. In 1966, the party gravely expressed concerns about the quality of nearly 300,000 new members who had been admitted to the party since 1960.<sup>156</sup> In a later report dated 1971, the party assessed that 15 percent of the new members admitted in 74 factories since 1970 were “below the standards” and 19 percent were “of poor quality.”<sup>157</sup>

In this context, the VWP grappled with the problem of incoherence in party policy at various levels. The VWP attributed the problem to the lack of rigorous deliberation on key issues among relevant actors at various levels. Le Duc Tho noted this problem in his report:

Many [Party] Congresses are held, but lack of thorough preparation, not collecting and receiving the opinions and experiences of party members and the masses, as well as not creating conditions for party members at each level to grasp the problems, with advanced reflection and preparation; therefore, the meetings are prolonged but discussions are not deep and cannot decisively reach any resolution, or reach one [only] in a forced manner. During congresses, there are dissenting opinions but [they are] not presented for discussion to clarify rights and wrongs, or there are discussions but without clear conclusions, and decisions. After the congresses, party members at each level

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<sup>154</sup> Ibid., 692.

<sup>155</sup> Ban Chap hanh Trung uong Dang Lao dong Viet Nam [Central Committee of the Vietnam Worker's Party] 1960, 667.

<sup>156</sup> Quoted in, Vu 2014, 29.

<sup>157</sup> Ibid.



understand and act in their own ways. Sometimes, even on issues already with resolutions, recognition is not unified.<sup>158</sup>

To promote coherence in policy development and implementation, greater deliberation and contestation at each horizontal level were perceived as complementary rather than antithetical to the renewed emphasis on party centralization. These underlying principles resonated in the Vietnamese communist party-speak as the principles of “democratic centralism” (*tập trung dân chủ*) and “collective leadership” (*lãnh đạo tập thể*).<sup>159</sup>

Starting with the Third Party Congress in 1960, the governing coalition of the party leadership widened. “Compared to the demands of new responsibilities,” Le Duc Tho’s report to the Central Committee noted, “the number of members in the Central Committee was still too low.”<sup>160</sup> To redress this shortcoming, the Central Committee (*Ban chấp hành trung ương*) expanded from 19 to 47 members between the Second and the Third Party Congress; the size of the Central Committee continued to increase well after 1976 (see Table 4-5). Likewise, as the most concentrated authority of the party, the Politburo (*Bo chính trị*) also expanded from 7 to 11 full-time members (see Table 4-5). In addition, a Party Secretariat was established to perform the day-to-day administration and oversight of the implementation of resolutions issued by the Central Committee and the Politburo.<sup>161</sup> It is worthwhile to note that after Ho Chi Minh passed away in 1969, Le Duan, as General Secretary, did not replace Ho as Chairman of the VWP. Nor did he coalesce power by acquiring other state titles.<sup>162</sup> The VWP maintained a structure of collective leadership by keeping the most important positions of the party and the state separate after Ho.

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<sup>158</sup> Ban Chấp hành Trung ương Đảng Lao động Việt Nam [Central Committee of the Vietnam Worker's Party] 1960, 689.

<sup>159</sup> Ban Chấp hành Trung ương Đảng Lao động Việt Nam [Central Committee of the Vietnam Worker's Party] 1960, 686-695.

<sup>160</sup> Ibid.

<sup>161</sup> Party statute, art. 24, p. 797.

<sup>162</sup> At this time the position of Prime Minister was still called Premier of the Council of Ministers (*Chủ tịch Hội đồng Bộ trưởng*), who oversees and administers the bureaucracy.

“Because no single individual can concentrate power in his or her own hands,” Melanie Beresford argued, “it is possible to reach compromises.”<sup>163</sup>

Although the VWP pronounced the leadership of the party to be indispensable in determining the orientation of the state, there was a simultaneous push to delineate the specific functions and responsibilities of party and government institutions at each level. Rather than merging party and state institutions, the functions of party and state were still conceived as separate and distinct. The VWP did not possess the organizational capacity to displace the essential functions of state institutions. Le Duc Tho spoke directly on this point at the Third Party Congress, “[T]he State apparatus and mass organizations are indispensable . . . Because of this, to marginalize the role of these organizations, mistaking the party and authority organs of the state as one, [and] putting forth the party as a pooh-bah (*bao bien*) to replace [those] official [state] organs and mass organizations would be erroneous.”<sup>164</sup> The aim therein was to build a strong and rational state bureaucracy with complexity, differentiation, and calculability, rather than entirely displacing the state with the party apparatus.

In particular, the marginal role of the legislature became a subject of public criticism during the error rectification campaign. Some voiced frustration with the absence of systemic legislations for protecting individual rights and freedoms, and the fuzziness between laws governing the people and non-legislative guidelines governing the party. “Violations against the democratic freedoms of the people become inevitable when there are no clear-cut laws regulating relations between the people and the cadres,” said one article published in *Thoi Moi* newspaper in 1956.<sup>165</sup> VNA deputies also expressed dissatisfaction with delays in the issuing of implementation regulations, decisions,

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<sup>163</sup> Beresford 1988, 87.

<sup>164</sup> Ibid., 711.

<sup>165</sup> *Thoi Moi* (*New Times*), Hanoi, October 21, 1956. Quoted in, Fall 1959, 182.

and decrees by various ministries to put laws passed by the legislature into effect. The impetus to replace the patchwork of decrees and decisions by the Council of Ministers with a systematic body of law generated greater emphasis on the role of the legislature.<sup>166</sup>

Henceforth, under the 1959 Constitution, the functions and power of the VNA were formally enhanced and specified in greater detail. These included the rights and responsibilities of the legislature to enact and amend the Constitution and laws, to supervise the constitutional enforcement, to elect and remove the President and Vice President and other senior officials, approve the President's recommendation for Prime Minister, and to determine and approve the national economic plans and state budget, and others. Reflecting the increasing complexity of the legislature, as the "executive body of the VNA," the Standing Committee was tasked with more specific duties, and more committees were established under the legislature, including a law committee, and a planning board and budget commission.<sup>167</sup> The right of the VNA deputies to question senior government officials and ministries was maintained, with further stipulation that government officials must reply to legislative queries within five days (as opposed to ten days under the 1946 Constitution) in cases when no further investigations was required, or within one month under other circumstances.<sup>168</sup>

This is not to suggest that the Vietnamese legislature was more democratic, or that it superseded the leadership of the VWP. In other specific regards, the authority and autonomy of the VNA were still curtailed and kept within certain bounds. For instance, the provision for votes of no confidence in government ministers and the Council of Ministers in the 1946 Constitution was removed from the 1959 Constitution. Although the 1959 Constitution allowed the constituents

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<sup>166</sup> Porter 1990, 74.

<sup>167</sup> 1959 Constitution, arts. 51, 53 and 57. See Sidel 2009, 53.

<sup>168</sup> 1959 Constitution.

to recall national and local deputies “if they show themselves to be unworthy of the confidence of the people,” this was never enforced or put in practice after the passage of the revised Constitution.<sup>169</sup> Even so, in relative and comparative terms, the 1959 Constitution still maintained and enhanced the role of the VNA to a greater extent than was the case in China. The National People’s Congress (NPC) in China was defunct for nearly two decades, from the Anti-Rightist Movement (1957-1958) to the Great Leap Forward (1958-1960) to the Cultural Revolution (1966-1976). The burst of legislative development in China in the mid-1950s following the founding of the NPC in 1954 was interrupted and eclipsed by the ascendancy of the CCP and Mao’s cult of personality.

Whereas the NPC was marginalized during the political campaigns between 1957 and 1976 in China, the VNA gained more prominence after the land reform (1953-1956) and the error rectification campaign (1956-1957) in Vietnam. When Truong Chinh was demoted from Party General Secretary to VNA Chairman, a post which he would hold on to for the next twenty years from 1960 to 1981, the legislature was transformed into an important arena for contesting power among the Party’s leading political elites. In his role as VNA Chairman, Truong Chinh clashed on fundamental issues with the new General Secretary, Le Duan. Specifically on the issue of collectivization, Le Duan endorsed a less radical and more pragmatic approach, whereas Truong Chinh advocated for stricter adherence to socialist principles. Truong Chinh advocated for the use of violence after the 1945 August Revolution, and bemoaned the fact that the ICP chose accommodation rather than direct confrontation to eliminate the opposition. It was also at the behest of Truong Chinh that organizational rectification intensified during the land reform.

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<sup>169</sup> 1959 Constitution, art. 5.

In pursuit of socialist construction in North Vietnam, collectivization was supposed to follow after the completion of land reform, but there was not always a clear consensus between Truong Chinh and Le Duan on how the policy should unfold. On the one hand, Le Duan argued for a cooperative system that would incorporate market incentives and the private household economy by implementing a “three-contracts with families” system.<sup>170</sup> The system allowed households to keep and sell any excess produced beyond the quota contracted between each family and the cooperative for personal profit and consumption. In Le Duan’s view, this would provide incentives for peasants to maximize their productivity:

[W]ork done for the society must be duly paid. Those whose contribution to the society is greater and better must be paid higher wages than those whose contribution is smaller and of a lower quality. If all people are paid the same salaries, the result will be that labor productivity goes on decreasing and that society cannot advance.<sup>171</sup>

This emphasis on the private economy was heavily criticized by Truong Chinh. By May 1968, Truong Chinh’s criticism of Le Duan’s policy had spilled into the public:

[A]side from our successes and good points which are predominant, there have been shortcomings and mistakes in one respect or another. For example, since the North has fallen a victim to U.S. destructive raids, *economic management and control of the market has been somewhat relaxed and this state of things has made possible the small producers’ spontaneous growth . . . . The management of collective land and the application of the ‘three assignments policy’ has not been free from shortcomings and faults [ . . . ]* In the countryside, it is necessary to oversee and guide the cooperatives . . . to check all tricks to appropriate collective land and property [for private use]; to make good the mistakes committed in the application of the ‘three assignment policy.’<sup>172</sup>

In particular, Truong Chinh opposed the practice of direct contract agreements between cooperatives and individual households rather than between cooperatives and production teams on

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<sup>170</sup> The “three contracts” refer specifically to agreements between individual peasant household with a cooperative on: (a) the expected output by the peasants; (b) the production expenses required to achieve the output; and (c) the number of work days and points the family would receive for fulfilling the contracted quota (Turner 1975, 207.) Referred by Robert Turner (1975) as the “three-contracts with families,” this system differs from the “three-contracts” (*ba khoán*) system, which specifically refers instead to agreements between a cooperative’s managerial board and the leadership of each brigade within the collective—not between cooperatives and households. For a greater discussion on the “three-contracts” (*ba khoán*) system, see Vickerman 1986, 162; Nguyen 1987, 474-475; Kerkvliet 2005, 99-100.

<sup>171</sup> Le 1965, 2, 121.

<sup>172</sup> Truong 1969a, 119-121 (emphasis added).

behalf of the peasants. In many cases, the land would be assigned to individual households outright as though land was private property, or peasants would produce as though they had individual use-rights to the land in practice and simply surrender some of their crops as “rent” to the cooperative in return.<sup>173</sup> Clearly directed at Truong Chinh, Le Duan later wrote in the August issue of the party’s theoretical journal, *Hoc Tap*:

To abolish the secondary economy at this time would be not to understand the present stage of development of the cooperatives and of our country’s agriculture. *Our Party is leading the peasants onto the path of collective livelihood principally to improve their living standards and create conditions for developing agriculture. But at present the collective economy can only resolve some basic aspects, and is certainly not yet able to satisfy all needs of the lives of cooperative members.* Therefore, to restrict or abolish the secondary economy the lives of the peasants will encounter difficulties, production will decline, and the collective economy cannot be strong. At present, about 40 percent of the cooperative members’ income is derived from the secondary economy.<sup>174</sup>

Truong Chinh then wrote in response: “With the ‘three contracts with families’ policy, the cooperative members’ tendency toward private ownership develops while their collective-mindedness is decreased . . . It destroys the meaning of the agricultural cooperativization movement, and makes the cooperatives a mere form.”<sup>175</sup> In summary, while Le Duan placed greater emphasis on the practical implications of the policy and the extent to which the policy would gain popular support by offering material incentives and satisfying societal demands for better living standards, Truong Chinh was concerned with the ideological correctness of the policy, and its potential to divert the country’s socialist path.

Ultimately, Truong Chinh succeeded in advancing his position, and leveraged the role of the VNA to inscribe his policy preference through formal laws and regulations. On April 18, 1969, the VNA Standing Committee adopted a new statute for high-level agricultural cooperatives that decisively outlawed contracts with families and households.<sup>176</sup> Chapter six of the new statute

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<sup>173</sup> Turner 1975, 210.

<sup>174</sup> Quoted in, Turner 1975, 209-210 (emphasis added).

<sup>175</sup> Truong 1969b, 22, 31; Quoted in, Turner 1975, 210-211.

<sup>176</sup> See Uy Ban Thuong Vu Quoc Hoi [Standing Committee of the Vietnamese National Assembly] 1969.

specifically states that, “A cooperative must manage production according to socialist principles . . . Land and agricultural tools principally belonging to the cooperative *must not be contracted* to individual cooperative households.”<sup>177</sup> Truong Chinh put forth his ideological agenda using the Vietnamese legislature, and prevailed over Le Duan. Albeit the VWP maintained its leadership over the policy orientation of key issues, the VNA was not defunct but became an active and competitive political arena under Truong Chinh.

In summary, the political apparatus that the VCP inherited at the end of the Second Indochina War in 1976 embodied organizational legacies of accommodation from the preceding regime. First, although the VCP established a single-party rule and affirmed its leadership over government, certain institutional features persisted and became more salient over time. Specifically, in Vietnam, historical developments conceived a communist regime with greater power diffusion, distinction between party and state, and emphasis on a strong legislature over government. Second, despite its ambitious goal to transform the country into a socialist economy, the party’s organizational capacity and cohesion were not sufficient to address and mitigate emergent structural constraints in the post-war period. As the next sections will show, the combination of these factors provided the crucial conditions that oriented how the VCP would respond to worsening economic conditions and rural resistance against collectivization between 1976 and 1986.

### **Socialist Transition and Construction, 1976-1980**

Prior to the national reunification in North Vietnam, collectivization and socialist transformation of the economy had been long underway. In fact, these tasks had been named as one of the two

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<sup>177</sup> Uy Ban Thuong Vu Quoc Hoi [Standing Committee of the Vietnamese National Assembly] 1969, Chapter 6 (emphasis added).

imperatives on the official agenda of the Third Party Congress in 1960. In Ho Chi Minh's own words, the Third Party Congress was "the Congress of Socialist Construction in the North and of Struggle for Peaceful National Reunification."<sup>178</sup> At the Third Party Congress, Le Duan outlined the key tasks in the Central Committee Political Report:

*At present our Party is facing momentous tasks: to promote socialist construction in the North and to consolidate the North into an ever more solid base for the struggle for national reunification; to strive to complete the national people's democratic revolution throughout the country; to liberate the South from the atrocious rule of the U.S. imperialists and their henchmen; to achieve national reunification on the basis of independence and democracy; to build a peaceful, unified, independent, democratic, prosperous and strong Vietnam. To guarantee the full execution of these tasks, we must make our Party even stronger and must strengthen the leadership of the Party. . . The [National United] Front must carry out its work in a very flexible manner, in order to rally all forces that can be rallied, win over all forces that can be won over, neutralize all forces that should be neutralized and draw the broad masses into the general struggle against the U.S.-Diem.*<sup>179</sup>

These were the objectives that guided and shaped the policies and strategies of the VWP for the next fifteen years until the Fourth Party Congress was convened in December 1976 after the communists defeated the U.S. and toppled the Republic of Vietnam in the South.

In pursuit of the objectives outlined at the Third Party Congress, the VWP adopted the First Five Year Plan (1961-1965). As stated in the Central Committee Political Report, the aim of the First Five Year Plan was to "consolidate and develop socialist production relations to strengthen industrial and agricultural production . . . [and] resolve the existing backward situation of production."<sup>180</sup> More specifically, it sought to build on the initial results from the earlier period in order to deepen socialist construction in the North. Collectivization was introduced in the North in 1959, when all lands and means of production were gradually turned over cooperatives. By 1960, 55 percent of peasant households in North Vietnam had joined the collectives.<sup>181</sup> In handicraft

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<sup>178</sup> Ho 1962, 460.

<sup>179</sup> Turner 1975, 203-204 (emphasis added).

<sup>180</sup> Ibid., 565.

<sup>181</sup> During the initial stages of collectivization, from 1955 to 1959, the value of agricultural production increased by 52.4 percent. From 1957 to 1959, per capita income increased by 19.3 percent. See Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 1960, 561.



industries, 67.8 percent of workers had been re-organized under various models, of which 44.2 percent were participants of production and consumption collectives, and, 97.2 percent of small businesses and “capitalists” had enlisted themselves in cooperatives.<sup>182</sup> By the end of 1959, state-owned companies accounted for 47.5 percent of the total value of industrial and handicraft production in Vietnam.<sup>183</sup>

Between 1960 and 1969, collectivization was intensified in North Vietnam. According to an article published in August 1969 in the Party’s monthly journal, *Tuyen Huan* (Propaganda-Training), 22,360 agricultural production cooperatives that comprised 94.6 percent of all peasant households and 92.5 percent of the land in the North were established by the end of 1968.<sup>184</sup> 79.4 percent of the low-level cooperatives were elevated to high-level cooperatives during this period.<sup>185</sup> Whereas individuals in low-level cooperatives could retain private ownership of land, livestock, and other means of production, and receive remuneration for land contributed for collective use, all means of production in high-level cooperatives became property of the cooperatives.<sup>186</sup> This culminated in the adoption of the Statute on Agricultural Production Cooperatives in 1969. As underscored by the article published in *Tuyen Huan* in August 1969, the statute marked “a new step in the development of our country’s agricultural cooperativization movement,” and expressed “the intention of the Party and Government with regard to the line and principles of building strong cooperatives.”<sup>187</sup> To this effect, the new statute formalized the replacement of private ownership with the system of collective ownership. In a digest of the statute, the Party promulgated that:

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<sup>182</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 1960, 560.

<sup>183</sup> Ibid.

<sup>184</sup> United States 1969, 14.

<sup>185</sup> Ibid.

<sup>186</sup> Fforde 2015, 12.

<sup>187</sup> United States 1969, 14-15.

Land, cattle, agricultural tools, and all other property of the agricultural production cooperatives are the common property of the cooperative members and must be protected, closely managed, and properly used . . . Cooperative members must not misappropriate land and other property of the cooperative, and have the duty of protecting them. The Cooperative Managerial Board must not cede or sell land or other property of the cooperative of its own free will. It must report to cooperative members the fact that the State has purchased or used part of the cooperative land for the construction of facilities [for] public interest.<sup>188</sup>

In principle, collective ownership was supposed to operate a model of representation in which members in a cooperative would retain the right to participate, deliberate, and decide as a collective unit on the use and management of collectively-owned property. The party propaganda promulgated that, “It is not true that after entering a cooperative the peasant has not [sic] rights with regard to the means of production. On the contrary, their right to mastery of their individual holdings is transformed into a greater right to mastery in a higher form: the right to collective [sic] of the cooperative’s means of production – the right to be masters of the cooperative.”<sup>189</sup> In practice, not only was production inefficient under collectivization, but individual rights to the use and management of collective land were greatly restricted under the collective ownership system.

When the Second Indochina War concluded, the VCP was confronted with the momentous task of how to augment socialist construction in the North and how to extend the model to South Vietnam. At the Fourth Party Congress on December 14, 1976, Le Duan unveiled the Second Five Year Plan (1976-1980) in his Political Report at the Third Plenum of the Central Committee. As Le Duan described, “Vietnam has transitioned into a new phase, a phase of national independence, united in only one strategic task, that is, to advance the socialist revolution.”<sup>190</sup> Then Premier Pham

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<sup>188</sup> Ibid., 10.

<sup>189</sup> Ibid., 19.

<sup>190</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 1976, 484.

Van Dong detailed the specific tasks and direction of the Second Five Year Plan in a later report on December 16, 1976.<sup>191</sup> Specifically, the plan outlined the following priorities:

To set up socialist industrialization . . . and to take the economy of the country from small-scale production to large-scale socialist production. To give priority to the rational development of heavy industry on the basis of developing agriculture and light industry, [and] to build industry and agriculture in the whole country into an industrial-agricultural economic structure.”<sup>192</sup>

Measures were adopted to reallocate lands regained after the war to create work exchange teams, pilot cooperatives, state enterprises, and to promote production targets in key economic sectors with the aim of transforming the country’s small-scale production into a national socialist production economy within twenty years.<sup>193</sup>

Vietnam, however, did not possess the necessary resources or capacity for any credible attempts at achieving the ambitious goals of the Second Five Year Plan. Following a long and grueling war, the country was physically in ruin, without any infrastructure for large-scale industrialization. As cited in the Central Committee Political Report on December 14, 1976, almost all cities and towns, along with 4,000 of 5,788 communes were devastated, of which 30 were completely destroyed; all railroads, 100 percent of all bridges, and waterway infrastructure, as well as industrial zones, arable land, and public facilities including schools and hospitals were severely damaged.<sup>194</sup> An estimate of 26 million bomb craters and 14 million tons of bombs and shells had been dropped on Vietnam during the war.<sup>195</sup> These conditions made Vietnam unfit for any kind of grand-scale industrialization or production. As Nguyen Khac Vien wrote, the VCP made “errors in thinking that socioeconomic backwardness could be overcome by directly shifting to ‘large-scale socialist production’ by skipping the stage of capitalist development, and in consequence,

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<sup>191</sup> See the full report, *Dang Cong San Viet Nam* [Vietnamese Communist Party] 1976.

<sup>192</sup> *Vietnamese Communist Party* 1977, 58-59.

<sup>193</sup> Marr and White 1988, 77.

<sup>194</sup> *Ban Chap hanh Trung uong Dang Cong san Viet Nam* [Central Committee of the Vietnamese Communist Party] 1976, 482.

<sup>195</sup> Nguyen 1993.

liquidating as quickly as possible all forms of private, family, and capitalist economic activity.”<sup>196</sup> Agriculture remained the country's main and nearly only productive base. As a result of the embargo by the United States and the withdrawal of foreign aid by China and the Soviet Union, serious disruptions to the circulation of goods further constrained and hindered the VCP's post-war reconstruction effort.

With an overly ambitious Second Five Year Plan, the VCP's first serious attempt at post-war economic reforms failed miserably. In practice, the Second Five Year Plan never achieved its preset goals. For example, industrial fields' growth rate stayed at a dismal 0.1 percent; only 1.75 million meters of fabrics were produced against a 450 million meter target; and, only 3.68 billion kilowatts in electricity were yielded against an expected 5 billion kilowatts target.<sup>197</sup> Actual numbers of production visibly lagged far behind the projected goals. Between 1976 and 1980, the country's GDP grew at an average rate of only 0.4 percent per year. The average rate of population growth was spurting instead at a rate of 2.24 percent per year. Population growth increased by 92.7 percent while food production only increased by 6.45 percent, resulting in severe food shortages and, at its worst, widespread starvation.<sup>198</sup> Vietnam simply could not produce enough to support the country's growing population, nor to extract enough venue from its exports to afford alternative sources of food, fuel, and other necessities. The shortages forced the country to rely heavily on foreign aid, which amounted to 38.2 percent of the state's budget from 1976 to 1980.<sup>199</sup>

Harsh post-war economic conditions had a multiplying effect on Vietnamese society. Disillusionment and anger resounded in the voices of not only those having fought under the South Vietnamese government, but also of “victors” in the North. “I believe in Socialism but what I've

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<sup>196</sup> Nguyen 1993, 384.

<sup>197</sup> Phan 1996.

<sup>198</sup> Nguyen 1993, 394-395.

<sup>199</sup> Tong cuc Thong ke [General Statistics Office] 1996.

seen after the war, breaks my heart,” said an acclaimed communist member. “The society that we have now is not what I fought and risked my life for during those years. After the war, the victory we got was a victory for morons. Call civilization and progress? Garbage!”<sup>200</sup>

## **Crisis and Responsive Reforms, 1981-1986**

### ***Renovation***

Against this backdrop, there were increasing debates among party leaders about the imperative and direction of economic reforms. Originally scheduled for late 1981, the Fifth Party Congress was delayed until March 1982, sparking speculations of a lack of consensus among conservatives and reformists on key issues concerning the economy.<sup>201</sup> At the Fifth National Party Congress, Le Duan acknowledged in the Central Committee’s Political Report that, under the 1976-1980 Second Five Year Plan, the VCP had failed to “grasp the actual conditions [of the country],” and that it “had weaknesses and big mistakes in organization and leading the implementation [of the new policies].” Moreover, as stated in the Political Report, the Party was being “subjective (*chu quan*), [and] too hasty (*nong voi*) in putting forth [unachievable] targets that are too large in scale and too high in terms of the speed of basic construction and development production, especially in the beginning.”<sup>202</sup>

Incremental measures were adopted in attempt to alleviate the problem. As early as the Sixth Plenum of the Fourth Party Congress in August 1979, the VCP adopted resolutions that reprioritized the focus from heavy industry to agricultural, consumer, and export production, and that recognized the importance of the state, collective, private, and all other sectors.<sup>203</sup> These

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<sup>200</sup> Freeman 1995, 26.

<sup>201</sup> Tan 1985, 37-39; Porter 1990, 76.

<sup>202</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 1982, 38-172.

<sup>203</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 2005, 655; Vasavakul 2019, 10.

measures, however, did not amount to a complete and systematic overhaul of the socialist model for more comprehensive reforms. At the Fifth Party Congress in March 1981, the VCP still affirmed in the conclusion of its political report that the VCP would continue its pursuit of the road to socialism and the construction of a socialist economy. In doing so, it put forth the Third Five-Year Plan to be implemented from 1981 to 1985 that sought to advance “large-scale socialist production,” including the completion of agricultural cooperativization in the South by 1985.<sup>204</sup>

During this period, the VCP also experimented with monetary reforms. At the Seventh Plenum of the Fifth Party Central Committee in December 1984, a committee was set up to assist the Politburo on price, wage, and currency reforms. By September 14, 1985, price, salary, and monetary adjustment policies were initiated with the introduction of new prices and new bank notes across the country.<sup>205</sup> The existing currency practically became worthless overnight unless it was exchanged for new bank notes according to the new stipulations and restrictions. Subsidized prices and the rationing ticket-coupon system were also eradicated. As a whole, the intention was to reduce state subsidies and to bring down increasing retail prices to stabilize the economy.<sup>206</sup>

The outcome, however, was disastrous, causing a hyperinflation that increased prices of at least 700 percent over the next year.<sup>207</sup> As Gabriel Kolko puts it, “what had been a serious problem before 1985 now became a major emergency.”<sup>208</sup> By 1985, the economy was not doing substantially much better than before. As Vo Nhan Tri observes, “Living conditions remained especially precarious among Vietnamese on fixed incomes, which included workers at state enterprises, state employees, intellectuals and pensioners [. . .] While acknowledging modest

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<sup>204</sup> Vo 1988, 83.

<sup>205</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 2005, 1289.

<sup>206</sup> Kolko 1997.

<sup>207</sup> Kolko 1997.

<sup>208</sup> Kolko 1997.

improvements since 1981 in total agricultural and industrial output, we must question whether the VCP possesses the capacity to formulate and implement sensible economic policies in the longer term.”<sup>209</sup> The severity of the situation was acknowledged in an editorial published in *Nhan Dan* (the People), an official newspaper of the VCP, on March 1, 1986:

Since the Third Quarter [of 1985] following the hectic undertaking of three tasks at the same time – exchange of banknotes first, followed by the general big readjustment of prices and wages – the socio-economic situation has evolved on a very complex [read, chaotic] manner with prices abruptly skyrocketing, the market plunging into a mess, production, circulation [of goods], and the people’s life encountering more difficulties ... The responsibility for the above situation first of all rests with various Party and State leadership at the central level. Various relevant sectors and localities have also to share responsibility for this.<sup>210</sup>

As a consequence, Tran Phuong, Vice Chairman of the State Planning Committee in charge of the economy, and Politburo Member To Huu were sacked along with a number of other ministers for their responsibility in the policy fiasco. Both were Vice Premier of the Council of Ministers at the time.<sup>211</sup>

In the midst of the alarming economic crisis, Le Duan died in office of illness on July 10, 1986, sparking calls for a new party leadership. Shortly after, Truong Chinh was elected by the Party Central Committee on July 14, 1986 to assume the post of General Secretary for the rest of the term. Truong Chinh, however, announced that he would not be up for office at the Sixth Party Congress in December. In an unexpected turn of events, Nguyen Van Linh, who was formerly dropped from the Politburo at the Fifth Party Congress in 1982 for his wide-ranging economic liberal views, was brought back and elected Party General Secretary at the Sixth Party Congress in December 1986, signaling a strategic shift toward new reforms. From 1960 to 1986, the Politburo was dominated by the same members of the first generation of revolutionaries who

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<sup>209</sup> Vo 1988, 89.

<sup>210</sup> Quoted in, Vo 1990, 167.

<sup>211</sup> The position of Vice Premier of the Council of Ministers (*Pho Chu tich Hoi dong Bo truong*) would otherwise be called Deputy Prime Minister today. For a list of members of the Council of Ministers (*Hoi dong Bo truong*) during 1981 to 1987, which is the equivalent of the Government (*Chinh phu*) as it is called today.

founded the Vietnamese Communist Party in 1930. At the Sixth Party Congress, other veteran leaders, including then Prime Minister Pham Van Dong and Politburo Member Le Duc Tho, also stepped down, marking the completion of a “protracted period of generational succession.”<sup>212</sup>

There were other indicators leading up to the Sixth Party Congress of the eventual shift toward fundamental reforms in response to the dire circumstances. In an address delivered during July 7-10, 1986 at the Conference of High-Ranking Officials for Studying the Draft Political Report to be presented at the 6<sup>th</sup> Party Congress, Truong Chinh significantly revised his thinking and hardline position by conceding errors in party policies, and actively promoting the idea of “renewal” (or “renovation”):

[R]enewal is based on the lesson summed up from the success obtained and the shortcomings and mistakes made over the past eleven years, when the whole country entered into the period of transition to socialism . . . Our Party’s policies must proceed from the interests, desires, and level of our people. To evaluate our policies to decide whether they are right or wrong, good or bad, *we should see whether the majority of our people enthusiastically approve and are eager to implement those policies or not?* We should see whether production has been boosted, our economy has developed, life has been stabilized and gradually improved, national defense and security have become steady and strong or not?<sup>213</sup>

For several decades, Truong Chinh had been known for his staunchly hardline, ideological leftist position in promoting Maoist style of land reforms, collectivization, and socialist construction. By 1986, he markedly changed his position, moderated, and became a champion of economic reforms in response to the growing societal discontent in both North and South Vietnam due to the worsening socio-economic crisis. The emphasis in his speech on the need to reevaluate the extent to which party policies actually aligned with people’s interests reflected a palpable concern toward a strong level of popular resistance and unwillingness to implement party policies. As it was acknowledged in a report published in *Nhan Dan* on October 20, 1986:

Negative phenomena have developed . . . Socio-economic activities are thrown into prolonged chaos. *All this has led to general skepticism concerning the future and lack of confidence in the*

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<sup>212</sup> Thayer 1988.

<sup>213</sup> Trường 1986, 8 (emphasis added).



*Party leadership . . . For our country, renovation is all the more necessary: it is a matter of life and death . . . Only by renovating our way of thinking and acting – renovating our thinking, especially economic thinking, renovating our style of work, our organization and our cadres – will we be able to extricate ourselves from the current very difficult situation.*<sup>214</sup>

It was in the midst of this climate that the Politburo convened in August 1986 to discuss the prospective overhaul of policies geared toward socialist construction and that it implemented a fundamental reorientation of the economy and the political system after the country's reunification. Subsequently, at the Sixth Party Congress in December 1986, the VCP forcefully admitted failures in achieving its avowed objective to stabilize the economy and meet the people's demand for better living conditions. The Central Committee Political Report at the Sixth Party Congress stressed:

*Caring for people's livelihood is a constant and most difficult task of our Party and State in the context of a weak economy, successive natural calamities and rapid population growth [ . . . ] Though there has been some growth in production, it is slow in comparison with the capabilities available and the labor spent, with the people's demand for a rapid stabilization of their life, and with the need to accumulate capital for speeding up industrialization and strengthening our national defense. Failure to fulfill a number of major targets of the last five-year plan such as production of food grains, coal, cement, timber, textiles, export commodities, etc., has affected all aspects of economic activity and the working people's life [ . . . ] Numerous difficulties still beset the life of our people, especially workers and public employees. Many people at work age are jobless or still not fully employed. Many legitimate and minimal requirements of the people's material and cultural life have not yet been met. The countryside is running short of common consumer goods and medicines; housing, sanitary conditions and cultural life in many areas still leave much to be desired. Negative manifestations in society have increased. Social justice has been violated. Law and discipline are not strictly observed . . . This state of things has lessened the confidence of the masses in the Party's leadership and in the functioning of State bodies.*<sup>215</sup>

As reflected in the political report, the VCP perceived the situation with an alarming urgency, and with concerns for the detrimental effect of regime performance on popular support and regime stability, especially with regard to the extent to which the Party could meet and satisfy social demands.

Renovation (*Doi Moi*) was henceforth endorsed and enacted by the VCP as a rigorous response to the socioeconomic crisis as well as to address the brewing disillusion and the dire loss

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<sup>214</sup> Vo 1990, 182 (emphasis added).

<sup>215</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 2005, 648-651 (emphasis in original).

of confidence among the people in the communist regime. As an economic reform package, Renovation aimed at decentralizing and liberalizing key areas in Vietnam's economy to open up channels for privatization and market stimulus. In agriculture, internal and foreign trade, and the operation of state-enterprises, restructuring was implemented by introducing an output contract system in agriculture to stimulate individual initiatives and the development of free markets. Agricultural collectives were gradually abolished, allowing for long-term land use rights and greater freedom in the marketing of products, as well as the autonomy to buy production inputs at mutually agreed prices rather than preset contractual ones. Decision-making autonomy was transferred away from state-owned enterprises. Measures such as reducing bank credit, tightening budget constraint, passing new tax reforms requiring state enterprises to pay the same taxes as private ones were gradually introduced to consolidate and reduce the number of existing state enterprises and to give way for privatization. In domestic trade, the rationing system for most commodities was replaced by market determined prices for nonessential goods while still maintaining the dual price system—state-controlled and free market—for other goods. In foreign trade, selected state-owned and private enterprises were given permission to deal directly with foreign markets for importing and exporting most products. Import quotas and tariffs were lowered. Subsidies for all consumers and exporters were eliminated. Interest and exchange rates were now allowed to float in response to market forces and conditions.<sup>216</sup>

The result was a dramatic increase in economic growth and development, notably between 1986 and 1995. This marked a significant turning point for the VCP. As former Party Secretary General Do Muoi stated of the rationale behind the economic reforms in a speech in 1994, “If our economy develops strongly, and living conditions, culture, the situation of our people get better

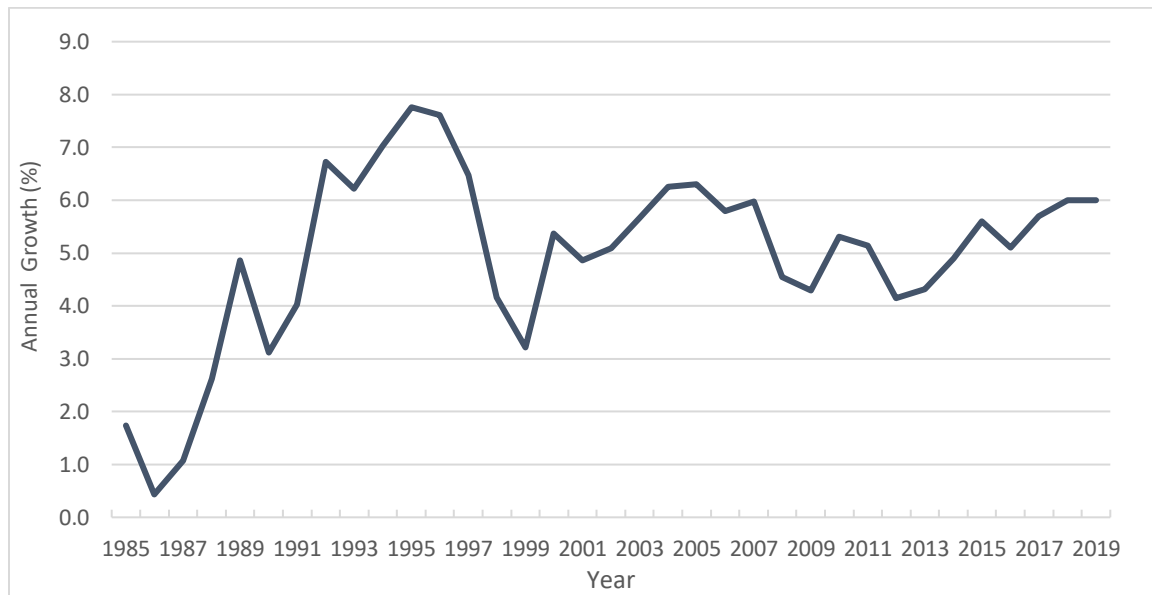
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<sup>216</sup> For a detailed analysis of the economic policies implemented under Renovation, see Vo 1990; Fforde and De Vylder 1996; Griffin 1998.

day by day, then [...] the people will defend the party, the system of government, and regime.”<sup>217</sup>

To bolster and sustain progress toward national economic development was, in other words, to meet people’s pragmatic demands, and to safeguard regime stability.

**Figure 4-1 Vietnam’s GDP Per Capita Growth, 1985-2019**



Source: World Development Indicators, the World Bank <https://databank.worldbank.org>

### ***Decollectivization***

The fact that North and South Vietnam had been placed under two different land systems for more than a decade prior to reunification greatly hindered the extension of and popular support for collectivization. Even in the North where collectivization policies had been implemented since the late 1950s, it was built on wobbly foundations.<sup>218</sup> Inefficiency under collectivization further generated growing rural resistance. The combination of regional divisions, uneven development, and an unstable macroeconomic foundation produced systemic vulnerabilities that forced the VCP to retract its collectivization policies. In this section, I will examine the formidable constraints that

<sup>217</sup> Kerkvliet 1995, 10.

<sup>218</sup> Kerkvliet 2005, 37-78.

confronted the VCP in its collectivization efforts, and subsequent measures toward decollectivization implemented by the party in response to rural demands and interests.

The fact that South Vietnam had experienced a very different agrarian regime from the North up until 1975 presented significant difficulties for the VCP in its efforts to extend collectivization to the South. In South of Vietnam, Ngo Dinh Diem was appointed Prime Minister in 1954, then President of the Republic of Vietnam in 1955. During his tenure, Diem attempted to implement his own version of land redistribution reforms. On October 22, 1956, Diem promulgated Ordinance No 57, which limited the maximal land holdings to 100 hectares, and redistributed 275,000 hectares to 130,000 families.<sup>219</sup> This redistribution, however, only accounted for less than one-eighth of cultivated land, and one-tenth of tenant farmers in the South. After Nguyen Van Thieu began his tenure in 1967, he then launched a second series of land reforms in South Vietnam. By 1975, 1,136,705 hectares comprising half of the cultivated land for rice in the South had been redistributed, and 77 percent of peasants formerly working as tenants had become land owners.<sup>220</sup> In the Mekong Delta, 70 percent of farmers were now considered to be “middle peasants” that owned 80 percent of the region’s cultivated land supply.<sup>221</sup> By the mid-1970s, only a quarter of peasants in the South were classified as poor.<sup>222</sup>

Given these differences in the underlying rural conditions in South Vietnam, efforts by the VCP to roll out collectivization in the South were met with great reluctance and resistance. As Trung Dang explains, “Unlike the agrarian sector in North Vietnam which, at the beginning of the land reforms, was dominated by landlords, the agrarian sector in the Southern region was dominated by middle peasants who engaged largely in commercial agriculture. This large cohort

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<sup>219</sup> Prosterman and Riedinger 1987, 126.

<sup>220</sup> Callison 1983, 327-332.

<sup>221</sup> Ngo 1988, 169.

<sup>222</sup> Beresford 1988, 149.

of middle peasants wanted to continue to farm their own land and sell their own crops.”<sup>223</sup> By joining the cooperatives and being restricted from selling their produce at competitive rates, the income earned by most peasants in the South would substantially decline. For these reasons, peasants had little incentive to support collectivization. Many refused to sell their produce at irrational quotas and low procurement prices fixed by the state. Consequently, the rate of those who voluntarily joined the cooperatives in the South was extremely low; more than 10,000 out of 13, 246 collectives set up in the South in 1979 had collapsed by the beginning of 1980.<sup>224</sup> Politburo Member Le Thanh Nghi placed the blame for rural resistance against collectivization in the Mekong Delta on local cadres who coerced peasants to join the cooperatives:

A number of cadres’ hastiness and oversimplification of things have created adverse consequences. As a result of their hastiness and over simplification the buildings of production collectives have been done in a hasty, impetuous and unprepared manner, and the peasants in certain areas have been forced to join these collectives. This shortcoming, has caused many production collectives to achieve poor results in their production, to collapse or remain in existence merely for the sake of formality.<sup>225</sup>

The statement reflected the hollowness and fragility of the collective system set up in the South and its poor performance which portended its eventual collapse.

In the North, where collectivization had been implemented long before reunification, the government was confronted with problems as well. Although living conditions briefly improved in the initial stages of the cooperative system, productivity stagnated, and food shortage became an acute problem. In Vinh Phuc Province, 30 to 70 percent of villagers who joined cooperatives experienced famine during 1986 to 1988.<sup>226</sup> To make matters worse, local officials also embezzled and consumed large quantities of grain and other resources belonging to the cooperatives.<sup>227</sup> These

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<sup>223</sup> Dang 2018, 25.

<sup>224</sup> Vo 1990, 79.

<sup>225</sup> Vo 1990, 77-78.

<sup>226</sup> Kerkvliet 2005, 207.

<sup>227</sup> Kerkvliet 2005, 157-158.

flagrant abuses further fueled villagers' frustration with the collective system which deprived them of most of what they produced without bringing many equivalent benefits.

Henceforth, from overtly contentious activities like protests, petitions, and complaints to more everyday forms of resistance, rural opposition against collectivization became increasingly widespread. Hundreds of villagers in Van Thai, Ha Nam Ninh Province protested against corrupt local officials and took over the subdistrict's granary.<sup>228</sup> Others submitted petitions and complaints to government offices and newspapers, voicing their grievances against high quotas, local corruption, poor harvests, and other problems with the collective system.<sup>229</sup> More often, villagers' resistance took more "quiet," "mundane," and "subtle" forms in everyday life with little or no formal organization.<sup>230</sup> In his seminal work, *The Power of Everyday Politics*, Benedict Kerkvliet shows how these forms of everyday resistance in the Red River Delta of North Vietnam effectively transformed national policy.<sup>231</sup> Resistance, in other words, was manifest in daily decisions by ordinary villagers on whether or not to support local authorities in compliance with national policy schemes on the use and distribution of collective resources, and on whether or not to modify or evade existing rules and restrictions. Kerkvliet provides a plethora of evidence of such everyday resistance: peasants "scratching and wiping" the paddy fields; taking grain and other collective property; earning private income outside the cooperative from household farming; neglecting to make their quota to the cooperative; cheating the cooperative by mixing materials with manure; selling and trading goods in black markets; evading tasks assigned by the collective to concentrate on their own household activities.<sup>232</sup>

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<sup>228</sup> Nguyen 1992, 368.

<sup>229</sup> Kerkvliet 2005, 160, 208-209.

<sup>230</sup> Kerkvliet 2005, 22.

<sup>231</sup> Kerkvliet 2005.

<sup>232</sup> Kerkvliet 2005, 147, 161-189.

The prevalence of resistance from villagers was not unnoticed by the VCP. Truong Chinh acknowledged this in an article published in 1986 in the Party's journal *Tap Chi Cong San*:

Had our policies – especially ... pricing, circulation, and distribution policies – been rational, the peasants would certainly not have given up tilling, would not have pulled up tobacco plants, would not have destroyed sugarcane, and would not have given up hog raising; on the contrary they would have enthusiastically produced more.<sup>233</sup>

Confronted with evidence of the peasantry's noncompliance and their grievances in light of the inefficiencies of the collective system, Truong Chinh extensively revised his hardline position:

*Who implements our Party's policies? It is the people, and nobody else.* Even when a policy is right, if the people do not yet understand it, do not yet approve of it, it is impossible to carry it out . . . Sometimes we should readjust a policy to make it suit reality and the level of the masses [...] [W]e should respect the objective law of development, apply them to reality . . . The criteria for evaluating the level and capacity to correctly apply the system of laws through our policies are: production develops, the circulation of goods runs smoothly, the material and cultural life of the people is stabilized and step by step improved, society is wholesome, civilized, and the ethical and spiritual values are daily heightened, national defense and security are daily firmer and stronger. *Any policy that lowers the labour zeal of the masses, freezes the circulation of goods, renders life difficult, multiplies negative phenomena and creates disorder in society is a manifestation of an incorrect application of the objective laws of development, and therefore must be abrogated or amended.*<sup>234</sup>

The emphasis in Truong Chinh's statement on public interests as the ultimate barometer by which party policies should be measured, and on the imperative for the VCP to adjust and adhere to the demands of the masses was a discernible departure from his hardline position against the three-contract policy advocated by Le Duan.

Confronted with systemic problems with the collective system, central leaders evidently modified their position to address rural claims. Policy changes in response to societal interests were enacted by largely the same group of central leaders who formerly endorsed the campaign to expand collectivization and socialist construction in the first place.<sup>235</sup> From the outset, retraction of collectivization policies in Vietnam, in other words, was not merely the outcome of a leadership

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<sup>233</sup> Vo 1990, 80.

<sup>234</sup> Trường 1986, 9-11 (emphasis added).

<sup>235</sup> From 1976 to 1986, the central leadership was dominated by Party General Secretary Le Duan, Prime Minister Pham Van Dong, and then VNA Chairman who later became President Truong Chinh.

change or upheaval, as in China, where decollectivization was possible only after Mao's death and the purges of the Gang of Four.<sup>236</sup>

In Vietnam, on January 13, 1981, the Central Committee's Secretariat issued Directive No. 100/CTTW, also referred as "Contract 100" (*khoan 100*) or "product contract" (*khoan san pham*).<sup>237</sup> The directive modified the collective system to accommodate peasant interests and preferences. Under the existing collective system, distribution of collective land for private use was prohibited.<sup>238</sup> The "contract 100" system now formally allowed individuals or groups of members to turn over an agreed amount of agricultural produce in exchange for allocated farmland from the cooperative for individual use. Peasants could then keep and sell any surplus that they produced on the market, providing villagers with renewed incentives for increased productivity and output. In effect, this system shifted from a collective production model to a household economy that the Party hoped would stimulate greater efficiency and productivity. Politburo Member Le Duc Tho noted that the policy shift was "not born in the minds of the Party Central Committee," but that it "was the recapitulation of the masses suggestions to set forth a new contract system in agriculture."<sup>239</sup> By 1983, household economy had made up 50-60 percent of peasants' rural income.<sup>240</sup>

After the Sixth Party Congress in December 1986, the VCP began to fully dismantle the collectivization system. The first Land Law of Vietnam was passed on December 12, 1987, and formally declared land as "the ownership of all the people," "uniformly managed by the State."<sup>241</sup>

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<sup>236</sup> Kerkvliet 2005, 186.

<sup>237</sup> See Ban Bi Thu [Party Secretariat] 1981.

<sup>238</sup> There were exceptions to this general rule. Starting in late 1978, collective land may be distributed for those with certain hard-to-farm plots or for winter farming. See Kerkvliet 2005, 184.

<sup>239</sup> Kerkvliet 2005, 185.

<sup>240</sup> Vo 1988, 84.

<sup>241</sup> Before the Land Law of 1987, the principle of "ownership by all the people" had been recognized along with other forms of land ownership such as private ownership and collective ownership (ownership by cooperatives). However, starting with the 1980 Constitution, it was stipulated that land, natural resources, and other properties which are



Most importantly, the law granted land use rights to all organizations, individuals, and households for “stable and long-term use (*su dung on dinh, lau dai*).”<sup>242</sup> While this fell short of restoring a private land ownership system, the reform took one step further than China by completely eliminating collective land ownership in favor of more clearly defined individual land use rights. Individuals and households with their own user rights could fully determine and benefit from their use of the land.<sup>243</sup> In short, from the perspective of individual land users and households, this was a stronger property right regime that benefited villagers and farmers more than the collective ownership system under collectivization. As Kerkvliet observes, “Having use rights rather than land ownership did not bother most villagers in the Red River Delta.”<sup>244</sup>

On April 5, 1988, the Politburo then issued Resolution No. 10/NQTU on Renovation of Economic Management in Agriculture to reallocate agricultural land formerly cultivated by cooperatives to households and individuals, also noting that it was for “stable and long-term use”.<sup>245</sup> The Resolution further stipulated, “The State acknowledges the long-term existence and positive impact of individual and private sectors in the process of advancing toward socialism.” It also vowed to “create favorable conditions for these sectors to develop in farming, livestock, forestry, fishery, production, processing, services, and other trades in agriculture.”<sup>246</sup> The Resolution synthesized all the preceding directives and changes already in practice, and officially endorsed the replacement of collective farming with the household contract system, the development of a family economy, and with land reallocation to individual families.

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defined by law as “belonging to the State [*cua Nha nuoc*] —all belong to the ownership of all the people [*deu thuoc so huu toan dan*]” (Article 19). Effective as of the 1987 Land Law, “ownership of all the people” formally became the only form of land ownership recognized by law. This feature remains unchanged to date.

<sup>242</sup> Quoc Hoi [Vietnamese National Assembly] 1987, art. 1.

<sup>243</sup> Quoc Hoi [Vietnamese National Assembly] 1987, art. 3.

<sup>244</sup> Kerkvliet 2005, 228.

<sup>245</sup> See Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 1988.

<sup>246</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 1988.

## **Conclusion**

To explain the variance in regime responsiveness to mass rural unrest in contemporary Vietnam and China, one must examine the institutional formation and patterns of state-society interactions in the two countries over time. I focus on the origin of power diffusion in party-state relations, and the prominent role of the legislature in imposing greater constraints on the executive bureaucracy, as well as on how these dynamics in turn shaped the ways in which the regime received and responded to societal claims in Vietnam. I trace these salient differences in the institutional configuration of Vietnam and China, how they evolved, and how they became entrenched through historical dynamics.

In Vietnam, where systemic structural constraints produced a fractured communist party without the organizational capacity for effective social mobilization or control, the party embarked on a distinctive path of accommodation. In the formation of the Democratic Republic of Vietnam (1945-1960), the VCP was forced to compromise and moderate by diluting party membership, and postponing and downplaying central party platforms, even to the point of dissolving the party. As a result, the party built a wavering coalition with non-communists, which it relied on to staff and operate the government. This process created an institutional framework that allowed for and incorporated divergent interests. The combination of these conditions created strong incentives for the party to cultivate linkages with social forces by responding to rural interests. Specifically, it enacted the land-to-the-tiller reform that benefited poor peasants, as well as substantive measures to rectify the errors committed by party cadres during the course of the reform.

Following the Second Indochina War in 1976, the VCP had become more cohesive and better positioned to extend its control from the North to the South of Vietnam with the aim to constructing and transforming Vietnam into a fully socialist country. However, as closer analysis shows, accommodation had produced certain enduring organizational legacies that caused power

diffusion to persist in party and state institutions, and that sustained the prominent role of the legislature and its oversight of the executive bureaucracy. With these constitutive features, the communist regime in Vietnam was more receptive to divergent interests, and more keen to accommodate social demands. Confronted with a worsening socio-economic crisis and rural resistance against collectivization in the post-war period of socialist transition, the VCP responded by enacting Renovation and decollectivization reforms.

These important differences between Vietnam and China become more salient over time. In Vietnam where there is a greater degree of power distribution and legislative oversight, societal interests have more readily available and receptive institutional openings to advance their claims within authoritarian bounds. Having located the macro-historical forces that account for the origin and evolution of these differences, Chapter 5 will examine the institutionalization of the features that distinguish the configuration of the relationship between the party and the state, as well as the function of the legislature in Vietnam. I will then map the chain of responsiveness in a detailed analysis of how the communist regime became aware of, perceived, and acted in response to social unrest against government land seizures.

**Table 4-5 Leadership of the Vietnamese Party-State, 1946-1992**

VNA	VNA Chairman	President	Prime Minister	Party General Secretary	Party Chairman	Central Committee	Politburo	National Party Congress
I 1946-1960	Nguyen Van To Non-party (Mar. – Nov. 1946) Bui Bang Doan Non-Party (Nov. 1946 – 1955) Ton Duc Thang Communist (1948-1960)	Ho Chi Minh (1946-1955) Ho Chi Minh (1955-1960)	Ho Chi Minh (1945-1955) Pham Van Dong (1955-1960)	Truong Chinh (1940-1956) Ho Chi Minh (1956-1960)	Ho Chi Minh (1951-1960)	--	--	I 1935-1951
						19 (10 alternates)	7 (1 alternate)	II 1951-1960
II 1960-1964	Truong Chinh	Ho Chi Minh	Pham Van Dong	Le Duan	Ho Chi Minh	47	11 (2 alternates)	III 1960-1976
III 1964-1971	Truong Chinh	Ho Chi Minh	Pham Van Dong	Le Duan	Ho Chi Minh <sup>387</sup> (1964-1969)			
IV 1971-1975	Truong Chinh	Ton Duc Thang*	Pham Van Dong	Le Duan	--			
V 1975- 1976	Truong Chinh	Ton Duc Thang*	Pham Van Dong	Le Duan	--			
VI 1976- 1981	Truong Chinh	Ton Duc Thang*	Pham Van Dong	Le Duan	--	101 (32 alternates)	14 (3 alternates)	IV 1976-1982
VII 1981-1987	Nguyen Huu Tho*	Truong Chinh	Pham Van Dong	Le Duan (1982-1986) Truong Chinh (1986) Nguyen Van Linh <sup>388</sup>	--	116	14 (2 alternates)	V 1982-1986
VIII 1987-1992	Le Quang Dao*	Vo Chi Cong	Pham Hung Do Muoi <sup>389</sup>	Nguyen Van Linh	--	124	13 (1 alternate)	VI 1986-1991
*Non-Politburo member. +Source: Compiled by author from official government and party records.								

<sup>387</sup> Ho Chi Minh passed away on September 2, 1969.

<sup>388</sup> Le Duan passed away in office on July 10, 1986. Truong Chinh then replaced Le Duan starting from July 14, 1986, but retired several months after.

<sup>389</sup> Pham Hung passed away in office in 1988. Do Muoi took over the position after Pham Hung's death, starting in June 1988.

## **Chapter 5 — Societal Interests and Institutionalized Responsiveness in Vietnam**

### **Introduction**

While wide interest in political institutions under authoritarianism has given rise to an “institutional turn” in comparative studies, a central critique of this literature is that authoritarian institutions have been studied separately from concrete problems of their effects in policymaking.<sup>1</sup>

I fill this gap by both studying the processes through which the communist party and state emerged in Vietnam and China, and the effects of these institutions on regime responsiveness to societal pressures. While the previous chapter provided an account of the origins of Vietnam’s party and state organizations, this chapter traces how the institutionalization of these political features directly affected the way in which the communist regime responded to social contention against government land seizures by enacting programmatic reforms and restrictions on compulsory land acquisitions.

I theorize that where party and state structures emerge from systemic constraints, resulting in greater power diffusion and societal incorporation, authoritarian regimes are likely to be more responsive. In Vietnam, historical constraints forced the Vietnamese Communist Party (VCP) to moderate and accommodate divergent interests, giving rise to greater power distribution in decision-making structures of the party and the state. After Vietnam embarked on Renovation starting in 1986, these features have become more deeply entrenched. There is a greater emphasis on the separate functions of party and state institutions, whereby the party exercises less direct control of state institutions in policymaking, and the legislature exerts more oversight over government. The institutionalization of these features provides wider openings for broader

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<sup>1</sup> Pepinsky 2014, 913.

competitive interests, and binds the VCP to moderate in response to societal pressures, albeit still within certain authoritarian bounds.

These mechanisms operated in the process through which the Vietnamese communist regime responded to mass unrest caused by pervasive government land seizures between 2003 and 2013. A dramatic increase in the number of land-related petitions, protests, and demonstrations amplified pressures for systematic reform of the country's land expropriation system. The political apparatus responded by adopting a comprehensive revision of the Land Law in 2013 with the aim of constricting government executive discretion in compulsory land requisitions. In this process, a rigorous legislature, the Vietnamese National Assembly (VNA), initiated the agenda for the revision of the law, whereas the executive, the Government (*Chinh phu*), was rather reluctant, opposing and delaying the agenda. The endorsement of the party was necessary to advance the legislative revision. The party provided general policy guidelines that outlined the scope for the revision and the party's position on pertinent issues. While these broadly laid out party preferences and the parameters for the revision, the VCP refrained from overrunning the lawmaking process with party meddling. A clearer delineation of party and state functions, and legislative institutionalization hence allowed for greater contestation and receptivity to civil society input, which were incorporated in the revisions of 2013 Land Law in Vietnam.

By contrast, the Chinese Communist Party (CCP) embarked on a divergent path of confrontation that resulted in a higher concentration of political authority and less receptive institutions. The CCP overtly exerts its influence and intrudes upon state functions to a much greater extent than Vietnam. Unlike Vietnam, the CCP jointly issues policy documents with executive state institutions, and makes use of "leading small groups" (*lingdao xiaozu* 领导小组) to enforce party control in policymaking, indicating the merging between the party and the state.

The National People's Congress (NPC) is also less capable of exerting legislative oversight over the State Council, the executive apparatus of the Chinese state. These institutional dynamics are reflected in the process by which the Chinese communist regime reactively responds to the responses to social tensions invoked by land requisitions.

Defined as the extent to which a government adheres to citizen preferences and demands, responsiveness is a constitutive component of the spectrum of the repressive-responsive behavior exhibited by authoritarian regimes. It is a concept through which societal pressures and regime outputs must be fundamentally understood in relational terms. In other words, one must be able to show the links between the observed output of the regime and the claims to which the output seeks to address. Sequentially, the chain of authoritarian responsiveness begins with signals of social grievances, preferences, or demands, which draw the attention of and exert pressures on autocrats to respond. Autocrats must then also have information of and be receptive to social claims, that is, they must hear and receive the signals of social unrest. Indicators of regime receptivity are like a trail of bread crumbs that offer essential clues as to whether autocrats then act to adhere to social claims in response.

The focus of this chapter is to map out this chain of responsiveness, and to zoom in on the actual mechanisms in the causal process that culminated in the greater institutionalized responsiveness by Vietnam's communist regime. I trace this causal process from the expansive scope of land expropriation for economic development to the consequent rise in social unrest, to the regime's relative receptivity to civil society input, to the revision of the Land Law in 2013. This chapter draws on official party and government documents, including formal resolutions and reports, transcriptions of legislative debates, and close contextual readings of the country's land law and policy from 2003 to 2013. Moreover, it builds on primary interviews with dispossessed

villagers, civil society advocates, and local government officials, as well as on participant observation and documents collected during fieldwork between August 2016 and July 2017.

Whereas reactive responses are often ad-hoc and narrow in their intended scale and scope, institutionalized responses are often more systematic and comprehensive in the extension and substance of their responses. By these criteria, responsiveness in Vietnam has been more institutionalized than in China. In response to social unrest, Vietnam adopted more extensive, deeper law and policy reforms of the land expropriation system to narrow the scope of government authority, discretion, and abuse. Tighter restrictions were written into law with deliberate clarity and specificity, aimed at constraining government authority. More determinate provisions further strengthened the rights of individuals that were otherwise vulnerable to arbitrary land expropriations and procedures.

By comparison, responses by China were more reactive, ad hoc, lackluster, and deliberately ambiguous. The government responded with sub-law, administrative regulations at the expedience of implementing agencies, bypassing the scrutiny of the legislative process. While the CCP acknowledged and highlighted the urgency to address social unrest, there were no programmatic reforms. Instead, the party allowed for local variations and experiments, which provided greater leeway for local governments to expropriate land for economic objectives.

The differences in authoritarian responsiveness between Vietnam and China have important substantive implications for the countries' national and subnational land governance. The degree of institutionalization of the response is concerned with the extent to which revisions in the 2013 Land Law created more uniform constraints on local government discretion. Higher institutionalization reduces uncertainty and narrows the range of tolerable deviant behavior with entrenched structures, rules, and norms that would better constrain local discretion. At the national



level in Vietnam, there has been an overall decline in the number of land seizures reported by citizens after the passage of the revised Land Law. A similar pattern is found in two of Vietnam's most different provinces of Can Tho and Quang Tri. This similar trend provides a proxy measure of the tighter legal framework resulting from Vietnam's greater institutionalized responsiveness, suggesting that revisions of the Land Law were not merely reforms on paper without actual substance. Furthermore, interviews and participant observation in Can Tho and Quang Tri Province also corroborate the substantive difference in authoritarian responsiveness between Vietnam and China. Greater institutionalized responsiveness effectively places two vastly different provinces within Vietnam under more uniform constraints to reduce arbitrary local land seizures, and provides stronger procedural safeguards for individuals.

### **Power Diffusion in Policymaking Under Authoritarianism**

Rooted in macro-historical processes, institutional differences between Vietnam and China have become increasingly salient over time. In this section, I highlight key differences in the distribution of authority in party and state structures, and the institutionalization of these features since Vietnam embarked on Renovation in 1986. Here, the goal of my analysis is not to enumerate all the ways in which the institutional arrangements in Vietnam differ from China's, which has been summarized elsewhere.<sup>2</sup> Rather, I specifically focus on the distinction between the party and the state, and the legislative oversight of the executive government. In subsequent sections, I then trace how these mechanisms operated in the process by which the Vietnamese communist regime responded to social unrest, culminating in the programmatic revision of the Land Law in 2013.

To account for the origin of these differences, scholars have highlighted certain historical episodes or moments. Arguing that the VCP had deliberately delegated more authority to the

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<sup>2</sup> Abrami, et al. 2013..

legislature than the Chinese Communist Party (CCP) since 1986, Schuler, for instance, points to Renovation as a critical juncture for legislative institutionalization in Vietnam.<sup>3</sup> Malesky, Abrami, and Zheng, on the other hand, identify the suppression of Tiananmen protests in 1989, and the loss of liberal reformers Hu Yaobang and Zhao Ziyang to conservative factions backed by Deng Xiaoping's paramount leadership as the critical juncture that set Vietnam and China on divergent paths.<sup>4</sup>

While my analysis builds on these contributions, I place the origin and evolution of these institutional between Vietnam and China within a broader historical perspective. Although Renovation in Vietnam and China's 1989 protests at Tiananmen generated the momentum necessary for the institutionalization of the countries' political features, I have argued in the previous chapter that there is a more deeply entrenched trajectory that extends well beyond these particular junctures. Hence, while the Chinese National People's Congress (NPC) became more active in the post-Mao period, especially under Hu Jintao, the NPC's ability to check and constrain government executive power remained relatively feeble by comparison with the Vietnamese legislature. Under Xi Jinping, moreover, the CCP has expanded its power and tightened its grip, persisting in a trajectory of party dominance over state affairs. In other words, a deeper historical continuity underlies the power diffusion and institutional dynamics that produce a noticeable difference in how Vietnam responds to social unrest compared to China.

### ***Relationship Between the Party and the State***

After the Sixth Party Congress inaugurated a period of Renovation in 1986, the VCP receded from meddling in the spheres of state institutions. Renovation had not only ushered in reforms of the

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<sup>3</sup> Schuler 2020.

<sup>4</sup> Malesky, et al. 2011a..

country's economy, but also gave impetus for the reorganization of the VCP. As the Central Committee of the VCP stated, "The comprehensive renovation of the country in the current international and national context, and the situation of the Party today demands that *the Party absolutely must renew itself*, rectify itself."<sup>5</sup> As Mathieu Salomon describes, "The future of political *doi moi* is closely related to the goal of 'separating the Party from the State.' . . . The octopus-like behavior of the Party has been criticized because it interfered too much in state management thus reducing the state's efficiency and authority."<sup>6</sup> In a report presented in 1991, the Party Central Committee explicitly assessed progress made to reorganize the party:

On the basis of a new recognition of the functions and responsibilities of organizations in the political system, especially with regard to the conditions of renewing policy and management mechanisms, [the VCP] has advanced a step toward renewing cadres at every level, in every field, reorganizing a number of organizations, reducing personnel, cutting a number of intermediary processes . . . There have been noticeable improvements in the working relationship between the Central Party and the National Assembly, the Council of State,<sup>7</sup> the Council of Ministers<sup>8</sup> and other groups at various levels; remedying parts of the problem of party organs that supersede the functions of state organs and other organizations.<sup>9</sup>

On June 27, 1991, the VCP revised the party's bylaws and unequivocally stated in the preamble for the first time that, "the Party respects the role of the State."<sup>10</sup> These statements reflected the VCP's solid intention to clarify and modify the relationship between the party and the state.

Deliberate steps were taken to invigorate the role of the state, and reduce party influence in policymaking. Previously, party dominance so gravely eclipsed state functions that the VCP determined everything from the general principles to the detailed content, targets, and measures of

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<sup>5</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 1991, 212 (emphasis in original).

<sup>6</sup> Salomon 2007, 200-201.

<sup>7</sup> The Council of State replaced "the Presidency" in the 1959 Constitution. The President was called Chairman of the Council of State. This was changed back to the Presidency in 1991.

<sup>8</sup> From 1980 to 1991, the executive and administrative body of the state was called the Council of Ministers (*Hoi dong Bo truong*), equivalent to the Government (*Chinh phu*) today. Since 1991, the Chairman of the Council of Ministers has been called "the Prime Minister."

<sup>9</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 1991, 205-206.

<sup>10</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1991b, 258.

concrete state policy, plans, and budget. While the party still sought to maintain its leadership, it also exercised greater self-restraint. In June 1991, the VCP passed the Program on the Building of the Country during the Transition to Socialism, affirming that, “the Party leads society by setting programs (*cuong linh*)<sup>11</sup>, strategies, and directions for policy, and guidelines for major works; by promulgating, persuading, mobilizing, organizing supervision, and by setting the model behavior of party members.”<sup>12</sup> The document further asserted, “the Party does not supersede the functions of other organs in the political system.”<sup>13</sup> Signaling the renewed importance of state institutions, Nguyen Van Linh, then General Secretary of the 6<sup>th</sup> National Party Congress, broke with customary practice by according equal time to meetings of the Council of State, the Council of Ministers, and the VNA at the party’s fourth plenum in December 1987.<sup>14</sup> Similarly, rather than ending the term with a usual comprehensive report of party activities, the plenary session of the Central Committee in December 1988 was postponed until March 1989. In its place, the VNA held a 10-day legislative session, which the Vietnamese News Agency described as follows:

The most obvious renovation that can be seen in this session is the renovation of the leadership of the party in relation to the National Assembly’s work. While in the past such problems as the state plan and budget were worked out and decided beforehand by the party, this time, the Politburo of the Party Central Committee only laid down the general orientation and major tasks, leaving the concrete content, targets and measures of implementation to the Council of Ministers, which has the duty to report to the National Assembly for deliberation and adoption.<sup>15</sup>

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<sup>11</sup> *Cuong linh* denotes a particular category of party document that outlines and establishes long-term organizational direction and programmatic objectives, as well as the position of the VCP on central issues pertaining to the party and its leadership of the political system. As such, the document has immense importance, and has usually been adopted at the start of significant periods of construction and reform of the party and the country. From 1930 to date, only five formal programs were passed: (1) the Abbreviated Program and Strategy adopted in February 1930 by Ho Chi Minh when he first founded the VCP; (2) the Program of the Indochinese Communist Party adopted in October 1930; (3) the Program of the Vietnam’s Worker Party in February 1951; (4) the Program on the Building of the Country during the Transition to Socialism in June 1991; and (5) the Program on the Building of the Country during the Transition to Socialism (supplemented) in 2011. See, *Thong tin xa Viet Nam* [Vietnam News Agency] 2020.

<sup>12</sup> *Dang Cong San Viet Nam* [Vietnamese Communist Party] 1991a, 151.

<sup>13</sup> *Dang Cong San Viet Nam* [Vietnamese Communist Party] 1991a, 151.

<sup>14</sup> *Stern* 1995, 913.

<sup>15</sup> *Vietnam News Agency*, December 23, 1988, in *FBIS, DR/EAS*, December 27, 1988, pp. 74-75. Quoted in, *Stern* 1995, 913.

While these changes in the scheduling and proceeding of party plenums appeared to be minor, they reflected a departure from party dominance toward the strengthening of the legislature and executive agencies in Vietnam.

The number of Central Party Committees overseeing specific policy areas also became noticeably smaller. Central Party Committees (*Ban Dang Trung uong*) acted as primary conduits in policy research and analysis that directly advised the Politburo and the Secretariat on particular fields of strategic importance or interest to the party. Between 1976 and 1986, the party apparatus was extensively involved in the economy, with five party committees that were parallel to ministries in the Government.<sup>16</sup> After the 6<sup>th</sup> Party Congress, the Central Agricultural Committee and the Central Circulation and Distribution Committee were both dissolved,<sup>17</sup> while the Central Industry Committee and the former Central Economic Committee were merged into a single committee.<sup>18</sup> As Dang Phong and Melanie Beresford observe, “compared with the size and scope of the former committees, the merged Committee is smaller . . . it no longer plays the role of a parallel ministry . . . The flows of information which enabled Party committees to intervene directly, no longer exist.”<sup>19</sup> The Central Economic Committee later merged with the Office of the Party Central Committee in 2007, but was re-established in 2012.<sup>20</sup> Salient issues related to land fall under the Economic Committee. Other committees that oversaw the promulgation of party ideology and political tenets in education, culture, literature, and arts also merged into what is now the Central Propaganda Committee of the VCP. As the former Party General Secretary Do Muoi affirmed, the principal objective was to “put an end to the practice of party committees and party

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<sup>16</sup> Dang and Beresford 1998, 44.

<sup>17</sup> Ban kinh te Trung uong [Central Economic Committee] 2017.

<sup>18</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 2006.

<sup>19</sup> Dang and Beresford 1998, 88..

<sup>20</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 2012b.

organization boards conducting all business related to personnel, in lieu of the state apparatus.”<sup>21</sup>

To date, there are a total of seven committees, not including the Office of the Party Central Committee which is primarily responsible for the day-to-day administration of the party.

**Table 5-1 Reorganization of Central Party Committees in Vietnam**

Before the 6 <sup>th</sup> Party Congress (1976-1986)		6 <sup>th</sup> Party Congress (1986-1991)	Current
Central Industry Comm. ('75-'89)		Central Economic Comm.	Merged with the Office of the Party Central Comm. in 2007; re-established in 2012
Central Economic – Planning Comm. ('78-'82)	Central Economic Comm. ('82-'89)		
Central Agricultural Comm.		Dissolved ('91)	N/A
Central Distribution – Circulation Comm.		Dissolved ('84)	N/A
Central Science & Education Comm.		Central Science & Education Comm.	Central Propaganda Comm.
Central Promulgation Comm.		Central Comm. on Culture & Ideology	
Central Comm. on Culture – Lit. & Arts			
Central Comm. on Financial Mgmt.		Central Comm. on Financial Mgmt.	Merged with the Office of the Party Central Comm.in 2007
Central Comm. of Justice		Central Comm. for Internal Affairs	Merged with the Office of the Party Central Comm. in 2007; re-established in 2012
Central Organization Comm.		No change	No change
Central Comm. for External Affairs		No change	No change
Central Control Commission		No change	No change
Central Comm. for Popular Mobilization		No change	No change

\*Compiled by author based on party documents from *Văn Kiện Đảng Toàn Tập* [Complete Collection of Party Documents], official websites, Dang and Beresford 1998. , and Thayer 1991.

Whereas Vietnam and China similarly make use of party committees to influence policy formulation and oversight, the crucial role assigned to “leading small groups” (LSGs) (*lingdao xiaozu* 领导小组) by the CCP to exert party authority and supersede state functions stands in marked contrast to Vietnam. The Vietnamese political system does not possess features like China’s LSGs. In China, LSGs functioned and continue to function as party satellites and coordinating bodies to enforce party control over government in nearly every policy area. First formed in the late 1950s, there were eight permanent LSGs that directly reported to the Party

<sup>21</sup> Do Muoi 1995, 177.

Politburo Standing Committee and the Party Secretariat.<sup>22</sup> Beyond these, there are now a variety of LSGs housed in both party and state institutions. Some are permanent while others are more temporary and ad-hoc to address specific policy issues. Compared to previous terms, the importance of LSGs was especially heightened after the 18<sup>th</sup> Party Congress under Xi Jinping as Xi intently sought to secure party control of the state and society. As of October 2017, there were 17 LSGs under the central CCP apparatus, and 33 LSGs under the State Council across policy areas, including economy, external affairs and security, society, domestic politics, and others.<sup>23</sup> Not only is it worth noting the sheer complexity, scope, and size of this political feature compared to Vietnam, but there are also LSGs which are jointly established by the party and state hierarchies.<sup>24</sup> LSGs can also consist of both party and state leaders, and are hence described as embodying “cross-ministerial interests and party will.”<sup>25</sup> Overall, LSGs have been indispensable as instruments for the CCP to assert party influence and oversight over government affairs.

The difference in the degree of party interference between Vietnam and China can be gauged from the extent to which the party merges with state agencies to formulate and promulgate key policies. To assess the degree of party-state fusion in policymaking, I compile a list of party legislations (formal resolutions, decisions, decrees, notices, and/or opinion) on salient issues related to land in both countries based on existing available data. As the tables below illustrate, the

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<sup>22</sup> The five original LSGs created in the late 1950s were: (1) The Leading Group of Foreign Affairs Work; (2) the Leading Group on Taiwan Work; (3) the Hong Kong-Macao Leading Group; (4) the Leading Group on Finance and Economy; (5) the Leading Group on Ideology and Propaganda; (6) the National Security Leading Group; (7) the Politics and Law Committee; (8) the Leading Group on Party-Building. See, Miller 2008.

<sup>23</sup> Here, I exclusively used a count of groups that are explicitly called LSGs. The authors included in their compilation other groups that performed similar coordinating functions as LSGs, namely, “coordinating small groups” (*xietiao xiaozu*, 协调小组), “coordinating working groups” (*xietiao gongzuo zu*, 协调工作组), and several commissions (*weiyuanhui*, 委员会). This increased the count to 26 LSGs under the CCP, and 57 LSGs under the State Council Johnson, et al. 2017.

<sup>24</sup> For instance, the Leading Group for the Lunar Probe Project, the Leading Group to Promote Logistics Reform in the People’s Leading Army (PLA), and the Leading Group on Outsourcing PLA Logistics Support were jointly formed by the CCP Central Committee and the state Council. See Miller 2008.

<sup>25</sup> Abrami, et al. 2013, 259.

CCP and the Central Leading Small Group for Rural Work (*zhongyang nongcun lingdao xiaozu* 中央农村工作领导小组) have issued a number of party legislations with the State Council, and various ministries. Instead, in Vietnam, party documents are unambiguously attributed to the Central Committee of the VCP (*Ban chap hanh Trung uong Dang*) and its units, rather than being jointly issued with executive and implementing agencies. This indicator reflects a distinction between the party and the state that more clearly delineates party and state functions in Vietnam than in China.

**Table 5-2 Party Documents on Land Issues in Vietnam, 1986-2019**

Year	Promulgator	Party Legislations
1988	Party Secretariat	Politburo Decree No. 47-CT/TW on Resolving a Number of Urgent Matter Concerning Agricultural Land
1993	Party Secretariat	Party Secretariat Decree No.18-CT/TW on Public Consultation on the Land Law (Revised)
1995	Party Secretariat	Party Secretariat Announcement No. 134-TB/TW on Fighting Corruption in Resolving Homestead, Residential Land
1995	Central Committee	Announcement of the Politburo's Opinion No. 121-TB/TW on the Implementation of the Land Law in Agriculture
1996	Central Committee	Announcement of the Politburo's Opinion No. 144-TB/TW on a Number of Problems Related to Land and Homestead
1998	Standing Politburo	Announcement of the Standing Politburo's Opinion No. 171-TB/TW on the Implementation of Pilots in Land Use to Create Fund for Infrastructural Construction in Ba Ria-Vung Tau Province
2001	Central Committee	Announcement of the Politburo's Opinion No. 6-TB/TW on the Project of Amending and Supplementing a Number of Articles of the Land Law
2002	Politburo	Politburo Report at the Seventh Meeting of the Ninth Central Committee No. 100/TLHN on the Situation of the Implementation and Petitions to Continue Renovating Policy, Law on Land During a Period of Promoting the Industrialization and Modernization of the Country
2002	Politburo	Politburo Conclusion No. 18-KL/TW on the Project of Reporting the Situation of the Implementation and Petition to Continue Renovating Policy, Law on Land During a Period of Promoting the Industrialization and Modernization of the Country
2003	Politburo	Politburo Report No. 124/TLHN on Receiving the Opinions of the Central Committee on the Proposal of the "Situation on the Implementation and Petition to Continue Renovating Policy, Law on Land During a Period of Promoting the Industrialization and Modernization of the Country"
2003	Central Committee	Resolution of the 9 <sup>th</sup> Central Committee at the 7 <sup>th</sup> Party Plenum No. 26-NQ/TW on Continuing the Renovation of Policy and Law on Land During the Period of Promoting the Industrialization and Modernization of the Country
2003	Central Committee	Announcement of the Politburo's Opinion No. 108-TB/TW on the Inspection of Investments in Construction and Management of Land



2003	Central Committee	Decision of the Politburo No. 86-Q§/TW on Organizing the Steering Committee to Assist the Politburo in Inspecting Leadership and Instruction for the Implementation of the Politburo's Conclusion on the Development of Land Use and Management
2003	Central Committee	Announcement of the Politburo's Opinion No. 124-TB/TW on the Revision of the Land Law (Draft)
2003	Central Committee	Resolution 26-NQ/TW on Continuing the Renovation of Policy and law on Land During the Period of Promoting the Industrialization and Modernization of the Country
2012	Central Committee	Resolution 19-NQ/TW on Continuing the Renovation of Policy and law on Land During the Period of Promoting the Industrialization and Modernization of the Country

\*Note: Documents compiled from *Van kien Dang toan tap* [Complete Collection of Party Documents], vol. 47 – 69, based on queries with the keyword “land” (*đất, đất đai*).

**Table 5-3 Party Legislations on Land Issues in China, 1986-2019**

Year	Promulgator	Party Legislation ( <i>dangnei fagui</i> 党内法规)
1986	CCP Center; State Council; State Council	Notice on Strengthening Land Management and Ceasing Arbitrary Occupation of Cultivated Land
1997	CCP Center; State Council	Notice on Further Strengthening Land Management and Practically Protecting Cultivated Land
1997	General Office of the CCP Center; General Office of the State Council	Notice on Further Stabilizing and Improving Rural Land Contract Relations
2001	General Office of the CCP Center; General Office of the State Council	Notice on Practically Safeguarding Rural Women's Land Contracting Rights and Interests
2004	CCP Central Commission for Discipline Inspection; Ministry of Supervision	Regulation on Leading Cadres Using Power in Violation of Existing Regulations to Intervene and Meddle in Bidding Construction Projects, Operating Land Use Rights Transfers, Real Estate Development and Management, and Other Market Economic Activities for Personal Benefits for Individuals and Relatives
2004	CCP Central Commission for Discipline Inspection; The Disciplinary Inspection Commission of the Ministry of Construction	Notice of promulgation on the Regulation on the Use of Authority to Violate the Provisions on Interventions in Bidding Construction Projects, Operating Land Use Rights Transfers, Real Estate Development and Management, and Other Market Economic Activities Personal Benefits, Relatives, and Friends
2011	Office of the Central Leading Small Group for Rural Work; Ministry of Land and Natural Resources; Ministry of Finance; Ministry of Agriculture	Opinion on the Registration and Certification of Rural Collective Land
2014	General Office of the CCP Center; General Office of the State Council	Opinion on Guiding the Orderly Circulation of Rural Land Management Rights to Develop Models of Agricultural Scale Operation
2015	Ministry of Agriculture; Office of the Central Rural Work Small Group; Ministry of Finance	Opinion on Diligently Carrying out the Registration and Certification of Rural Land Contract Management Rights
2016	General Office of the CCP Center; General Office of the State Council	Opinion on Improving Measures for the Separating the Management, Contracting, and Ownership Rights to Rural Land

2019	CCP Center; State Council	Opinion on Keeping the Land Contracting Relationship Stable and Permanent
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Note: CCP legislations are compiled from Peking University Law Information Database, <http://www.chinalawinfo.com>, and the Chinese Central Government Web page, <http://www.gov.cn/zhengce/wenjian/zhongyang.htm> (accessed February 4, 2020), based on queries using the keyword “land” (*tudi* 土地). Here, I adopt the more literal translation of *zhonggong zhongyang* (中共中央) as “CCP Center.”<sup>26</sup> Note that this enumerative list is not exhaustive of all documents issued by the party and the State Council related to land issues.

### ***Legislative Institutionalization and Oversight of Government***

Another significant institutional difference between Vietnam and China is the strength of the legislature. As Schuler establishes, there are key differences between the VNA and the NPC, which indicate that the legislature in Vietnam is more institutionalized than China.<sup>27</sup> Under Renovation, the relative distinction between the party and the state sharpened. There was a parallel effort to strengthen the role of the VNA. A shift occurred from governance by party legislations and administrative decrees to a rule by law to institute a rational state apparatus and invigorate the country’s economy. In a speech at the start of the first plenum of the 8<sup>th</sup> VNA on June 17, 1987, Party General Secretary Nguyen Van Linh elevated the importance of the VNA as the sole lawmaking institution, “[O]ur National Assembly needs to focus more attention on the task of law-making. With the renewal of economic thinking, is it not time for the need to renew legal thinking, set plans for legislative development, and establish a more efficient lawmaking process that overcomes sluggishness?”<sup>28</sup> There was a renewed mandate for the legislature to function as a channel of information, and for voicing and reflecting public concerns. In the same speech, Nguyen Van Linh implored:

The forum of the National Assembly and the People’s Council at every level needs to be used better in terms of valuing its quality and effectiveness. This must actually be a place of the people’s voices through their delegates about problems of national and local importance, not only in matters of setting objectives, policy, and execution organization, but also in evaluating the work of

<sup>26</sup> As noted elsewhere, party documents are intentionally attributed to “CCP Center,” a more ambiguous designation, as opposed to “CCP Central Committee” (*zhonggong zhongyang weiyuan hui* 中共中央委员会) in China. Abrami, et al. 2013, 254.

<sup>27</sup> Schuler 2020.

<sup>28</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1987, 177.

government authority, including personnel recommendations. The opinion of delegates of the National Assembly and the People's Council must be thoroughly studied, responded to, and, if correct, earnestly implemented. Prior to an official resolution, All important issues within the scope of its decision-making related to the state must be presented to the National Assembly, and the People's Council for a genuine democratic deliberation; [one] absolutely must not present matters that have already been decided on before a democratically elected institution [the National Assembly], solely to be approved in a passive manner.<sup>29</sup>

The push was for the Vietnamese legislature to be given some teeth to scrutinize and have a stronger say in government affairs. Nguyen Van Linh assertively affirmed, “The National Assembly has the full authority to query, criticize the Council of Ministers, and remove [government] members if they are not worthy, and to investigate before the law individuals and agencies that make grave errors, which must be addressed.”<sup>30</sup> These powers were formally incorporated in the 1992 Constitutions, specifically granting the VNA the authority to draft laws and constitutional amendments, to determine the state budget, to veto prime minister decrees, to dismiss by a two-thirds vote top government officials, and to query all top government officials, including the president, prime minister, and ministers.

While the Chinese NPC is also formally endowed with legislative and oversight powers, it differs from the legislature in Vietnam in several ways. This is not to say that the Chinese NPC has not experienced progress and expanded its political activities.<sup>31</sup> But, by comparison to Vietnam, the NPC is still relatively passive and less open to public scrutiny. Having increased the frequency of its meetings from less than a week to more than two months every year, the VNA considers and deliberates on proposed legislations in small committees that are closed off to the public, as well as in full plenary sessions that are publicly televised and transcribed.<sup>32</sup> On the other hand, the full three thousand-member legislature in China meets only once per year, and holds legislative debates

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<sup>29</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1987, 173.

<sup>30</sup> Dang Cong San Viet Nam [Vietnamese Communist Party] 1987, 178.

<sup>31</sup> Tanner 1995.

<sup>32</sup> Schuler 2018, 2020.

behind closed doors without any debates in full plenary sessions. Domestic and foreign journalists can be invited to cover NPC sessions, with press conferences and websites that publish information to the public.<sup>33</sup> These, however, are also present in Vietnam.

Moreover, although reports on the work of the government are presented by the Premier of State Council, often at the first session of each legislative term, they are not publicly debated in China. By contrast, the VNA commonly devotes two to three days to comment on and evaluate the government report, televised to the public. Query sessions in which delegates can interrogate and demand responses from members of the executive government are also televised, usually lasting from three to four days per plenary session in Vietnam, whereas they are not televised in China. In these query sessions of members of the Government, Malesky and Schuler find evidence that the questions posed by VNA delegates indeed reflect the particular concerns and interests of their constituents.<sup>34</sup>

Lastly, whereas the VNA routinely casts public votes of confidence in government officials, the NPC does not.<sup>35</sup> The 1946 Constitution first provided the VNA with the authority to conduct votes of no confidence in any minister or in the Council of Ministers, albeit with certain restrictions. Although the provision was removed from the 1959, 1980, and 1992 Constitution, it was reinserted in the 2001 constitutional amendments, expanding the power accorded to the legislature, and it was maintained in the 2013 Constitution. The Constitution grants the VNA the authority to cast a vote of confidence in persons holding positions elected or approved by the National Assembly, which includes the Prime Minister and President, who are both Politburo members, as well as all

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<sup>33</sup> For example, see "China Invites Journalists to Cover Big Political Meetings" 2016.

<sup>34</sup> Malesky and Schuler 2010.

<sup>35</sup> Sidel 2009, 35-36.

ministers. On November 21, 2012, the VNA adopted Resolution No. 35/2012/QH13, requiring state officials to be subject to an annual confidence vote by the legislature.<sup>36</sup>

In practice, with the support of a number of other representatives in 2004, VNA delegate Nguyen Duc Dung pressed for a no-confidence vote in Minister of Post and Telematics, Do Trung Ta, Minister of Health, Tran Thi Trung Chien, Minister of Education and Training, Nguyen Minh Hien, and Chairman of the National Sports Committee, Nguyen Danh Thai. “I want to let those comrades see their responsibilities,” said Do Trung Ta as he explained the thinking behind his motion. “Through the process of conducting the vote of confidence, [they] will be able to see everyone’s evaluation of their work. From this, there can be positive corrective measures.”<sup>37</sup> Although the proposal did not receive the 20 percent of delegates’ vote required to enact a vote of no confidence, the four ministers under scrutiny ended up apologizing for their actions in front of the VNA.<sup>38</sup>

Again in 2010, another vote of confidence was proposed, concerning Prime Minister and Politburo member, Nguyen Tan Dung.<sup>39</sup> Dung was faulted for the near-collapse of the shipbuilding conglomerate, Vinashin, after accumulating \$4 billion in debt and defaulting on its first payment. VNA delegate Nguyen Minh Thuyet, who had voiced the need for this vote of no-confidence expressed, “I think my proposal will serve as a warning to the government about its economic management. I want to create an atmosphere of democracy and openness in the National Assembly.”<sup>40</sup> Finally, following the annual requirement instituted the year before, the first actual round of votes of confidence was conducted in 2013. Considered as a “public blow” to the Prime

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<sup>36</sup> Quoc Hoi [Vietnamese National Assembly] 2012.

<sup>37</sup> Nhu Trang - Anh Anh 2004.

<sup>38</sup> Vu 2009a.

<sup>39</sup> Ruwitch 2010. Malesky, et al. 2011b; Malesky 2014.

<sup>40</sup> “Vietnam Parliamentarian Proposes First-Ever Vote of No-Confidence” 2010.

Minister's reputation, Dung received only 210 votes of "high confidence," with 122 votes of "confidence" and 160 votes of "low confidence" from 498 delegates in 2013.<sup>41</sup>

Paradoxically, although organizational reforms rolled back party functions and empowered the legislature vis-à-vis the government's executive bureaucracy, the aim was not to topple the political system, but rather to affirm and preserve the communist single-party system in Vietnam. Surely, as a result of all the above, the Vietnamese legislature today is not entirely independent from the party. Although VNA delegates are directly elected by citizens whereas NPC delegates are not, candidates must still undergo a complex vetting process prior to appearing on the ballot for election.<sup>42</sup> The Central Committee of the VCP also consists of members who are concurrently VNA delegates. Forty-seven percent of party members in the 12<sup>th</sup> Party Central Committee, for instance, are also delegates in the VNA.

At the same time, within the authoritarian bounds of the party, the Vietnamese legislature is endowed with rigorous legislative and oversight powers. In fact, Schuler argues that the VCP has intentionally delegated authority to the legislature to keep the executive apparatus in check. He identifies three particular instances after Renovation: (a) General Secretary Do Muoi's support for empowering the VNA in his early debates with Prime Minister Vo Van Kiet between 1989 and 1992; (b) the support of then General Secretary Le Kha Phieu for the decision to televise legislative query sessions of government officials in 1998; and (c) General Secretary Nguyen Phu Trong's support for the annual requirement of a vote of confidence by the VNA in 2012. In these instances, the General Secretary's preference for measures to strengthen the role of the legislature and its legislative powers against the Prime Minister, head of the executive Government, suggest that

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<sup>41</sup> "Vietnam MPs vote low confidence in PM Nguyen Tan Dung" 2013.

<sup>42</sup> Koh 2006; Salomon 2007; Malesky and Schuler 2009; Koh 2012.

there is measurable support by the VCP.<sup>43</sup> These instances further buttress the observation that the Vietnamese legislature has become increasingly institutionalized after Renovation, while remaining embedded in the single-party rule of the VCP. Yet, as I have also stressed, a longer view of the historical evolution and formation of the Vietnamese communist party-state is necessary to account for why the VCP delegates authority to the legislature, whereas China does not.

Through process-tracing, I will now demonstrate how the relative separation of the party and the state, and the institutional strength of the legislature provided mechanisms for Vietnam's institutionalized responsiveness to social unrest. I trace the sequential chain of responsiveness, from the expanding scope for land expropriation for economic development that gave rise to social unrest to the receptivity of the party and the state, to the push by the legislature for a comprehensive revision of the 2003 Land Law, to the dynamics of civil society input, and lastly, to the revision of the Land Law as an output of the regime's responsiveness.

In fact, the agenda for the revision to restrict the scope of government discretion originated in the legislature, whereas the executive, not surprisingly, opposed and repeatedly delayed the revision. The VNA exerted overt influence on how extensive and deep reforms should be, demonstrating legislative oversight of the Government and receptivity to social claims. In this process, the VCP's endorsement of the agenda was critical for advancing the revision. The party further provided guidelines and drew the parameters for the revision, identifying which issues were admissible. Furthermore, unlike China, there were no LSGs embedded within the state that directly controlled the process. The institutionalization of the VNA as a more open and accessible institution also provided an effective channel for civil society input, which were incorporated and culminated in the revisions instituted in the 2013 Land Law.

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<sup>43</sup> Schuler 2020.

## Expanded Scope for Compulsory Land Seizures, 1987-2003

After Vietnam endorsed Renovation in 1986, the country was set on a market-oriented path in pursuit of modernization, industrialization, and economic development. At the Seventh National Party Congress in 1991, the VCP reiterated its developmental agenda using the slogan, “prosperous people, strong country.”<sup>44</sup> As the Politburo elaborated in its Political Report, “Industrialization, modernization of the country is the central mission of the period of transition. Socialism can only develop on its own basis when it already possesses and is strongly based on a high level of economic development. The path to the height of that economic development must necessarily be conducted through the ceaseless development of productivity [and] volume, in which industrialization and modernization possess the decisive roles.”<sup>45</sup> Consistent with this overriding mandate, land law and policy between 1987 and 2003 had primarily aimed to facilitate the formation of a land market in the interest of fostering growth and investment. The scope for government land seizures had widened from only permitting land expropriation strictly for defense and security purposes, as well as for the “national, public interests,” to also allowing government expropriation for economic development, broadly construed. These changes sanctioned massive state land acquisitions to occur apace with the country’s rapid industrialization and modernization during this period.

The first Land Law was passed by the VNA in the wake of Renovation in 1987. As Dang Hung Vo, the former Deputy Minister of the Ministry of Natural Resources and Environment (MoNRE), reflected, “The VNA only passed two laws, that is, the Land Law and the Law on

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<sup>44</sup> Resolution on National Development in the Transitioning Period to Socialism

<sup>45</sup> Politburo of the Central Committee of the Communist Party of Vietnam. 1995. *Bao cao cao Bo Chinh tri tai Hoi nghi lan thu tam Ban Chap hanh Trung uong Dang khoa VII: Mot so dinh huong lon ve cong tac tu tuong - ly luan trong tinh hinh hien nay* [Politburo report at the 8th session of the 7th National Congress of the Communist Party of Vietnam: A few central directions regarding Party works on ideology-theory during the current situation], 129.



Foreign Investment. It could be seen that the land story was an important story. The second one was the story of encouraging foreign investment.”<sup>46</sup> The 1987 Land Law formally declared land as “the ownership by all the people” and “uniformly managed by the State.”<sup>47</sup> Despite the rhetorical distinction, state ownership and ownership by all the people are practically synonymous, whereby individuals do not have ownership rights but are granted a bundle of user rights.<sup>48</sup>

The 1993 Land Law granted households and individuals the five basic rights to transfer, exchange, inherit, lease, and mortgage their land use rights. It was the first legislation to formally allow land to be transacted in the market and to have a price. Economic organizations and investors at this time still could only lease or acquire land through state allocation, and did not have the full bundle of transactional rights accorded to households and individuals. Supplemental provisions and amendments were then adopted in 1998 and 2001 to broaden the rights of private investors, enterprises, and businesses.<sup>49</sup> Vo described how, “Faced with pressures from the reality that private enterprises and businesses also needed to join the real estate market, the State allowed a number of enterprises to [transact land use rights] in the market.”<sup>50</sup> These were mostly enterprises that invested in the construction of industrial zones, residential housing, and local infrastructure.<sup>51</sup>

Continuing this momentum, the 2003 Land Law expanded and granted households, individuals, and economic organizations the same bundle of rights. In addition to the five rights stipulated in the 1993 Land Law, revisions in 2003 now permitted households, individuals *and* economic organizations the rights to sublease, donate, provide guarantees, and contribute land use

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<sup>46</sup> Personal interview. October 13, 2016. Hanoi, Vietnam.

<sup>47</sup> Before 1987, the principle of “ownership by all the people” had been recognized along with private ownership and collective ownership (ownership by cooperatives). After the 1987 Land Law, only one form of land ownership, that is, state ownership or “ownership by all the people” of land was recognized.

<sup>48</sup> In fact, Article 19 of the 1980 Constitution stipulated that land, natural resources, and other properties defined as “belonging to the State, all belong to the ownership of all the people,” equating both as one and the same.

<sup>49</sup> See the 1998 and 2001 amendments of the 1993 Land Law.

<sup>50</sup> Personal interview. Hanoi, Vietnam. October 13, 2016.

<sup>51</sup> Personal interview. Hanoi, Vietnam. October 13, 2016.

rights as capital.<sup>52</sup> The Government later also granted foreign investors similar rights as domestic investors for commercial housing projects in Vietnam.<sup>53</sup>

In this institutional context, provisions in the land law between 1986 and 2003 had widened the permissible scope for state land acquisitions. The term “land recovery” (*thu hoi dat*)<sup>54</sup> first appeared in the 1987 Land Law without any qualifying definitions.<sup>55</sup> Revisions in the 2003 Land Law later defined “land recovery” as situations in which the state issues administrative decisions to retrieve land use rights or to recover land already assigned.<sup>56</sup> In contrast to land transactions based on market principles and voluntary consensus, land requisition is compulsory by law. There is a general consensus that the state should reserve the right to recover land for defense and security purposes, and national, public interests. In the Western context, this is commonly known as eminent domain, which allows governments to expropriate private property for public use with compensation. The definition of defense and security purposes has not been the center of public debates in Vietnam. Rather, the definition of national and public interests has been highly contentious.

National or public interest is generally equated with public good as opposed to private and commercial interests. The 1987 Land Law referred to this conception by permitting the state to recover land “for the need of the State or society.”<sup>57</sup> The 1993 Land Law replaced the former with a clause on “national interests, public interests” (*loi ich quoc gia, loi ich cong cong*), albeit without

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<sup>52</sup> 1993 Land Law, art. 46.

<sup>53</sup> See Government Decree No. 84/2007/ND-CP.

<sup>54</sup> The official English translation of the term “*thu hoi dat*,” according to the Ministry of Justice, is “land recovery.” The term literally denotes the withdrawal, recovery, or requisition of land use rights, but is also used broadly to refer to all types of compulsory state land acquisitions. In this chapter, except in original translations and quotations, I use the terms land taking, land seizure, land reclamation, land requisition, land expropriation, and land recovery interchangeably.

<sup>55</sup> See Article 9 on “State management of land.”

<sup>56</sup> 2003 Land Law, art. 5.

<sup>57</sup> 1987 Land Law, art. 14.

any further definitions or stipulations of projects that were constitutive of this category.<sup>58</sup> On August 17, 1994, the Government issued Decree No. 90/1994/ND-CP which further defined and specified the scope for state requisitions under Article 27 of the 1993 Land Law. As Decree No. 90 stipulated, situations in which the state could expropriate land for “national interests, public interests” was comprised of three broad categories: (a) public infrastructures and utility; (b) public facilities and spaces; and (c) “other construction works as defined by the Government.”<sup>59</sup> While the decree listed the types of projects that would be considered public infrastructures and public facilities, “other public works as defined by the Government” was a catch-all clause that was deliberately ambiguous. The clause delegated broad discretionary authority to executive and implementing agencies to determine the basis of government land expropriation for all other situations not stipulated in the law. On the one hand, this allowed flexibility for implementing agencies to adjust to practical circumstances. On the other hand, it created a loophole in the law that allowed the government to seize land for indiscriminate purposes in the name of poorly-defined national and public interests.

In practice, between 1993 and 2003, investors principally relied on government expropriation as the primary mechanism for land acquisitions, using national and public interests as a legal basis for post hoc justifications. As Vo explained, “The [1993 Land] Law stipulated that the State could recover land for use for national interests and public interests, but in reality the State recovered land in all situations, so long as the projects had been approved by the State. People [in turn] reasoned that the State approved [the projects] because they were for national interest.”<sup>60</sup> The spike in government land seizures also coincided with party impetus to promote marketization,

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<sup>58</sup> 1993 Land law, art. 27.

<sup>59</sup> Article 1, Decree No. 90/1994/ND-CP on the Regulation of the Compensation for Losses When the State Recovers Land for Use in National Defense, Security Works, and National and Public Interests.

<sup>60</sup> Personal interview. Hanoi, Vietnam. October 13, 2016.

foreign direct investments, and industrialization. In a political assessment of the implementation of the 1993 Land Law, the Politburo instructed the Government to develop land use planning that was “suitable for the country’s industrialization [and] modernization stratagem.”<sup>61</sup> In the interest of achieving its developmental agenda, the Politburo specifically mandated that implementing agencies address the problem of “land clearance for constructing traffic roads, industries, urban centers, and so on . . . not having a uniform and clear policy, thus lengthening the proceeding time and [causing] the compensation to be too high.”<sup>62</sup>

Thereafter, a central focus of the 2003 Land Law was how to facilitate land acquisitions in the interest of promoting increased investment, urbanization, and economic development. The overriding principle for the law, as stated by the Politburo, was to mitigate “insufficiencies in existing law to serve the demands of a period of strengthening industrialization, modernization of the country in the coming years.”<sup>63</sup> While the 2003 Land Law and its implementation decrees adhered to prior provisions on the scope of national and public interests,<sup>64</sup> they departed from their predecessors by introducing “economic development” as a supplemental and separate category for land expropriation. Article 40 of the 2003 Land Law stipulated that, “The State shall recover land for use for *purposes of economic development* in case of investment in the

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<sup>61</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 1995, 339.

<sup>62</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 1995, 339.

<sup>63</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 2003, 7.

<sup>64</sup> Similar to the 1993 Land Law, Article 13 of the 2003 Land Law defined “land used for public-utility purposes” as “land for communications, irrigation; land for construction of cultural, medical, educational and training purposes, sport and physical training works in service of public interests; land with historical and cultural relics, scenic places; land for construction of other public works under the Government’s regulations”. Decree No. 181/2004/ND-CP was subsequently passed by the Government to specifically prescribe the implementation of the new land law, which also did not differ much from previous decrees and regulations. Article 36 of Decree No. 181/2004/ND-CP lists “national or public interest” as follows: (a) “construction of public works *not for business purposes* such as transport routes, bridges and culverts, street pavements, water supply and drainage systems, dykes and dams, power plants, scientific research projects, schools”; (b) “public offices such as diplomatic compounds and offices of state agencies, hospitals, markets, public parks, flower gardens, cultural projects, public entertainment and recreation centers, public squares, stadiums, airports, seaports, cemeteries, urban centers, and rural population quarters, development of protective forests, special-use forests”; and, (c) “other construction works as defined by the Government” (emphasis added).

construction of industrial parks, high-tech parks, economic zones, and big investment projects as provided for by the Government.”<sup>65</sup> The law again delegated authority to the Government to specify the permissible scope for state land requisitions. Subsequent government decrees expanded the list of economic development projects under the new provision. In addition to industrial parks, high-tech parks, and economic zones, Decree No. 181/2004/ND-CP on the Implementation of the 2003 Land Law further permitted land expropriation in the following situations: (a) Other investment production, business, service or tourist projects approved by competent state agencies; (b) investment projects with official development assistance capital; and (c) projects with 100 percent foreign investment capital approved by competent state agencies.<sup>66</sup>

**Table 5-4 Scope for Land Requisitions in Vietnam, 1987-2013**

Land Law	Scope for Land Requisition		
1987 Land Law	Need of the State or society	Undefined	Undefined in the law
1993 Land Law	National interests, public interests	Public infrastructures & utility	Transport routes, bridges and culverts, street pavements, water supply and drainage systems, dykes, dams, power plants, power lines
		Public facilities & spaces	Schools, hospitals, markets, public parks, flower gardens, cultural projects, public entertainment and recreation centers, public squares, stadiums, airports, seaports, cemeteries for fallen heroes; scientific research projects, offices of state agencies, political and social organizations
		Other construction works as defined by the Government	Undefined in the law
2003 Land Law	National interests, public interests	Public infrastructures & utility	Same as above in the previous law
		Public facilities & spaces	Same as above in the previous law
		Other construction works as defined by the Government	Same as above in the previous law

<sup>65</sup> Also see, Article 90, 91, and 92 of the 2003 Land Law on land recovered for construction of industrial parks, hi-tech parks, and economic zones, (emphasis added).

<sup>66</sup> Decree No. 181/2004/ND-CP, art. 36.

	<i>Economic development</i>	Industrial parks, high-tech parks & economic zones	Undefined in the law
		Big investment projects as provided for by the Government	Other investment production, business, service or tourist projects approved by competent state agencies
			Investment projects with official development assistance capital
			Projects with 100% foreign investment capital approved by competent state agencies

Under the economic development clause, the government could now expropriate land not only for the construction of industrial parks, hi-tech parks and economic zones, but also for other innumerable investment projects, irrespective of whether they were public or private in nature. Vo offered the following rationale for this notable change during his tenure at MoNRE:

The state cannot swindle [the people] ... There is a type of project for economic development that the State is permitted to recover [land for] that must be straightforwardly told to the people ... Let's tell the people the truth. Tell the truth that the [economic] development purpose is for private investors, but that the State can still intervene by administrative decision in land requisitions because of the importance of the projects for industrialization, and not tell the people that they are for the national interest. These are private interests, but the law still permits the State to intervene.<sup>67</sup>

Vo reasoned that, except for economic development projects that would benefit national construction, other projects for private interests would have to employ alternative mechanisms provided by the law, such as land transfer, lease, capital contribution, and so forth, for land acquisitions.<sup>68</sup> In either case, households and individuals would be positioned to demand higher compensation than when land was acquired by the government in the name of national and public interests.<sup>69</sup>

Despite this rationale, revisions in the 2003 Land Law had made land expropriation for private interests more expedient, enabling a system in which “the big fish eats the small fish, and

<sup>67</sup> Personal interview. Hanoi, Vietnam. October 13, 2016.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

the small fish eats the shrimps.” Government authorities exercised broad discretion in land expropriation in collusion with investors with high demands for land for purposes of economic development, including urbanization projects, commercial housing, tourism, hotels, and resorts, primarily for private and commercial interests. A system was formed in which government authorities would seize land from households and individuals with compensation at lower rates than market price. Investors and developers would pay rents in one form or another to government authorities in exchange for land and construction permits. Upon completion, investors and developers would potentially reap even higher profits from buyers or consumers. Under this system, individuals and households would be most vulnerable while investors and developers would stand to gain the most.

Under the expanded scope for government land expropriation under the 2003 Land Law, Vietnam experienced a significant increase in the number of land seizures. According to incomplete government reports from 49 provinces and municipalities, between 2004 and 2009, a total of 750,000 hectares were expropriated for 29,000 investment projects.<sup>70</sup> More than 80 percent of land lost to expropriation was agricultural land.<sup>71</sup> Provinces with higher levels of market growth and economic development accounted for those with the largest loss of agricultural land.<sup>72</sup> From 2010 to 2014, paddy land area continued to decline in 32 provinces, which was attributed to land acquisitions and conversions of agricultural land for non-agricultural purposes, including urban development, residential areas, non-agricultural production, and commercial businesses.<sup>73</sup>

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<sup>70</sup> General Department of Land Administration 2014.

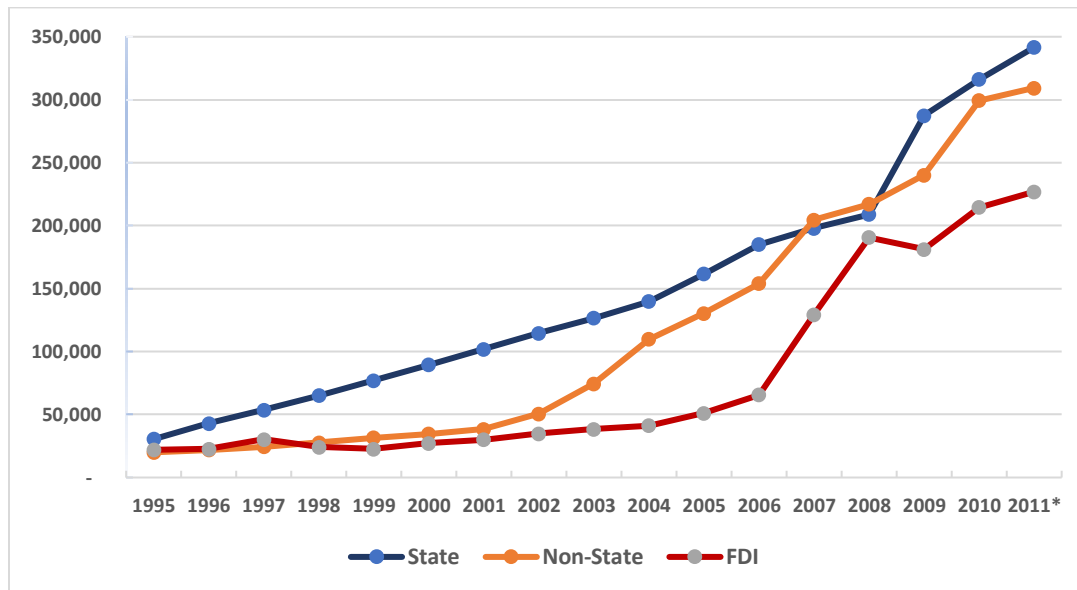
<sup>71</sup> Ibid.

<sup>72</sup> Mai Thanh 2009.

<sup>73</sup> Provinces with high levels of market growth and economic development were identified as those that experienced the largest expropriation of agricultural land, namely: Tien Giang (20,300 hectares), Dong Nai (19,700 hectares), Binh Duong (16,000 hectares), Ha Noi (7,700 hectares), and Vinh Phuc (5,500 hectares) (Mai Thanh 2009). From 2010 to 2014, paddy land area in particular significantly declined in 32 provinces, including Tien Giang (9,600 hectares), Ho Chi Minh City (9,100 hectares), Ben Tre (7,600 hectares), Tay Ninh (7,400 hectares), Dong Nai (7,100 hectares), Tra

Coterminous with these trends was an evident spike in investments, especially non-state investments, after the revisions of the 2003 Land Law. Foreign direct investment also surged since 2007 when the Government began permitting foreign investors to invest in house building projects for commercial purposes.<sup>74</sup>

**Figure 5-1 Investments Classified by Sectors, 1995-2013**



Note: Preliminary data reported by the General Statistics Office (GSO). Source: *Statistical Yearbook of Vietnam*, GSO, <https://www.gso.gov.vn/default.aspx?tabid=392&idmid=3&ItemID=13107>.

The decrease in paddy land coincided with the relative increase in non-agricultural land during the same period. According to the General Department of Land Management of MonRE, from 2010 to 2014, the largest increase (32,860 hectares) among all of the non-agricultural land categories in the whole country was “specially used land.” This comprised land used for public purposes primarily for the construction of transport and irrigation projects, land used for non-agricultural production and businesses, as well as land areas for “hanging” projects (*du an treo*).<sup>75</sup>

Vinh (6,800 hectares), Binh Duong (4,800 hectares), and Hung Yen (4,400 hectares). See, General Department of Land Administration 2014..

<sup>74</sup> See Decree No. 84/2007/ND-CP.

<sup>75</sup> The term “hanging” projects describes an equally common phenomenon in which land that had been granted, leased, and approved for conversion to non-agricultural production and business, but has remained abandoned and unused.



As VNA delegate Dang Huyen Thai remarked, “The situation of unreasonable requisitions of agricultural and forest land to construct industrial zones, urban centers, and golf courses in many localities have led the agricultural land inventory to contract day by day. Many entities receiving land allocations for project implementation do not execute the projects. Leaving the land deserted and using the land incorrectly cause deep discontent among the people.”<sup>76</sup>

The contraction of agricultural land had displaced Vietnam’s rural population without offering households and individuals adequate support to seek alternative livelihoods. VNA delegate Nguyen Tien Dinh commented on how the process of urbanization and industrialization had caused farmers to lose their agricultural land without receiving adequate support from the government. “Although we provide financial support, to convert to a new vocation for a farmer is very difficult and disorienting,” Dinh stated. “Hence, unemployment [and] living conditions are tough. At the same time, many aspects of land clearance compensation policy are inadequate . . . causing people’s grievances, resulting in prolonged lawsuits and collective court cases in areas with land clearance.”<sup>77</sup> Between 2003 and 2008, the Ministry of Agriculture and Rural Development found that 627,000 households consisting of 2.5 million people were affected by agricultural land expropriation.<sup>78</sup> Consequently, 67 percent of those working in agriculture could not switch to a new sector after losing their agricultural production land, and 25-30 percent could not find employment or stable employment.<sup>79</sup>

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<sup>76</sup> Van phong Quoc hoi [Office of the National Assembly] 2009a.

<sup>77</sup> Van phong Quoc hoi [Office of the National Assembly] 2007c.

<sup>78</sup> Huyen Ngan 2009.

<sup>79</sup> Ibid.

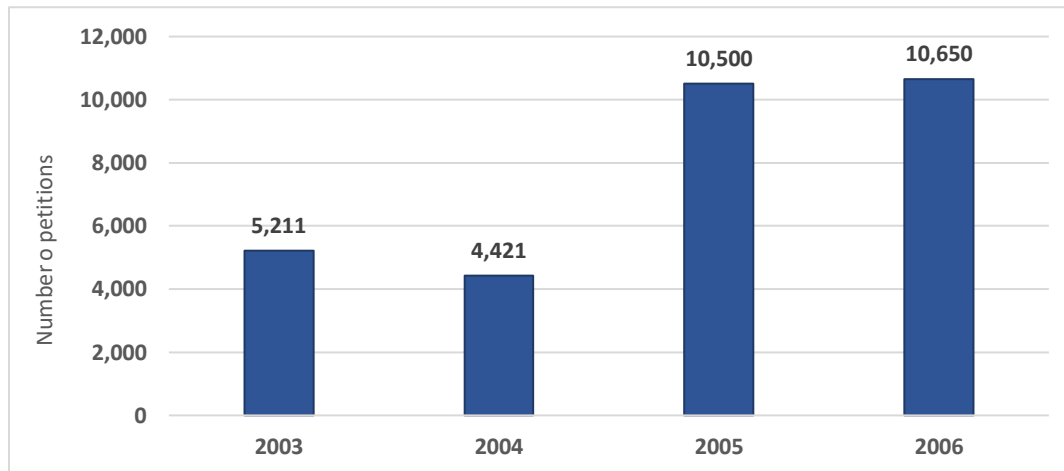
## **Rising State-Society Tensions and Social Unrest, 2003 - 2013**

Under the expanded scope for land expropriation of the 2003 Land Law amid the country's rapid development, social unrest had dramatically risen. Citizen grievances were transmitted through various channels, including petitions to implementing ministries, government offices, and the legislature at the central level, as well as through widespread social protests and demonstrations against government land seizures. Although systematic official data on the number of citizen petitions and protests related to land in Vietnam are difficult to obtain, one can triangulate from various sources to assess the magnitude of social unrest. In this section, I draw on official government reports and media coverage to illustrate the overall trend of social unrest between 2003 and 2013, as well as on personal interviews and closer analyses of select incidents of social resistance in order to shed light on contentious claims and heightening tension in state-society relations due to government land seizures. Here, I am not concerned with the particular channels through which citizens voiced their concerns. Rather, I am interested in the aggregate level of social discontent caused by land expropriation or land issues more generally under the 2003 Land Law.

Between 2003 and 2013, citizen petitions related to land disputes dramatically increased. From 2003 to 2006, the Department of Inspection of MoNRE received a total of 30,782 land-related petitions. Five months after the 2003 Land Law had gone into effect, starting in July 2004, the number of land-related petitions sharply rose by more than 100 percent from 5,211 petitions in 2003 to 10,500 petitions in 2005, and 10,650 petitions in 2006 (see Figure 5-2). From 2008 to 2011, 70 percent of 672,990 petitions received by the Government Inspectorate were also attributed to land, particularly government land requisitions for various investments, be it urban

and trade centers, tourism, industrial zones, and commercial projects.<sup>80</sup> Overall, these numbers illustrated a rising trend in citizen petitions that were directly related to the increase in government land seizures after 2003.

**Figure 5-2 Number of Land-Related Petitions Received by MoNRE, 2003-2006**



Source: The Inspection Department of Ministry of Natural Resources and Environment (MoNRE).<sup>81</sup>

Growing tensions between state and society due to government land seizures were especially palpable in contentious incidents of citizens' outright clashes with government officials and police. Hundreds of such protests, often each involving hundreds of villagers, sometimes over a thousand, occurred in many parts of the country, across the Southern, Northern, and Central regions of Vietnam.<sup>82</sup> In April 2009, the local government in Tien Lang District of Hai Phong City decided to seize 19.3 hectares, comprised of 17.64 hectares of farmland formerly allocated to a villager Doan Van Vuon. At the time, district authorities cited a plan for the construction of an international airport in Tien Lang District to justify the expropriation. The local government later disclosed that the intention behind the requisition was to auction and lease the land to investors to

<sup>80</sup> Báo cáo Thanh tra Chính Phủ Số 1198/BC-TTCTP về Tình hình, kết quả công tác tiếp công dân, giải quyết khiếu nại, tố cáo từ năm 2008 đến năm 2011 và giải pháp trong thời gian tới. Hà Nội, ngày 16 tháng 5 năm 2012.

<sup>81</sup> Cited in, World Bank 2011.

<sup>82</sup> Kerkvliet 2019, 36-54.

foster local economic development.<sup>83</sup> When the government deployed more than 100 police and military officers to forcibly evict Vuon and his extended family on January 5, 2012, Vuon and his family fought back with homemade land mines and explosives.<sup>84</sup> Although Vuon and some family members faced criminal charges for resisting and assaulting six police and military officers in the forced eviction, he was catapulted into being the people's hero.

The case of Doan Van Vuon became so high-profile that it grabbed the attention of Prime Minister Nguyen Tan Dung, who personally called for an investigation of the incident. At a meeting held by the Prime Minister with various ministries and Hai Phong City on February 10, 2012, Chairman of the Office of the Government Vo Duc Dam announced, "The Prime Minister concluded that the mobilization of military forces by the District Commanding Committee of Military Affairs to Tien Lang District in the forced eviction is not correct."<sup>85</sup> Following the investigation, Chairman of the District People's Committee Le Van Hien and Vice-Chairman Nguyen Van Khanh were removed from office and tried in court. Hien was sentenced to 15 months of parole. Khanh was sentenced to prison for 30 months, but his sentence was later reduced to 30 months of parole.<sup>86</sup>

On the one hand, these disciplinary measures gestured some acknowledgement and responsiveness from the government in reaction to the incident. On the other hand, they were severely limited insofar as actually addressing Vuon's grievances. In contrast to the 15 to 30 months of parole received by the district officials, Vuon was sentenced to five years in prison, although he was finally released after three years, seven months and 21 days.<sup>87</sup> Moreover, Vuon

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<sup>83</sup> Lan Nhi 2012.

<sup>84</sup> "Toan canh vu cuong che o Tien Lang [Overview of the Forced Eviction in Tien Lang]" 2012.

<sup>85</sup> "Chinh quyen sai toan dien trong vu Tien Lang [The Government is Completely Wrong in the Case of Tien Lang]" 2012.

<sup>86</sup> As of August 1, 2013, the People's Supreme Court revised the sentence from 30 months in prison to 30 months of parole. See M. Quang - Than Hoang 2013.

<sup>87</sup> Hoang Anh 2015.

never actually achieved the outcome that he had fought for. In the end, the government still expropriated the land and did not allocate it back to Vuon, but offered him the option of leasing the land from the state.

During the same period between 2003 and 2013, villagers from Van Giang District of Hung Yen Province engaged in collective resistance against the government requisition of their agricultural land. Under the 2003 Land Law, PM Dung approved the decision to expropriate 555 hectares of land areas in Van Giang District in 2004. Of the total area, 55 hectares were allocated for the construction of a highway that was financed and developed by Viet Hung Investment and Urban Development J.S.C. (Vihajico). The other 500 hectares were allotted to Vihajico for commercial development in the form of “land for infrastructure” (*doi dat lay ha tang*),<sup>88</sup> which enabled local governments to attract developers while limiting their own capital contribution, and allowed developers to obtain land allotments for their own investment in exchange for their provision of local infrastructure. In fact, the precise total of the land area allotted to Vihajico was 499.86 hectares, deliberately just below the 500-hectares ceiling that would surpass the scope of the Government’s authority, and that would require legislative review and approval by the VNA.<sup>89</sup> At stake for Vihajico was a massive urban development plan for the construction of EcoPark, one of the largest urbanization projects in northern Vietnam at the time which cost nearly 8 billion USD. The blueprint for EcoPark included rows of private villas, high-rise apartments, and commercial townhouses in an exclusive residential area with its own supermarkets and shopping centers, international schools and medical facilities, a golf academy, amusement parks, and leisure centers.

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<sup>88</sup> Hoai Ngan 2012. .

<sup>89</sup> Personal interview with VNHN 101516. Government official, Department of Natural Resources and Environment. Hanoi, Vietnam. October 15, 2016.

Villagers resisted and protested in varying numbers during the development of EcoPark. In 2006, nearly 4,000 villagers from various communes affected by the project in Tien Lang District assembled in front of the legislature's building in Hanoi to protest against a lack of due procedures, consultation, and fair compensation in the expropriation process.<sup>90</sup> As a villager contended, "We support the policy of the party and the state to expropriate land for the construction of projects with public benefits for the people. But when the people oppose like this, then the government must reexamine why the people oppose so assertively for so long . . . The government serves the people, but does not listen to the people."<sup>91</sup> In defense of the local government's position, an official in the People's Committee of Van Giang District instead argued:

[Villagers] claimed that the steps taken to carry out [the expropriation] were not democratic. Actually, our commune held numerous meetings to promulgate [the policy] and mobilize [villagers to comply]. Perhaps the mindset of the people has not yet caught up with the pace of development of society. They think that [if they still have] paddy land then they can pass it down to their grandchildren, that where there is paddy land there is food. They cannot imagine how all kinds of services will develop [from the EcoPark project].<sup>92</sup>

Echoing a similar view of villagers as short-sighted, a representative of Vihajico also dismissed the need for consultation with villagers on the project, saying that, "The problem is that people do not understand, then [we] must make people understand [ . . . ] What do people know anyway! For doing investment you must have a visionary outlook, not to announce [the plan] to people to deliberate. Letting people deliberate? It would ruin everything."<sup>93</sup> With this mentality, local officials and developers pressed on with the land expropriation and clearance for EcoPark, in spite of villagers' protests and resistance.

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<sup>90</sup> "Bieu tinh doi dat o Ha Noi [Protests to Demand Land in Hanoi]" 2006.

<sup>91</sup> Personal interview with VNVG 133054. Villager. Van Giang District, Vietnam. October 21, 2016.

<sup>92</sup> Personal interview with VNVG 95608. Government official, District People's Committee. Van Giang District, Vietnam October 21, 2016.

<sup>93</sup> Personal interview with VNVG 81949. Investor, Vihajico. Van Giang District, Vietnam. October 21, 2016.

Unable to obtain villagers' consent, local officials resorted to forced evictions. A villager described that, "There were forced evictions without any eviction notices. The state sent soldiers and public security, leveling and destroying all of the people's properties on the land . . . Why not come down and listen to what we have to say instead of bringing the army and gun to threaten [us with force?]"<sup>94</sup> In January 2009, nearly 2,000 villagers clashed with armed police and public security forces over contested land areas subject to government seizures.<sup>95</sup> Le Van Chat, Chairman of the People's Committee of Cuu Cao commune, justified the use of force by local authorities to evict villagers, and dismissed the gravity of the situation:

Nothing happened. Forced evictions obviously require police, security, and safety [forces]. [We] must carry out forced evictions, because [we have carried out] promulgation and mobilization (*tuyên truyền vận động*) for so long already, [but] people still do not comply. Therefore, in accordance with the law, [we] must forcibly evict [villagers] step by step.<sup>96</sup>

In 2012, villagers again staged collective protests in front of a government building in Hanoi, demanding the return of their agricultural land. This time the number of protestors had reportedly lessened to some 300 villagers.<sup>97</sup> On November 8, 2012, Dang Hung Vo, then MoNRE Deputy Minister, was dispatched to Van Giang to dialogue with the remaining protestors. When asked about his signed approval of the land expropriation decision for the project, Vo insisted that the decision at the time was "correct and good" in the big picture, "good for the economic development of Hanoi and Hung Yen," and hence "it would also mean that the people will benefit from that development."<sup>98</sup> By 2015, in spite of protests and resistance by villagers, the local government had completed the land clearance, and handed over the 499 hectares promised to Vihajico, the primary developer and investor of EcoPark.

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<sup>94</sup> Personal interview with VNVG 133054. Villager. Van Giang District, Vietnam. October 21, 2016.

<sup>95</sup> Quoc Phuong 2009.

<sup>96</sup> Quoc Phuong 2009.

<sup>97</sup> "Hundreds Protest Land Grab" 2012.

<sup>98</sup> Dinh Thang 2012.

During this period, local officials appeared to have partially accommodated villagers' demands by gradually increasing compensation and resettlement support for dispossessed villagers. Additional funds that exceeded the government's budget were provided by Vihajico itself. In the mutual interest of both the local government and the investor, the earlier the land requisition and clearance could be completed in order for EcoPark to be constructed according to the development plan the better. As an official from the provincial Department of Natural Resources and Environment of Hung Yen Province commented:

The clearance of nearly 5,000 households is completed [which] greatly depended on the determination of the investor . . . Up to now, they have paid up to 2 million USD for land compensation and the highway construction . . . [building] for society a livable and beautiful urban center . . . The residents seem to be happy with the urban center because of the good infrastructure and access to all services, schools, parks, sport centers, and so forth that it offers.<sup>99</sup>

This buoyant depiction, however, sharply contrasts with reflections from villagers in Van Giang District. One villager who had accepted compensation and resettlement support from the EcoPark project shared:

The compensation money is not worth that much. One has to remember that the land here is very good for planting ornamental flowers and trees . . . The maximum compensation to date is 66 million VND/*sào*<sup>100</sup> when I could already annually earn 100 million VND/*sao*. For me, land is a means of livelihood. Expropriation and compensation the way they do it are like seizing a fishing rod for carps, and leaving me with a couple of shrimps. At first, the people here did not accept, opposed, and wanted to keep their land. But after they saw that they could not keep it any longer, they had to concede. Conceded but not content at all.<sup>101</sup>

As of 2016, among the majority of villagers who complied one way or another with the land requisition, there remained a small group of protestors of about 200 to 300 people who still refused to accept their compensation package and sign over their land. When asked about the dwindling number of people who still resisted the government's requisition, one villager simply stated, "For

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<sup>99</sup> Personal interview with VNHN 101516. Government official, Department of Natural Resources and Environment. Hanoi, Vietnam. October 15, 2016.

<sup>100</sup> *Sao* is a traditional measurement unit, which is the equivalent of 360 m<sup>2</sup>.

<sup>101</sup> Personal interview with VNVG 102116. Villager. Van Giang District, Vietnam. October 21, 2016.



households who already accepted the compensation, it does not mean that they are supportive [of the requisition] but that they are forced to [accept].”<sup>102</sup> Compliance, in this sense, is impelled when villagers must precariously straddle the repressive-responsive boundaries of the Vietnamese state, facing intimidation and coercion by armed police on the one hand and receiving partial payoffs and concessions on the other.

### **Regime Receptivity and Agenda-Setting**

Mounting social unrest had amplified pressure on the central government for programmatic reforms of existing land law and policy. Under the 2003 Land Law, the rise and persistence of citizen petitions, social protests, and demonstrations due to government land seizures pointed to the fact that ad-hoc and marginal responses to contentious incidents had not been sufficient to contain dire social unrest. Transcripts of legislative debates and government reports indicate that the Vietnamese legislature and the executive organs of the state were both alerted to the growing social instability and demands for reforms of the land expropriation system.

The legislature in Vietnam demonstrates its capability to exert oversight over the government executive apparatus by pushing for greater extensive reforms of the country’s land governance and management system. The VNA initiated a prominent agenda for a comprehensive revision of the 2003 Land Law. In doing so, it aimed to circumscribe the discretionary power of executive government agencies and local authorities, and restrict the scope of government authority to expropriate land. This agenda presented an evident conflict of interest with the Government and relevant ministries, who instead preferred to delay the legislative revision for a comprehensive reform and relegate to patchwork responses with sub-law administrative regulations at the expedience of implementing agencies.

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<sup>102</sup> Personal interview with VNVG 133054. Villager. Van Giang District, Vietnam. October 21, 2016.

One year after the 2003 Land Law took effect, VNA delegate Do Trong Ngoan announced in front of the Vietnamese legislature that, “The largest and most pressing social problem is the problem of land.”<sup>103</sup> Others referenced the high proportion of petitions, denunciations, lawsuits, protests and demonstrations caused by land issues as prominent signals of growing social tension in Vietnam. VNA delegate Phan Van Vinh remarked on the situation:

Over 80 percent of petition cases were related to [land] requisitions, land clearance, compensation price, and support for constructing a new resettlement. That is the greatest hotspot that the Report [by the Government] has not adequately addressed. One thing that is certain is that of those citizens [gathering in Hanoi and Ho Chi Minh City] to file [their] petitions and denunciations, there is perhaps only a few who could rest in a luxurious hotel or restaurant. Most of them had many difficulties and deprivations, especially in the freezing rain the past couple of days.<sup>104</sup>

The rapid loss of agricultural land due to government requisitions for economic development was especially troubling for many legislators. Vu Trong Kim, former Vice-Chairman and Secretary of the Vietnamese Fatherland Front Central Committee, expressed:

According to the Report by the Farmers Association of Vietnam, an annual average of 72,000 hectares of agricultural land nationwide has been taken for investment and conversions of land-use purposes . . . The above situation is one of the reasons leading to collective, skip-level lawsuits in several places in past time. In reality, it has happened and been very pressing in many places, such as Do Lo, Yen Nghia, and Duong Noi districts of Ha Dong City, Ha Tay Province, and many other localities. Numerous constituents and people petitioned the Government to inspect and correct the current situation of grabbing fertile agricultural land and converting it to different land-use purposes.<sup>105</sup>

VNA delegate Dieu K’Re echoed the sentiment, and cited the situation in Dak Nong Province where people primarily lived off of agricultural land, but where more than 80 percent had had their land taken away for economic development purposes.<sup>106</sup> Moreover, VNA delegate Nguyen Lan Dung questioned:

Does our country really need 141 golf courses in 39 provinces using up to 49,268 hectares, 2,625 hectares of which were paddy land? [I] don’t understand under what principles compensations for land requisitions were [carried out], which made constituents give feedback that even if they used all of the compensations that they received, it would not be enough for them to buy back 1/10 of

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<sup>103</sup> Van phong Quoc hoi [Office of the National Assembly] 2005.

<sup>104</sup> Van phong Quoc hoi [Office of the National Assembly] 2007a.

<sup>105</sup> Van phong Quoc hoi [Office of the National Assembly] 2008a.

<sup>106</sup> Van phong Quoc hoi [Office of the National Assembly] 2007b.

their own land parcels [...] Are we perhaps doing contract labor for investors? Natural resources that cannot regenerate are extracted; the environment is destroyed; labor is exploited. But the profits are taken by them . . . Let's ask, what do agriculture, the countryside, and farmers get [in return]?<sup>107</sup>

The inadequacy of compensation and resettlement support for farmers had thus worsened the disparity between the losses suffered by farmers and the profits reaped by investors from government land requisitions.

Citizen grievances spilled over into the streets of Hanoi and the central government. VNA delegate Nguyen Dang Vang deplored the situation at a legislative session:

There was an assembly extending for many days recently at the Office of the National Assembly. Hundreds of aggrieved people staging a sit-in at the entrance. Even full-time National Assembly members could not exit and had to leave using the back door. We represent the people yet we have to use the back door to exit. What do you think about that? The drivers had to lower the glass window and said they were not driving anyone in the car. Only then would the people let [the cars] pass.<sup>108</sup>

Although the barricade described by Vang was more literal, it conveyed the grievous perception among Vietnamese legislators that it was no longer possible to discount evident signs of social instability and its consequences for socioeconomic development and political order. VNA delegate Tran Ngoc Vinh stated:

[We] must ensure a balance between land for the goal of socio-economic development and the problem of appeasing the people (*van de an dan*). If the problem of appeasing the people is taken lightly then the goal of socio-economic development will also be difficult to achieve. Because if the people's hearts are not acquiescent then the situation of court cases, land disputes, and the wasteful use of land will continue.<sup>109</sup>

In a legislative query session on March 29, 2007, VNA delegate Tran Van Tan demanded MoNRE Minister Pham Khoi Nguyen to account for the spread in popular discontent and protests ignited by pervasive government land seizures:

In recent times, the situation of citizen petitions about compensation, land clearance, resettlement and employment for people [affected] by land requisitions have widely occurred at many localities across the country. In your position as the 'commander-in-chief' in the issue area of land, [I] suggest

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<sup>107</sup> Van phong Quoc hoi [Office of the National Assembly] 2008b.

<sup>108</sup> Van phong Quoc hoi [Office of the National Assembly] 2009d.

<sup>109</sup> Trần 2013.

the Minister [explain]: What is the reason? To whom should the responsibility belong? Resolving measures going forward?<sup>110</sup>

The query was a public display of the palpable tensions between the legislature and the executive agency, and claim to legislative oversight that the VNA exercised over the Government, which is more rarely seen under the Chinese political system.

Against this backdrop, an agenda to revise the 2003 Land Law flared up in the legislative arena starting with the 12<sup>th</sup> legislature in an effort to address the root of social conflicts. In a statement dated November 12, 2007, the VNA Standing Committee added a revised Land Law to its proposal for the law and ordinance making program of the 12<sup>th</sup> legislature.<sup>111</sup> The VNA formally endorsed this agenda in Resolution No. 11/2007/QH12 by naming the Land Law as one of 21 economic legislations on the lawmaking program for the term from 2007 to 2011.<sup>112</sup> According to this agenda, the Government was expected to present the revised Land Law to the legislature for its opinion at the fourth plenary session in October 2008.

However, the agenda to revise the Land Law was hindered by repeated delays by the Government. As the executive agency directly in charge of land and natural resources, MoNRE was tasked with the preparation for the revision. At a legislative meeting on October 30, 2007, MoNRE Minister Pham Khoi Nguyen expressed reluctance about the proposed revision of the 2003 Land Law:

[I]n the year of 2008, MoNRE will coordinate with all relevant ministries and agencies to proceed with the revision of the Land Law planned for 2009, focusing on revising those points that have been most pressing and contentious in recent times with the goal that a complete and thorough legal code on land management will be enacted in 2011 . . . [The issue of] land in Vietnam has a very long and complicated history. We think that it cannot be changed and revised instantly in a short period of time. We will try to fully receive the input that all National Assembly delegates have made over the past two days. More than 50 percent of 70 opinions made by the delegates touched on this issue.<sup>113</sup>

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<sup>110</sup> Bo Tai nguyen va Moi trung [Ministry of Land and Natural Resources] 2007.

<sup>111</sup> See Uy Ban Thuong Vu Quoc Hoi [Standing Committee of the Vietnamese National Assembly] 2007.

<sup>112</sup> Quoc Hoi [Vietnamese National Assembly] 2007.

<sup>113</sup> Van phong Quoc hoi [Office of the National Assembly] 2007d.

In November 2008, the scheduled legislative hearing on the revised Land Law was pushed back one year.<sup>114</sup> By April 2009, the Government did not yet prepare any draft revisions, prompting the VNA Legal Committee to nudge the Government to adhere to the legislative agenda and be ready to submit a draft law to the legislature for comments by October 2009.

On the contrary, the Government argued that the revision of the 2003 Land Law should be postponed. Substituting for the Minister of MoNRE at a legislative query session, Ha Hung Cuong as Minister of Justice contended that the problem with the land expropriation system had less to do with the Land Law and more to do with some government decrees. Hence, it would be sufficient for the government ministries to amend and supplement certain provisions in some existing decrees without a systematic revision of the Land Law.<sup>115</sup> Uong Chu Luu as Vice Chairman of the 12<sup>th</sup> legislature and member in the Central Committee of the VCP reiterated the rationale for the Government's delay:

One basic reason [for delaying the revision] is that many land policies are very large and cannot be fully evaluated yet...The problems related to compensation, land requisitions, and land clearance are actually already stipulated in the law that grants the Government authority in these areas. Henceforth, the Government will pass decrees to provide directions and guidelines for the implementation [ of the law].<sup>116</sup>

The preference of the Government was to avoid a programmatic reform of the land system through a lengthy legislative process subject to wider scrutiny by the VNA. Rather, it would be more expedient for the Government to restrict the scope of institutional reforms to sub-law decrees and administrative regulations at its own discretion and convenience.

The Government's delay stirred a discussion at the fifth plenary session of the 12<sup>th</sup> VNA in June 2009 about moving the Land Law from the preparatory to the official lawmaking program for 2010, which would place the bill at a higher priority on the formal agenda. On June 4, 2009,

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<sup>114</sup> Quoc Hoi [Vietnamese National Assembly] 2008.

<sup>115</sup> Van phong Quoc hoi [Office of the National Assembly] 2009d.

<sup>116</sup> Ibid.

18 of the 21 remarks on land-related issues at the meeting called for the law to be moved to the official lawmaking program. On June 12, 2009, ten of the 18 legislative queries in the session were directed at the MoNRE Minister regarding the revision of the 2003 Land Law and the government land requisition policy.<sup>117</sup> In opposition to the Government's proposal, the majority of delegates in the VNA were in favor of the decision to add the Land Law to the official lawmaking program, and advance preparation for the legislative revision. The central reason for the urgency, as Tran The Vuong, Director of the Department of People's Affairs in the VNA Standing Committee, simply stated, was evidenced by the fact that 80 to 90 percent of citizen petitions in 2008 were land-related, and could be attributed to many flaws in the Land Law.<sup>118</sup> To address the underlying source of rising social unrest, VNA delegate Nguyen Dang Vang asserted, "The sooner the revision [of the Land Law] the better. To not just revise one or two provisions but to revise [the law] entirely...[T]he revision of the Land Law should no longer be part of the backup program but should be part of the official agenda for the year of 2010 instead."<sup>119</sup>

### **Party Influence in Policymaking**

The prominent agenda initiated by the VNA for a comprehensive revision of the 2003 Land Law presented an evident conflict of interest for the Government and relevant ministries that were tasked with the responsibilities of drafting the revisions to constrict their executive discretion. The contestation between the legislature and the government executive apparatus over the legislative reform unfolded within the permissible bounds of party leadership. The VCP expressly endorsed the revision of the Land Law, and drew the parameters on key issues pertaining to the law, but

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<sup>117</sup> Van phong Quoc hoi [Office of the National Assembly] 2009c.

<sup>118</sup> Cong Thong Tin Dien Tu Quoc Hoi [Online Information Agency of the Vietnamese National Assembly] 2008.

<sup>119</sup> Van phong Quoc hoi [Office of the National Assembly] 2009d.

allowed for greater contestation among divergent interests to shape and influence the revision process.

There were several indicators of the party's endorsement of the legislative agenda by the VNA. When the 2003 Land Law was adopted the VCP primarily discussed land governance in the context of how law and policy would advance the country's developmental agenda by facilitating urban construction, real estates, and industrialization. Analysis of party documents and resolutions between 2003 and 2013 archived by the VCP and published in *Van Kien Dang Toan Tap (The Complete Collection of Party Documents)*<sup>120</sup> shows that the VCP also began noting heightening social unrest and the complexity of land conflicts after 2003. Party documents made explicit references to petitions and disputes invoked by land requisitions starting in 2005. The Party's Secretariat, for instance, highlighted in a party report:

The situation of complaints, denouncements . . . is still becoming more complex, with latent danger to explode in this place or that place, at this time or another time, affecting political security, order, and social safety. In particular, disputes and court cases related to land are expected to be continually complex because land is a basic necessity of the people that has been impacted by a history of revolution and resistance, and the process of urbanization, industrialization; but management mechanisms and the policy of the State are still in progress of being perfected . . . [sic].<sup>121</sup>

In 2007, the Politburo stressed in an assessment report of the country's socio-economic situation that "the situation of collective litigations, the majority of which are related to compensation, requisitions of farmers, was becoming more complex," and that it was necessary to "effectively address pressing social problems, such as the loss of democracy in the countryside, workers' strikes, collective litigation, especially dispossessed farmers when losing [their] land."<sup>122</sup>

However, it was not until after 2007 when the VNA initiated motions for the programmatic revision of the 2003 Land Law that party documents actually stated that there was an imperative

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<sup>120</sup> See Vu 2010b.

<sup>121</sup> Ban Bi Thu [Party Secretariat] 2005, 380-381.

<sup>122</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 2008, 760, 769.

to modify and revise existing land law and policy. In fact, it was only later on August 5, 2008 that the VCP adopted Resolution No. 26-NQ/TW on Agriculture, Farmers, and the Countryside at the Seventh Plenum of the Tenth Central Committee. In line with the VNA's proposed agenda, the Resolution prescribed the revision of the 2003 Land Law as one of the urgent tasks to be carried out by the year of 2010.<sup>123</sup> In May 2009, the Politburo tacitly endorsed and instructed that the revised Land Law should be moved to the preparatory agenda for the law and ordinance making program for 2010 during the term of the 12<sup>th</sup> VNA.<sup>124</sup> This mandated that the Government proceed with necessary steps for the preparation and drafting of the law.

Input from the Central Committee provided a crucial political basis for the revision of the Land Law. On July 23, 2010, Prime Minister Nguyen Tan Dung adopted Directive No. 1315/CT-TTg to form a Central Steering Committee to evaluate existing implementation of the 2003 Land Law.<sup>125</sup> The Government closely consulted with the VCP in the process. On November 23, 2010, Dung reported:

[R]evising the Land Law to be more suitable to the reality of Vietnam's conditions is an extremely big issue . . . The Minister of MoNRE who has been delegated this task has already formed a Steering Committee then a Drafting Committee, discussed and held conferences to summarize the evaluation of the law [ . . . ] We regard this as an extremely important task, and the Government has registered to report to the Politburo for [its] opinion. This is not only a technical issue but is also [related to] the political orientation, political pathway during the socio-economic development of our country.<sup>126</sup>

The Government presented the result of its policy assessment to the Politburo, then awaited further party guidelines.<sup>127</sup> As Minister of Justice Ha Hung Cuong noted, "Every time there is an extensive

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<sup>123</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 2008, 842.

<sup>124</sup> Bo Chinh Tri [Politburo of the Vietnamese Communist Party] 2009, 614.

<sup>125</sup> Directive No. 1315/CT-TTg on July 23, 2010

<sup>126</sup> Van phong Quoc hoi [Office of the National Assembly] 2010b.

<sup>127</sup> Statement No. 19/TTr-BCSDCP dated September 26, 2011.



revision of the Land Law like this, based on the experience of the last two times, it is always necessary to submit [the revision] to the Central Committee of the VCP.”<sup>128</sup>

Given the tremendous impact the revised Land Law would have, the VCP approached the revision with caution. In May 2012, the 11<sup>th</sup> Central Committee of the VCP convened to evaluate the implementation of existing land law and policy. Vice Prime Minister Hoang Trung Hai reported on the outcome of the party’s meeting to the legislature:

At the recent fifth plenum, the Central Committee examined the comprehensive report on the implementation of the resolution of the Ninth Central Committee at the seventh plenum on continuing with the renovation of law and policy on land during a period of industrialization and modernization. The session drew conclusions on eight issues that are evident in the implementation of land policy and law. The eight issues include the issue of land ownership, land-use tenure for agricultural land, expanding the rights and limitations on land-use right transfer, the handling of petitions and denunciations during the process of land requisitions, and administrative reforms. However, the Central Committee also regards land as an extremely complicated matter. Therefore, the Central Committee needs to examine [the matter] very cautiously, and so it has assigned the Government to continue to clarify some content to present to the Central Committee at the sixth plenum in October this year. On that basis, the Central Committee will promulgate a resolution directing the orientation of the issues to be revised in the Land Law. *The issues that needed further clarifications include . . . the issue of land requisition, compensation, land clearance, and resettlement like many delegates have mentioned.*<sup>129</sup>

After the Central Committee convened on October 31, 2012, the party promulgated Resolution No. 19-NQ/TW to provide official party guidelines for the legislative revision of the 2003 Land Law. As stated in the resolution, “Land policy and law must contribute to political and social stability, meet the demands of socio-economic development, national defense and security, and international integration.”<sup>130</sup> More specifically, the Resolution pointed out the need to “*stipulate more clearly and specifically situations that the State can recover land to use for security and defense purposes, serving national interests, public interests, and socio-economic development projects.*”<sup>131</sup>

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<sup>128</sup> Van phong Quoc hoi [Office of the National Assembly] 2010a.

<sup>129</sup> Van phong Quoc hoi [Office of the National Assembly] 2012 (emphasis added).

<sup>130</sup> Ban Chap hanh Trung uong Dang Cong san Viet Nam [Central Committee of the Vietnamese Communist Party] 2012a.

<sup>131</sup> Ibid., (emphasis added).

## Civil Society Input and Advocacy

Although the VNA originally intended to adopt the revised Land Law during the 12<sup>th</sup> legislature, the actual process extended well into the next term. Given the Government's delay, the revised Land Law was kept on the preparatory lawmaking program from 2010 to 2011.<sup>132</sup> At the start of the 13<sup>th</sup> legislature in 2011, the VNA moved the Land Law from the preparatory to the official program.<sup>133</sup> Once the item was placed on the official lawmaking program, the legislature exerted greater pressure on the Government to complete and present the draft law to legislative delegates for deliberation and review. In the beginning of 2013, the VNA Standing Committee initiated public consultation on the draft revision of the Land Law starting from February 1 to March 31.<sup>134</sup> Public input on the revised draft could be submitted directly or by mail to various government offices and agencies, at regional workshops and conferences, and directly online to government websites at central and local levels.<sup>135</sup>

During this process, the institutionalization of the Vietnamese legislature provided an entry point for civil society to influence the legislative outcome. Social demands for reforms were channeled through a broad-based coalition of civil society actors that exploited openings in the political process, and engaged with policymakers in the development and passage of the revised Land Law. In June 2013, a coalition of 19 domestic non-governmental organizations with varying focuses collectively known as the Land Alliance (*Lien minh Dat dai*, or LANDA), was formed to facilitate public participation and policy advocacy on land governance in Vietnam.<sup>136</sup> While there were other local and international organizations that also mobilized to provide input on the revised

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<sup>132</sup> Quoc Hoi [Vietnamese National Assembly] 2010, 2011.

<sup>133</sup> See Quoc Hoi [Vietnamese National Assembly] 2011.

<sup>134</sup> Uy Ban Thuong Vu Quoc Hoi [Standing Committee of the Vietnamese National Assembly] 2013b.

<sup>135</sup> Thu tuong Chinh phu [Prime Minister of the Government] 2013.

<sup>136</sup> The coalition later expanded to 19 member organizations, and is still active to date.

Land Law, my focus on LANDA's advocacy offers a closer examination of the interactions among the various actors, their mobilization strategies, and the pathway(s) by which social claims from the bottom up were effectively channeled through civil society networks, which were then received and incorporated by the legislature in specific provisions of the revised Land Law.

With an aim to providing greater input from civil society on the revision of the Land Law, Oxfam initiated grassroots consultations on the draft law in partnership with domestic non-governmental organizations, government agencies, mass organizations, media, and high-level experts.<sup>137</sup> This broad-based network then evolved into LANDA, which directly received support from the Advocacy Coalition Support Program implemented by Oxfam in Vietnam. A member in LANDA recalled, “[W]e recognized that we could not advocate as individuals or organizations anymore, but had to do so in the manner of an official and formal mobilizational network that coalesces the voices of many organizations.”<sup>138</sup>

The Advocacy Coalition Support Program was described by Oxfam as “an initiative designed to increase opportunities for Vietnamese citizens to participate in decision-making, by supporting coalitions to engage in policy advocacy, monitoring the implementation process to ensure that policies are relevant and responsive to people’s needs and expectations.”<sup>139</sup> As part of this initiative, LANDA embodied a multi-stakeholder approach that made use of embedded linkages within the political system across sectors to bring social claims to the fore of legislative deliberation. Toward this objective, the coalition strategically partnered with the Institute for Legislative Study, a research institute that operated directly under the VNA Standing Committee, and the former Deputy Minister of MoNRE, Dang Hung Vo, who served as LANDA’s advisor.

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<sup>137</sup> Wells-Dang 2013.

<sup>138</sup> Personal Interview VNHN 092102. Civil society actor in LANDA. Hanoi, October 1, 2016.

<sup>139</sup> Oxfam 2014.

As one civil society actor commented, “Our objective is clearly not to fight against the government, but to shake hands with them to solve the problem . . . In 2012 in the revision of the Land Law, there were many participating organizations, consulting public opinion, sharing information, and searching for evidence to assist state organs with gaps that required civil society support.”<sup>140</sup>

Between November 2012 and September 2013, LANDA conducted two waves of consultations. From November 2012 to March 2013, the first wave of direct consultations was carried out with 1,300 people and nearly 300 local officials in 22 communes across the four provinces of Hoa Binh, Yen Bai, Quang Binh, and Long An. In addition, LANDA conducted four consultation workshops at the provincial level and two consultation workshops at the national level.<sup>141</sup> From August to September 2013, the second wave of public consultations involved direct community dialogues, focus group discussions, public meetings and so forth with 3,002 people living in 18 communes in the three provinces of Hoa Binh, Yen Bai, and Quang Binh. From these, a collection of select case studies were compiled and published as evidence of what occurred at the grassroots for a grounded assessment of the cause of existing conflicts. As stated in the Foreword of the publication,

Truth always has a strong voice of its own to contribute to the development of law. Before law can be integrated into real life, the first necessary task is to bring real life into the law . . . What we as well as those people whom we have met wish for the most is that people’s grievances due to land issues will gradually decline when the revised Land Law will be implemented and completely disappear after several years of implementation.<sup>142</sup>

These real live stories, the group hoped, would improve the power of persuasion of their policy recommendations. Consultations then took the form of an online poll of 4,890 readers on three electronic news outlets, namely VietnamNet, VnEconomy, and Danviet.vn.<sup>143</sup> Results from the

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<sup>140</sup> Personal Interview VNHN 20160915. Civil society actor in LANDA. Hanoi, September 15, 2016.

<sup>141</sup> Lien Minh Dat Dai [Land Coalition] 2013a, 11-12.

<sup>142</sup> Lien Minh Dat Dai [Land Coalition] 2013b.

<sup>143</sup> Readers were asked to comment on four central issues: (1) Land use planning; (2) agricultural land use policy, and land for ethnic minorities; (3) land pricing; and (4) state mechanisms for land requisitions, compensation, and

online poll and in-person consultations across four provinces in the country provided a central basis for the group's policy recommendations.

In order to bring its policy recommendations to the legislative arena, LANDA mobilized support from many different stakeholders who held influential roles in the design and passage of the revised Land Law. It approached MoNRE, and shared its recommendations with the Ministry's Drafting Committee for the revised Land Law. Once the revised draft was in the hands of the legislature, LANDA actively engaged with individual delegates as well as members on the VNA Standing Committee and the Economic Committee of the National Assembly who were tasked with the review, deliberation, and evaluation of the draft and its many versions thereafter.

While civil society advocates utilized all existing channels and opportunities in attempts to engage with policymakers, they generally perceived that it was more difficult to engage with executive government agencies in the early drafting stages of the revision than it was with the VNA. One civil society actor described:

At that time, I personally and LANDA could hardly engage with the drafting committee [within the Ministry of Natural Resources and Environment], but relied on personal contacts through LANDA's advisor to gather information. Besides that, we mainly went through formal channels and interacted with National Assembly delegates. Delegates also hungered for information, true information. Actually, the state also has lots of information, but the problem is that the information is with the Government (*Chinh phu*). Therefore, when we submitted our policy recommendations [to legislative delegates], they were read in front of the assembly. Some delegates even explicitly mentioned LANDA.<sup>144</sup>

Similarly, when asked which institutions advocates viewed as least receptive or accessible, a media outlet that partnered with the coalition expressed:

We need to differentiate. Which institutions? At which stage? In the first stage, when the law was still being drafted by the Ministry of Natural Resources and Environment, who is on the side of the Government. It was our target, and it was more difficult and less receptive. In the latter two stages, after the law was drafted and approved by higher authorities within the Government itself, and then passed onto the National Assembly for approval, the National Assembly in general as well as the

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resettlement support. Among the list of policy recommendations proposed by LANDA, my analysis will focus on aspects that are directly pertinent to land requisition policy.

<sup>144</sup> Personal interview VNHN 092102. Civil society actor in LANDA. Hanoi, October 1, 2016.

Standing Committee were much more accessible. This might have a lot to do with the mission, the mandate of the National Assembly itself. As such, it was a much more open forum (*dien dan mo*).<sup>145</sup>

This perception also resonated with another representative member in the coalition, “The National Assembly is usually more open. It clearly knows that it is supposed to be people’s representative . . . The place that was most difficult to advocate is the Government. When it was drafting implementation decrees after [the law was revised], the Government almost completely did not listen to what we said.”<sup>146</sup> The same NGO member cited an annual development workshop organized by the Government with attendance by the Prime Minister during which representatives from embassies, development agencies, and international organizations were invited to comment on Vietnam’s land policy.<sup>147</sup> While civil society actors seized the occasion to provide their input, this individual argued, “the Government does what is most expedient for itself. It is an executive body that implements the law. Therefore, it behaves as it does . . . [with] the mentality of how to do what is most expedient for the government apparatus.” These comments do not suggest that the Vietnamese legislature is necessarily more democratic. Rather, they reflect a common perception among advocates of how the particular configuration and functional differentiation of state institutions define the interests, and shape the behavior of institutions and their interactions with civil society.

Having located receptive allies in the Vietnamese legislature, advocates within LANDA leveraged their resources to increase the traction of their input in the revision process by maximizing their media coverage. Another member of LANDA shared:

From monitoring coverage of legislative sessions and debates, we determined our allies (*dong minh*), key individuals whom we would target, and made use of all means to engage them, between breaks, at lunch, in the hallways, providing them with materials and information. Thanking,

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<sup>145</sup> Personal interview VNHN 173742. Journalist. Hanoi, October 1, 2016.

<sup>146</sup> Personal interview with VNHN 20160921. Civil society actor in LANDA. Hanoi, September 21, 2016.

<sup>147</sup> Personal interview with VNHN 20160921. Civil society actor in LANDA. Hanoi, September 21, 2016.

supporting, and encouraging delegates to bring our evidence into the legislative arena to substantiate the weight of their remarks and promote these views at the same time.<sup>148</sup>

In the process, the media performed key functions in promulgating the coalition's platform recommendations to the wider public, which further convinced legislative delegates to endorse congruent policies congruent with public discourse. As the civil society actor noted, "We then pulled the media into the story. We had to choose. Some people were wary about it affecting their 'rice bowls'. We mostly chose mainstream channels, televisions, electronic newspapers with wide readership. Workshops were organized, announcing the issues, setting the direction for media coverage, even bringing journalists directly to the sites [of our local consultations]. VNA delegates would make remarks, then eat lunch, watch TV and would again see that the points that we put forth are correct."<sup>149</sup> More specifically, LANDA partnered closely with VnEconomy, Dan Viet, and VietnamNet to conduct an online poll of readers' opinions. These electronic newspapers also published numerous articles related to the revised Land Law. Furthermore, LANDA and one of Vietnam's mainstream television networks, VTV1, cooperated in numerous programs at prime times to discuss land issues and concrete topics related to LANDA's recommendations, such as land requisitions, price determination, and compensation. As one individual stated, "As a final hit, we all highlighted and published information about the land issue on VnEconomy, Dan Viet, and VietnamNet right before the National Assembly pushed the button."<sup>150</sup>

There were other civil society actors who also mobilized to provide input on varying aspects of the revised Land Law. The Center for Cooperation of Human Resource Development (C&D),<sup>151</sup> for instance, was funded by UNDP to conduct provincial surveys on citizen attitudes

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<sup>148</sup> Personal interview with VNHN 144305. Civil society actor in LANDA. Hanoi, October 13, 2016.

<sup>149</sup> Personal interview with VNHN 144305. Civil society actor in LANDA. Hanoi, October 13, 2016.

<sup>150</sup> Personal interview with VNHN 135628. Civil society actor in LANDA. Hanoi, June 28, 2017.

<sup>151</sup> The organization has since changed its name to CDF. See <http://training.cdfund.org.vn/>. It is worth noting that members on the advisory and leadership board of the organization have direct or indirect connections to the legislature, positioning them to have mobilizational resources and access to the VNA. Nguyen Duc Kien, the Advisory President

toward the draft law. In fact, C&D and Oxfam coordinated to diversify their methodologies, to expand their geographical coverage, and to broaden their public reach. Whereas C&D employed large-scale surveys of citizen attitudes, Oxfam organized public dialogues through focus groups and public meetings with various groups of land users.<sup>152</sup> Other groups of international development agencies led by the UNDP, including the World Bank, Oxfam, the Asian Development Bank, and other international embassies, also jointly put forth a set of policy recommendations for the draft revision, and so did the World Bank.<sup>153</sup>

Advocacy by LANDA specifically and civil society actors in Vietnam more broadly had a measurable impact in the revision process. The revised Land Law was formerly scheduled on the agenda to be passed at the fifth plenary session of the 13<sup>th</sup> VNA in June 2013. However, contrary to the expectation of the drafting committee of MoNRE, the legislature vetoed and decisively delayed the passage of the law until the next session. This was perceived as rather unusual. As an individual from the Office of the National Assembly whose function was to support the day-to-day operation of the legislature stated, “Land is an issue that touches all people and concerns everyone. The process of the revision of the land law was a very special case. It attracted the most opinions and was the most controversial. Most laws are usually passed within one year, presented in one session and usually passed in the next. But the land law was delayed, and took another session.”<sup>154</sup> LANDA similarly cited the delay as an indicator of the mobilizational efficacy of the coalition and of Vietnam’s civil society more broadly. An individual from LANDA described:

On the day the National Assembly planned to pass the revised draft prepared by MoNRE, because the draft did not resolve the central issues [that LANDA had raised], with all of our effort, winding up the clock, we provided information to news outlets, televisions on why the National Assembly

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of the organization, was a former Chairman of the VNA. Also on the advisory board was Nguyen Dinh Quyen, Deputy Chairman for the Committee of Justice of the VNA.

<sup>152</sup> Wells-Dang 2013.

<sup>153</sup> See, for example, United Nations 2012; World Bank 2012.

<sup>154</sup> Personal interview with VNHN 170319. Member in the Office of the Vietnamese National Assembly. Hanoi, October 11, 2016.



should not pass the law in this session. Around three o'clock in the afternoon on the 20<sup>th</sup> of June, out of 470 delegates present at the session, 468 delegates cast 'not in favor,' and only two cast 'in favor' of passing the revised law. That was considered a victory. That victory was too amazing, giving us more time to engage with lawmakers.<sup>155</sup>

The VNA Standing Committee later affirmed in its report that the legislature decisively delayed the passage of the revised Land Law in order to allow more time for the drafting committee to study, modify, and incorporate further suggestions.<sup>156</sup>

Between 2012 and 2013, the 1992 Constitution was also being revised. The Constitution contained key provisions on the issues of land ownership, land use and allocation, and land requisitions. In fact, public comments on the revised Constitution were collected from January 2 to March 31, 2013, one month prior to the scheduled revision of the Land Law. Extensive discussions and mobilization among civil society organizations on the revision of the Constitution and the Land Law occurred side by side.<sup>157</sup> On November 29, 2013, nearly six months after the initial revisions to the Land Law had been delayed, and one day after Vietnam adopted a new constitution, 90.44 percent of VNA delegates voted in favor of the passage of the revised Land Law.<sup>158</sup>

## **Regime Output and Responsiveness**

Responsiveness, defined as the extent to which a regime addresses social claims, is inherently a *relational concept*. The concept hinges on the degree to which there is a sequential link between a source of pressure or demands and an output culminating from the originating demands. The burden of proof in the analysis does not merely reside in one's observation of an action or measure

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<sup>155</sup> Personal interview with VNH 144305. Civil society actor in LANDA. Hanoi, October 13, 2016.

<sup>156</sup> The other reason cited for the delay was to ensure consistency between the revised Land Law and the Constitution, which also being revised during the same period and contained key provisions on pertinent land issues. Henceforth, it was reasoned that the revised Constitution should be passed first, then followed by the revised Land Law. See, Uy Ban Thuong Vu Quoc Hoi [Standing Committee of the Vietnamese National Assembly] 2013a.

<sup>157</sup> Bui and Nicholson 2017.

<sup>158</sup> "Du thao online: Du thao Luat Dat dai (sua doi) [Proposals Online: Draft Land Law (Revised)]" 2013.

taken by the regime, but also in one's ability to trace the chain of interactive elements. With this aim, I have provided a detailed account of how heightened state-society tensions amplified pressure for programmatic reforms, and resulted in a legislative agenda to revise the 2003 Land Law. Civil society actors seized these opportunities to influence the lawmaking process, and actively engaged with the political process, particularly through the legislature, to channel public input.

The passage of the revised Land Law in 2013 was a programmatic response that culminated from this process. Rather than being directed at any singular contentious incident such as Doan Van Vuon or EcoPark, it was an institutionalized response aimed to address an aggregate problem of social unrest due to pervasive government land seizures in Vietnam. As a civil society actor reflected on the revision, “[The case of Doan Van Vuon] was almost like a very loud gunshot, as though people cannot bear any longer, people must now stand up. It showed that there was clearly a problem with the current policy, like a very stark piece of evidence for the National Assembly to bring to the forefront [of government discussions] and analyze . . . But the Land Law was not revised only because of the case of Doan Van Vuon.”<sup>159</sup>

Transcriptions of debates, interviews, leaders' statements, and government reports provide evidence that extrapolate the intention behind the law's content and design. Evidence from the perspectives of multiple stakeholders involved in the revision process corroborate that revisions were enacted with the deliberate intent of addressing social discontent. More specifically, there were three central issues: (1) The scope of public interest for government land seizures; (2) legislative scrutiny and oversight; and, (3) citizen procedural rights and safeguards. As I will show,

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<sup>159</sup> Personal interview with VNHN 0921022. Civil society actor. Hanoi, October 1, 2016.

legislative revisions of the Land Law in 2013 intently incorporated greater social input to mitigate the defects in the land expropriation system.

Under the 2013 Land law, tighter restrictions on government authority are prescribed by law with deliberate specificity to narrow the leeway for arbitrary and variable local regulations and practices. The law added a chapter entitled, “Land Recovery, Land Requisition, Compensation, Support and Resettlement.” The central aim, as stated by the Government, was “to clarify the basis for land requisitions in situations in which land is recovered for purposes of national defense and security, national interests, public interests, and socio-economic development projects.”<sup>160</sup> Vice-Chairman of the VNA Committee for Social Affairs Bui Sy Loi also stressed:

Up until now, land requisition has always been the most sensitive focal point in land issues. Many negative cases that have happened not only hurt the interests of residential communities but also affect people’s trust in the Party and the State (*long tin của nhân dân đối với Đảng và Nhà nước*). Therefore, the revised Land Law this time needs to avoid those provisions which can be interpreted in other directions or that expand its interpretive scope, [and] continue to give rise to social confrontations in the land issue (emphasis added).<sup>161</sup>

This intention is reflected in the overall design of the legislation. Consisting of 14 chapters and 212 articles, the 2013 Land Law is the most detailed to date. Whereas provisions in the 2003 Land Law generally consisted of undefined terms and catch-all clauses that provided leeway for indiscriminate land seizures, revisions in the Land Law specifically sought to rectify this aspect. Legislators made a deliberate point to concretely stipulate the scope of land requisitions in the law, rather than delegating authority to the Government and executive ministries to openly interpret the law in a more expansive way under sub-law implementation decrees, circulars, and other administrative regulations.

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<sup>160</sup> Chính Phủ [Government of Vietnam] 2012.

<sup>161</sup> Bui 2013.

Legislative debates on provisions pertinent to the issue of land requisitions revolved around how to prevent local governments from seizing land in collusion with investors in the name of economic development to gain windfall profits.<sup>162</sup> VNA delegate Huynh Van Tien expressed his concern, and underscored how important it was for the revision to address this shortcoming:

I suggest that the National Assembly needs to examine and clarify situations of state land recovery to implement socio-economic development projects that the local governments decide. Because in reality in recent times, the government at various levels has exploited socio-economic development plans attached to land use plans, made adjustments to the land-use plans, and issued decisions to recover land from the people to hand it over to private investors for them to invest directly in economic projects, urbanization, and residential areas in pervasive and wasteful ways.<sup>163</sup>

Tran Ngoc Vinh, a delegate on the VNA Legal Committee, echoed the same concern:

In my opinion, if the revised Land Law this time still keeps the provisions on situations of land requisitions to serve socio-economic development stipulated by Article 62 of this draft, then the problem of lawsuits over land will still be a point of congestion without any resolution. [I] suggest that the Drafting Committee needs to clarify the notion of land requisitions for purposes of socio-economic development. *This is an extremely ambiguous notion that needs to be made clear in order to avoid being exploited.* Therefore, [we] need to classify exactly the types of socio-economic development projects in terms of concrete purposes and interests, separate economic projects purely for the interests of investors from the domain of socio-economic development projects in this land requisition policy, and prevent abuse that creates social discontent (*bat binh xa hoi*).<sup>164</sup>

Legislative delegates differentiated projects for national and public interest from those for private and commercial profit. “Using [land] for national interests, public interests is to recover land for non-profit purposes,” VNA delegate Truong Van Vo asserted.<sup>165</sup> On the basis of this crucial distinction, some delegates proposed to rescind the clause permitting government requisitions for

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<sup>162</sup> The definition of purposes of defense and security have been relatively consistent. The revisions of the three articles on situations in which the state could recover land enumerated more clearly the types of projects that would qualify for purposes of defense and security. Further revisions starting with the third draft presented for comments at the 14th session of the VNA Standing Committee in January 2013 separated defense and security purposes from those of national and public interests under two different articles, indicating that the two categories were distinct. The actual list of the ten projects for defense and security purposes in the article itself did not change (see Article 61), which reflects the fact that it was not a major point of contention during the revision process.

<sup>163</sup> Huynh 2013.

<sup>164</sup> “Ky hop thu 6, Quoc hoi Khao XIII: Y Kien DBQH—Du thao Luat Dat dai 2013” [The Sixth Plenum of the Thirteenth Vietnamese National Assembly: Opinion of VNA delegate—Draft of the 2013 Land Law], *Du Thao Online-Luat Dat Dai [Proposals Online – Draft Land Law]*, (emphasis added).

<sup>165</sup> Ibid.

economic development purposes, and to only permit the state to recover land for defense, security, national interests, and public interests. VNA delegate Ya Duck argued:

[We] should discard the provision permitting the State to recover land for purposes of socio-economic development. If the State continues to [have] general provisions allowing requisitions for purposes of socio-economic development as in the draft, it will be abused in the process of implementation, and will continue to give rise to many petitions and disputes like it has recently. If it is actually for purposes of socio-economic development then the provision on requisitions for national interests, public interests already include projects for the country's socio-economic development. Other socio-economic development projects will need to be carried out as [voluntary sale and] purchase on the basis of consensus between investors and land-users.<sup>166</sup>

Non-public socio-economic development projects would instead have to resort to land acquisitions by making use of other voluntary mechanisms such as land transfers, exchange, use of land as capital, and others provided in the current law. As the World Bank suggested in a former study, the use of market mechanisms for land acquisitions for private development and investment projects would strengthen the bargaining power of land-users and force investors to obtain the voluntary consensus of individuals and households.<sup>167</sup>

Others objected and argued in favor of a centralized mechanism by which the state would retain the prerogative power to acquire land through requisitions for all purposes, including socio-economic development. Like a golden goose, land provided an essential source of revenue for local governments. For this reason, VNA delegate Le Trong Sang urged the government to fasten its grip instead of loosening state authority to seize land:

I sympathize with the operational role of the Government and local governments very much, because all of this time the state budget revenue from land has become an important factor for investment for development. It is easy to see that, from the year of 2010 to now when the real estate market has frozen and has negatively impacted the economy, the task of investment and development has also faced difficulties. Therefore, just imagine if the State does not hold the role of the distributor in land to foster socio-economic development. Will the State have enough capacity to meet the demands for investments in projects serving national interests for economic development?<sup>168</sup>

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<sup>166</sup> Ibid.

<sup>167</sup> World Bank 2011.

<sup>168</sup> “Kỳ họp thứ 6, Quốc hội Khóa XIII: Ý kiến ĐBQH-dự thảo luật đất đai 2013,” *Dự Thảo Online-Luật Đất Đai*.

There was also a broader concern that regulating the state and local governments would encumber private investors in their land acquisitions, and hamper the country's economic development. Investors would no longer be able to rely on local governments to act as official henchmen with the authority to seize land using compulsory administrative orders, compensation rates below market value, as well as public security forces for forced evictions in the interest of expediting land clearance for construction. VNA delegate Nguyen Ngoc Phuong stated, "Under the current circumstances, we are encouraging and creating conditions for all businesses to grow [or develop]. If [we] hand over the recovery of land to businesses themselves, I suppose that will be an extremely difficult matter. The demands of the people are indefinite. If the State does not intervene, does not recover [land], it will be very difficult."<sup>169</sup> These points of contention were evidenced in the changes in the multiple drafts presented during the legislative process of the revised Land Law. The clauses on "investment projects funded with official development assistance capital" and "projects of national importance which are approved in principle by the National Assembly" were inserted, removed, and reinserted again in the drafts under the clause permitting land recovery for purposes of socio-economic development.<sup>170</sup>

In seeking to limit the scope of compulsory land requisitions, LANDA advocated for a redefinition of the concept of "socio-economic development" in the 2003 Land Law. In its comprehensive report, LANDA highlighted the crux of the problem:

The mechanism of state land requisitions is primarily being used for 'socio-economic' development projects. The notion of 'socio-economic' here is an unclear concept, with potential to muddle the law and is easily exploited. It is reasonable for the State to recover land for purposes for society that pertain to public interests; state land requisitions for the common interest to develop basic infrastructure that serves the economic development of the country is also reasonable, because it

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<sup>169</sup> Ibid.

<sup>170</sup> Lawmakers also debated whether investors should be allowed and encouraged to receive transfers of, leases, or receive land use rights contributed as capital for investment projects for socio-economic development. This stipulation first appeared in clause 2 of Article 62 in the fifth revised draft, but was later removed from the sixth revised draft of the law.

pertains to both national interest and public interest, but land requisitions for economic purposes that are purely for the benefits of investors are not reasonable.<sup>171</sup>

On the basis of this rationale, LANDA proposed that the clause in the 2003 Land Law which permits state land requisitions for “purposes of economic development” be revised as follows: “The State recovers land for *socio-economic development*, defense, and national security projects *that serve national interests and public interests*.”<sup>172</sup> More specifically, the coalition suggested that the revised Land Law combine Article 62 and 63 in the 2003 Land Law under one article, subsuming socio-economic development under national and public interests and enumerating the types of projects that would qualify under the prescribed definition. Projects that solely benefit investors would instead need to obtain the voluntary consent of land users and would have to rely on other alternative mechanisms.

In its final form, revisions in the 2013 Land Law indicated regime responsiveness to broader public concerns, and incorporated input from civil society to circumscribe the scope of government land requisitions for socio-economic development. Article 62 of the 2013 Land Law now stipulated that the state can recover land for socio-economic development but only for national and public benefit.<sup>173</sup> Based on LANDA’s evaluation report, nearly 20 delegates who commented in the legislative sessions on November 6 and 22, 2013, expressed opinions that reflected LANDA’s recommendations.<sup>174</sup> As an advocate in LANDA assessed, “On the problem of land requisitions, our recommendation was accepted (*tiếp thu*), and [the law] was changed to what we wanted. The wording was changed from [state land requisitions] ‘for the purposes of economic development’ to ‘socio-economic development in the national or public interest’ (*phat*

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<sup>171</sup> Lien Minh Dat Dai [Land Coalition] 2013a, 27.

<sup>172</sup> Lien Minh Dat Dai [Land Coalition] 2013a, 28 (emphasis added).

<sup>173</sup> 2013 Land Law, art. 16.

<sup>174</sup> Pham Quang Tu, LANDA’s Report, PowerPoint Presentation.

*trien kinh te - xa hoi vi loi ich quoc gia, cong cong*).<sup>175</sup> This wording is deliberate in order to prevent investment projects, businesses, and commercial production that are profit oriented from relying on state expropriation to acquire land. Profit-oriented projects for private interests must instead directly bargain with and obtain voluntary consent from land users as prescribed by Article 73 of the 2013 Land Law.<sup>176</sup> While these changes in the revised drafts might appear minor and merely technical, they are far from arbitrary. They embody a contested process of revision and input from civil society actors with deliberate intent to limit government land seizures, which address the root of social conflicts.

Whereas the 2003 Land Law failed to stipulate in detail cases that would meet the requirement for “land recovery for purposes of economic development,” the revised Land Law enumerated a concrete list of types of projects that would qualify as “socio-economic development for national, public interests.” Article 62 of the 2013 Land Law stipulates that compulsory land requisitions for socio-economic development must be part of a national project that is approved by: (a) the Vietnamese National Assembly; (b) the Prime Minister; and/or (c) the Provincial People’s Councils, which is the legislative body composed of elected deputies at the local level. More specifically, the law enumerates the following projects under the purview of the Prime Minister’s approval: (a) Large-scale development projects, such as industrial parks, economic zones, investment projects funded by official development assistance; (b) offices of state agencies, central political organizations, and foreign organizations with diplomatic functions; and other

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<sup>175</sup> Personal interview with VNHN 20160921. Civil society actor in LANDA. Hanoi, September 21, 2016.

<sup>176</sup> 2013 Land Law, art. 73 states: Use of land through transfer and lease of land use rights and receipt of land use rights contributed as capital for production and business. 1. If the land used for the projects or facilities for production and business purposes is not subject to recovery by the State as prescribed in Articles 61 and 62 of this Law and if such land use is in accordance with the master plans, that is, with plans on land use approved by competent state agencies, the investors may receive the transfer of, lease, or receive land use rights contributed as capital in accordance with law. 2. The State shall adopt policies to encourage the lease of land use rights or the receipt of land use rights contributed as capital of economic organizations, households and individuals to implement projects or facilities for production and business. 3. The Government shall detail this article.



public spaces and non-business facilities like parks, cultural relics, and monuments; and (c) national technical infrastructure, such as transport, irrigation, water supply, and so forth. The projects listed under the approval of the People's Council at the provincial level are also similar and restricted to public benefits but are smaller in scale.<sup>177</sup> VNA delegate Bui Manh Hung especially noted during the deliberation on the revisions, "I suggest that Clause 2, Article 62 must stipulate all situations of land requisitions . . . [that] need to be approved by the National Assembly or the People's Council at the provincial level in order to evaluate the degree of necessity when deciding on land requisitions." In prior drafts of the revision, this feature was stipulated in some clauses but not others, requiring only the approval of the Government. "Stipulations as these," delegate Hung asserted, "is not sufficient, still carrying the subjective characteristics of the drafting committee without a basis on any theories or realities."<sup>178</sup> Reforms thus aimed to systematically strengthen legislative oversight and to centralize government authority over the scope of land requisitions. The VNA had an integral role in determining land-use plans at the national level as well as in monitoring and evaluating the country's land use and management, and land expropriation decisions.<sup>179</sup> At the local level, this authority was delegated to the provincial People's Councils, rather than to more decentralized levels of government. These features were

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<sup>177</sup> These include: (a) Projects of construction of offices of state agencies, political and socio-political organizations; ranked historical-cultural relics and scenic spots, parks, squares, statues, monuments, and local public non-business facilities; (b) Projects of construction of local technical infrastructure including transport, irrigation, water supply and drainage, electricity, communication and urban lighting works; facilities for waste collection and treatment; (c) Projects of construction of common activities of the communities; projects on resettlement, dormitories for students, social houses, and public-duty houses; construction of religious institutions, public culture, sports and entertainment and recreation centers; markets; graveyards, (d) Projects of construction of new urban centers and rural residential areas; on improvement of urban areas and rural residential areas; industrial clusters; concentrated zones for production and processing of agricultural, forestry, aquaculture and seafood products; and projects on development of protection forests or special-use forests; (e) Mining projects that are licensed by competent agencies, except mining of minerals for use as common construction materials, peat, and minerals in scattered and small mining areas, and salvage mining. See 2013 Land Law, art. 62, clause 3.

<sup>178</sup> "Kỳ họp thứ 6, Quốc hội Khóa XIII: Ý kiến ĐBQH-dự thảo luật đất đai 2013," *Dự Thảo Online-Luật Đất Đai*.

<sup>179</sup> 2013 Land Law, art. 21.

instituted in the detailed content of the revised Land Law, creating a tighter set of restrictions on the executive discretion of the government and subordinating state agencies to the law.

Prior to the reforms, a lack of public information and consultation with people on land use plans and compulsory land requisitions allowed investors to often “go out in the night with the State” (*di dem voi Nha nuoc*), and collude to seize land for economic development projects.<sup>180</sup>

VNA delegate Nguyen Dang Vang cited an example:

Recently, a Chief of Office of the People’s Committee of Ha Tay Province reported to the Ministry, and generally acquired land from a research institute. . . Coincidentally, there was an announcement that the land acquired from this place would be used for a golf course . . . I wondered to myself, Hanoi already has so many golf courses so why it was necessary to seize an entire scientific research institute to make a golf course, which simply required only an announcement by the Chief of Office of the Provincial People’s Committee.<sup>181</sup>

Absent standardized procedures, individuals were vulnerable to arbitrary government decisions without a warranted process to contest government decisions and to seek remedies for government abuses of power. To address this shortcoming in existing law and regulations, LANDA advocated for strengthened institutionalized mechanisms for greater people’s participation, monitoring, and evaluation. More specifically, it proposed a more detailed description in the law of the required procedures, organization, and public consultation in land use planning. It also required community consensus on plans for compensation, support and resettlement in all cases of compulsory land requisitions. In both instances, there had to be a majority consensus from at least 70 percent of affected individuals in local communities prior to any land use conversions and compulsory land requisitions.

The 2013 Land Law incorporated civil society input on the importance of people’s participation and community consensus to a great extent. Although the law fails to include the

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<sup>180</sup> Personal interview with VNH 20160921. Civil society actor in LANDA. Hanoi, Vietnam. September 21, 2016.

<sup>181</sup> Van phong Quoc hoi [Office of the National Assembly] 2009b.. The People’s Committee is the local executive organs of the state at the local level.

detailed procedures for consultation recommended by LANDA, Article 43 specifically requires the collection of people's opinions on land use planning at national and district levels through direct meetings and consultation with local communities. The law inscribes the principles of public consultation and standardized procedures for land requisitions, which provides citizens with strengthened procedural safeguards. Article 67 of the 2013 Land Law requires that, *before* issuing a land requisition decision, citizens must be notified by competent state agencies at least 90 days prior to the requisition of agricultural land or 180 days for non-agricultural land.<sup>182</sup> The content of the notification itself must include detailed plans on the requisition and subsequent steps in the execution, including land survey, measurement, inventory, and plans for compensation, support, and resettlement. Once a land requisition decision is issued, the notification of the decision must be sent to every affected citizen, as well as to the mass media. It must also be publicized in meetings with those to be affected, at the People's Committee office, and other public places.<sup>183</sup>

Citizens also have the right to consultation and participation in the making and appraisal of plans for compensation, support, and resettlement. While revisions in the 2013 Land Law did not prescribe any particular majority percentage required when collecting people's opinion in cases of land expropriation, Article 69 of the law establishes that consultation meetings must be conducted with affected land users on proposed plans for compensation, support and resettlement. Results specifying the number of opinions for and against the proposed plans must be summarized and recorded in the meeting's minutes. In cases of objection, dialogues must be organized. Compensation plans must then be publicized and posted at the local People's Committee's office and other public areas.<sup>184</sup> These procedures are deliberately stipulated in detail in the revised Land

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<sup>182</sup> 2013 Land Law, art. 67.

<sup>183</sup> 2013 Land Law, art. 69.

<sup>184</sup> 2013 Land Law, art. 69.

Law to better ensure uniform execution by local governments. They inscribe a due process in which citizens have the right to notification and participation in land requisitions.

Through process-tracing, I have mapped how the institutional change embodied in the revision of the Land Law in 2013 responded to contentious claims pertaining to the discretionary scope of government authority to seize land in collusion with investors for windfall profits. Measured by their complexity and coherence, responses by the Vietnamese communist regime to adopt systematic reforms and incorporate civil society input in the revised Land Law are relatively more institutionalized than China. This is evidenced by the degree of deliberate specification and non-ambiguity of the law in its content and design, and an expressed preference for reforms by law through the legislature with public scrutiny, as opposed to party legislations and sub-law administrative regulations by executive government agencies. The revised Land Law instituted measures that narrowed the scope of government requisition and strengthened procedural mechanisms in land taking to mitigate social grievances. As Deputy Chairman of the Office of the VNA Nguyen Si Dung stated, “The new law will tighten the process of taking land from users and increase transparency. This will help avoid the inappropriate seizure of land and hopefully will reduce complaints.”<sup>185</sup>

### **Substantive Implications**

The institutionalization of a particular organization or procedure is distinguished by its “value and stability.”<sup>186</sup> As Scott Mainwaring describes it, institutionalization comprises “the belief that a given ensemble of procedures and organizations will endure,” which shapes expectations, attitudes, and behavior; hence, under institutionalization, “actors entertain clear and stable expectations

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<sup>185</sup> "Vietnam Tightens Land Seizure Law After Farmers Protest" 2013.

<sup>186</sup> Huntington 1968.

about the behavior of other actors.”<sup>187</sup> In other words, higher degrees of institutionalization effectively reduces uncertainty and narrows the range of tolerable deviant behavior with entrenched structures, rules, and norms that constrain local discretion and abuse. Thus, with greater institutionalization of strengthened restrictions on government discretion, legislative oversight, and improved procedural safeguards for citizens in land expropriation, we should expect greater standardization, consistency, and minimal variation at the subnational level.

Based on this logic, subnational comparisons in a nested research design further corroborates substantive macro differences in authoritarian responsiveness between Vietnam and China. For a rigorous evaluation of the institutionalization of Vietnam’s responsiveness, I selected the two provinces of Quang Tri and Can Tho which are most different on the basis of pertinent indicators related to land use and management. In spite of their differences, findings of greater consistency and similarities in constraints on local governments in land expropriation in these two provinces buttress the claim that Vietnam’s responsiveness has been significantly more institutionalized, whereas China’s reactive responsiveness has allowed significant leeway for local governments to enact variable policies that produce high precarity.

Whereas Quang Tri Province is located in the North Central Coast bordering Laos, Can Tho Province is located in the Mekong River Delta in the South of Vietnam (see Figure 5-3). Demographically, as of 2016, Quang Tri had an average population of 623.5 thousand people, and a predominantly rural population. Compared to Quang Tri, Can Tho was more densely populated, and nearly 67 percent of the population was urban. While both provinces have large areas of agricultural land, Quang Tri also has large forest areas whereas Can Tho does not. Unlike the mountainous and coastal areas, hills, and sand dunes of Quang Tri, Can Tho has stretching, low-

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<sup>187</sup> Mainwaring 1998.

lying, flat land where 64.18 percent of households with paddy land had farms with an average size of 0.5 hectares to more than 2 hectares in 2011. Instead, 78.74 percent of households in Quang Tri had smaller plots with less than 0.5 hectares. In other words, paddy land in Quang Tri is more fragmented, making it more difficult for farmers to scale up agricultural production. Being predominantly more rural, 22.66 percent of the Gross Regional Domestic Product (GRDP) of Quang Tri Province in 2016 derived from agriculture, forestry, and fishing, whereas these sectors comprised only 9.62 percent of the GRDP of Can Tho Province.

**Figure 5-3 Map of Quang Tri Province and Can Tho Province**

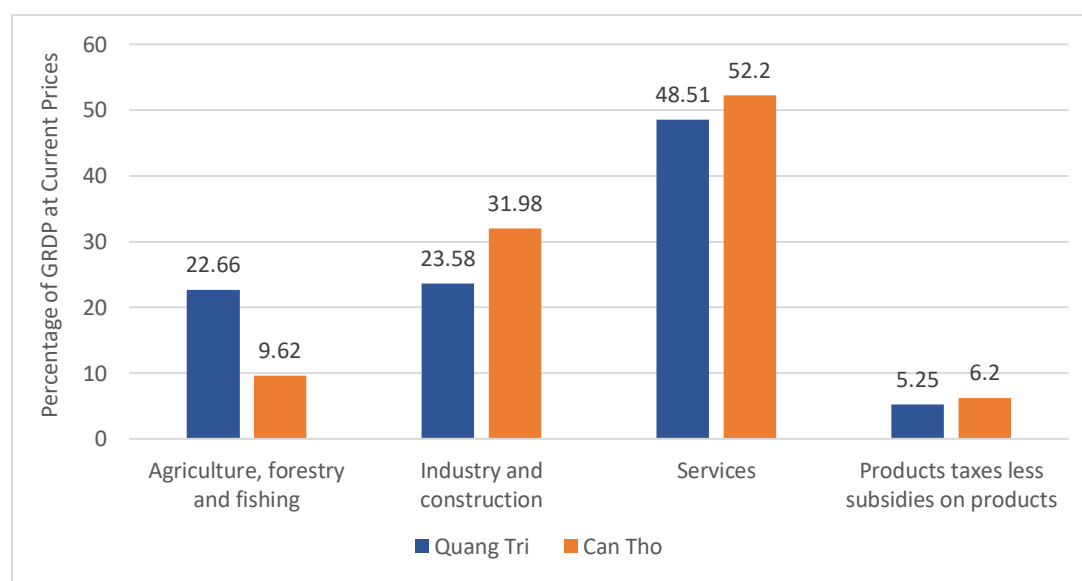


**Table 5-5 Indicators of Differences Between Quang Tri and Can Tho**

	Quang Tri				Can Tho			
Rural-Urban Population*	Rural (%)	Urban (%)			Rural (%)	Urban (%)		
	70.34	29.66			33.10	66.90		
Land Use* <sup>188</sup>	Agri. Production (thous.ha)	Forestry (thous.ha)	Specially Used (thous.ha)	Residential (thous.ha)	Agri. Production (thous.ha)	Forestry (thous.ha)	Specially Used (thous.ha)	Residential (thous.ha)
	120.4	257.3	17.7	4.3	112.3	0.0	11.7	8.4
Average Farm Size of Paddy Land Area per Household <sup>†</sup>	Under 0.2 ha (%)	Fr. 0.2 ha to 0.5 ha (%)	Fr. 0.5 ha to under 2 ha (%)	Above 2 ha (%)	Under 0.2 ha (%)	Fr. 0.2 ha to 0.5 ha (%)	Fr. 0.5 ha to under 2 ha (%)	Above 2 ha (%)
	37.56	41.18	21.00	0.26	7.37	28.45	50.73	13.45

Source: *Statistical Yearbook 2016*, General Statistics Office. <sup>†</sup>Calculation from *Vietnam Agrocensus Survey 2011*. Cited in, Truong, et al. 2019.

**Figure 5-4 GRDP Structures of Quang Tri and Can Tho, 2016**



Source: *Socio-Economic Statistical Data of 63 Provinces and Cities 2020*.

<sup>188</sup> In Vietnam, land use is classified under these broad categories. The General Statistics Office of Vietnam calculates statistics using the following definitions: (1) *Agricultural production land* refers to the land used in agricultural production, including annual crop land and perennial crop land; (2) *Forestry land* includes both planted forests and natural forests; (3) *Specially used land* includes land used by the government offices; public services construction facilities; security and national defense land; land for nonagricultural production and business, and public land; (4) *Residential land* refers to land used for housing and other construction for living activities, which includes land in both urban and rural areas.

Despite the differences in the land use and economic structure of Quang Tri and Can Tho, the two provinces experienced a similar decline in the number of land takings reported by citizens following the passage of the 2013 Land Law. Surveys of citizens between 2011 and 2017 in the two provinces provide a proxy measure of the extent to which reforms substantively mattered in restricting arbitrary land seizures. Individuals were asked whether they and/or their friend or relative had their land taken in the previous year. In Quang Tri, the percentage of respondents who experienced land seizures or had a neighbor who lost land decreased from 38 percent in 2011 to 5 percent in 2017. Likewise, land taking in Can Tho plummeted from nearly 26 percent to 10 percent during the same period.<sup>189</sup> While there may be other compounding factors other than the passage of the 2013 Land Law that contributed to the observed decline of land takings, findings of a similar trend in the two most different provinces of Quang Tri and Can Tho suggest that programmatic measures to narrow the scope for land requisitions in response to societal pressures were relatively institutionalized.

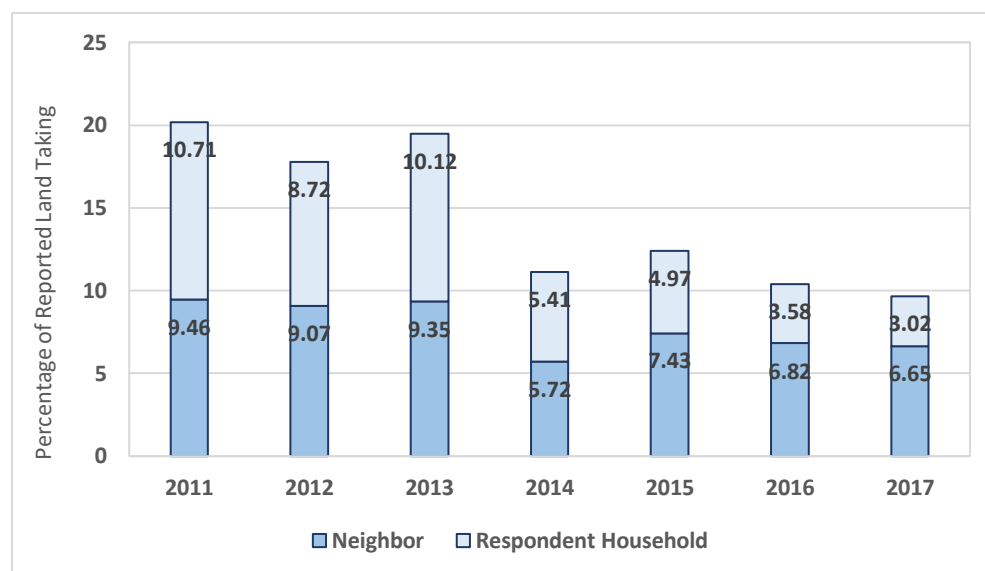
The overall trend at the national level corroborates that the reforms were in fact systematic and substantive. Prior to the revised Land Law, the average percentage of citizens who reported having experienced land takings from 2011 to 2013 was 9 percent. Since 2013, this average dropped dramatically down to nearly 3 percent by 2017. Changes in the percentage of those who reported having a friend or relative who experienced land seizures show the same pattern. Consistent with this trend, reported data from the Ministry of Government Inspectorate indicates that the average percentage of land-related petitions by citizens also decreased from nearly 70 percent in 2010 to 60 percent in 2017.

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<sup>189</sup> Estimation based on PAPI Survey Data from multiple years.

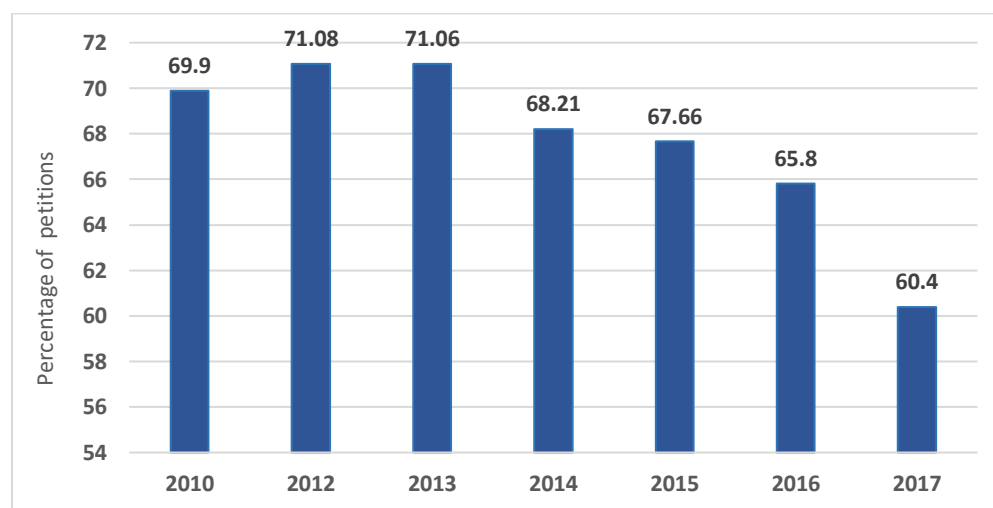


**Figure 5-5 Citizens Reporting Land Seizures Nationwide, 2011-2017**



Source: CECODES, VFF-CRT, RTA & UNDP (2018).

**Figure 5-6 Land-Related Petitions Nationwide, 2010-2017**



Source: Bao cao So 82/BC-BTNMT ngày 03 tháng 10 năm 2016 gửi Thanh tra Chính phủ về “Công tác giải quyết khiếu nại, tố cáo trong lĩnh vực quản lý, sử dụng đất đai”; “61% vụ việc khiếu nại liên quan đến đất đai”, [http://sdh.neu.edu.vn/61-vu-viec-khieu-nai-lien-quan-den-dat-dai\\_192968.html](http://sdh.neu.edu.vn/61-vu-viec-khieu-nai-lien-quan-den-dat-dai_192968.html); “Khắc phục nguyên nhân phát sinh khiếu nại, tố cáo,” *Báo Nhân Dân*, Sep. 28, 2010, <http://nhandan.com.vn/chinhtri/item/11058902-.html>; Bao cao So 326/BC-CP ngày 20 tháng 9 năm 2016 của Chính phủ về công tác giải quyết khiếu nại, tố cáo năm 2016; Bao cao So 136/BC-UBPL14 ngày 03 tháng 10 năm 2016 gửi Ủy ban thường vụ Quốc hội về “Thăm tra Báo cáo của Chính phủ về công tác giải quyết khiếu nại, tố cáo năm 2016”; Bao cao tóm tắt So 525/BC-CP của Chính phủ về “Công tác giải quyết khiếu nại, tố cáo năm 2017,” <http://www.nhandan.com.vn/cuoi Tuan/quoc-te/item/34681102-cau-chuyen-trach-nhiem-giai-quyet-khieu-nai-to-cao.html>.

In Cai Rang District of Can Tho City, once the revised Land Law came into effect, the law was widely promulgated at every level with the participation of the Fatherland Front and mass

organizations. At the commune level, the new law was transmitted to local residents through community organizations with a focus on law. “These legal clubs operate at the most grassroots level with residential communities,” a member of the district’s Fatherland Front explained. “Through these clubs, we often incorporate materials on various policy, including law and policy related to land issues.”<sup>190</sup> In carrying out land requisitions, as a government official from An Phu Ward of Cai Rang District summed up, “When we begin to actually carry out the land use plan [for a project], we first gather people to collect their opinion. All the land use plans are publicized. After the initial stage, then we carry out the land survey and measurement for the compensation plan, and so forth. Those who do not find the compensation to be satisfactory can make further demands. . . there are lots of steps in between; it’s complicated.”<sup>191</sup> In effect, the law has lengthened the requisition process, and imposed greater demands on the local government to consult with individuals.

Compared to the urban district of Cai Rang, Gio Linh is a more rural district in Quang Tri Province. Commenting on his perception of the revised Land Law, a representative of the local legislative body, the People’s Council, particularly stressed the significance of deliberate specificity in the new law:

The 2013 Land Law is more open (*thông thoáng*) for the people, and more specific on situations when land requisitions are permissible. People now have the right to proactively negotiate [with investors], as opposed to relying on the State . . . The more specific (*cụ thể*) the law the better. In the United States, for example, each state can have its own regulations and policy that are more appropriate for local needs and conditions, but they are still able to execute the general law [passed at the national level]. Sure, the law is only a legal frame (*luật khung*), but within that frame, the more specific that it can be, all the better.<sup>192</sup>

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<sup>190</sup> Personal interview with VNCT 164340. Local official of the District People’s Committee. Can Tho Province, Vietnam. January 16, 2017.

<sup>191</sup> Personal interview with VNCT 83441. Local official of the An Phu Ward People’s Committee. Can Tho Province, Vietnam. January 16, 2017.

<sup>192</sup> Personal interview with VNQT 135337. Local official in the District People’s Council. Quang Tri Province, Vietnam. February 17, 2017.

On the other hand, land administrators or bureaucrats directly in charge of the execution of the revised law and policy expressed a general sense of frustration with the new constraints. The basis for government seizures of land from citizens, as one official insisted, was the fact that individuals do not have private land ownership in Vietnam:

Consistently through every historical period, land belongs to the State. People only have land use rights. This distinction must be preserved, no matter what else may change in the law. People must understand this! In other capitalist countries, the land belongs to the people. Whatever the state wants to do, it needs to purchase the land from the people. If it pleases people then they will give consent to sell. If not, then they won't. In our country, no matter how much the Land Law may change in the future, the fundamental nature of this provision will not change.<sup>193</sup>

Sharing this mentality, another local official expressed frustration over the constraints imposed by the revised law on his authority to forcibly evict individuals: "Law and policy should grant the People's Committee more authority. For example, I should have the authority to use forced evictions . . . right now, this is very difficult with the law, and creating lots of problems."<sup>194</sup> Yet, insofar as citizen rights are concerned, the frustration expressed by local officials suggests that revisions in the Land Law instituted systematic restrictions on the discretion of local authority to resort to violence without due procedures.

Under the 2013 Land Law, the process from when the government issues an administrative decision to expropriate land for national, public interests to when the land is cleared and ready for development requires numerous steps.<sup>195</sup> First, individuals must receive a notice of requisition. This is followed by investigations, surveys and measurements of the area belonging to each household to be seized. Next, a plan of compensation and resettlement is developed during which local officials must organize consultations with those affected by the requisition. Once a

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<sup>193</sup> Personal interview with VNQT 140656. Local official in the Department of Natural Resources and Environment. Quang Tri Province, Vietnam. March 02, 2017.

<sup>194</sup> Personal interview with VNQT 144554. Local official in the District People's Committee. Quang Tri Province, Vietnam. February 22, 2017.

<sup>195</sup> 2013 Land Law, art. 69.

compensation and resettlement plan is approved, it is announced to the community, and individual notices of compensation are sent to the respective households. Once notified, individuals have time to contest and dispute the proposed compensation plans with government officials. Only after individuals affirm their consent and collect their compensation, can the land be seized and cleared. At every stage, the land administrators must collect confirmation signatures from individuals for the green light to proceed with the next step.

The law establishes procedures that bind local officials to observe people's rights to notice, and consultation. In one incident, while I was meeting with the local authority of the district's Land Fund Development Center, an agency specially established under the Land Law to administer land requisitions and compensation, a villager stormed into the government office. Her residential land was under expropriation for the expansion of the national highway. Recently, she received a phone call from the local authority, notifying her that she could come and pick up her compensation. But she claimed that she did not recall providing her consent to the resettlement package. "Even if I go to work [and am not at home], I still need to come home at some point," she said, "If you don't see me in the morning, there is still the afternoon or the evening. In this case, I didn't see any official legal documents . . . I didn't sign anything." In response, the government official distressingly insisted:

The law required us to follow all the procedures. The roster of [those subject to] land requisitions first required your signature, and was published. There was another unit that then did the survey and measurement of your land and properties. This house had how many square meters, that house had how many square meters. How many banana trees, how many flower bushes...we had to count them all carefully. You then signed, and only then did we have a basis to assemble people (*hop dan*). The procedures are all in the law. We have to make everything transparent (*cong khai*). Only after all the households don't have any more petitions or claims can we provide the compensation and resettlement money to people.<sup>196</sup>

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<sup>196</sup> Participant observation. VNQT 95759. Land Fund Development Center, Quang Tri Province, Vietnam. March 02, 2017

The government center took some time to shuffle through their records. Pulling out a stack of papers, the official showed the documents with her signature to the villager, which she said she had forgotten. The case was resolved with the official walking the villager out, and the two exchanging friendly farewells.

The incident reflected some nuances. On the one hand, it suggests that individuals may not fully grasp the complicated procedures of the land requisition process, and stipulations in the law. On the other hand, the local official was evidently aware of the required procedures stipulated by the law. Repeatedly, he expressed how encumbered he was by the law to adhere to due procedures in carrying out land requisition. Despite shortcomings that could arise in the actual implementation, the law imposed systematic procedures on government officials at the local level, and provided a basis for villagers to assert their demands. From this perspective, the revised Land Law had indeed institutionalized tighter restrictions on government discretion.

## **Conclusion**

In this chapter, I have provided a detailed account of how the Vietnamese regime systematically responded to social unrest caused by compulsory land requisitions. I first traced the rise in land-related petitions, protests and demonstrations in Vietnam back to significant changes made in the institutional context of and in specific provisions on the scope of requisitions in the 2003 Land Law. At the grassroots level, ad-hoc responses by local governments to incidents of contentious collective action and everyday resistance, occurred like the application of fire extinguishers that only put out immediate unrest. Such tactical management of citizen discontent with reactive responsiveness, however, falls short of addressing the root of persistent conflicts and state-society tensions over government land seizures

What is the degree of responsiveness and its institutionalization by the Vietnamese communist party-state to the rise in social unrest? Transcripts of legislative debates indicated that social instability, rising land-related petitions, protests, and demonstrations led the central government to be gravely concerned. By closely tracing the process, I demonstrated how the relative distinction between the party and the state, and the relative institutional strength of the legislature in Vietnam provided the mechanism that produced the programmatic reforms embodied in the passage of the 2013 Land Law. In this manner, the historical pattern of constraint and accommodation that underpinned the institutionalized responsiveness of Vietnam has been particularly enduring, as evidenced in the ways in it has configured the noticeable difference in how Vietnam responds to social unrest compared to China.

**PART THREE: PATHWAY OF CONFRONTATION AND REACTIVE  
RESPONSIVENESS IN CHINA**

## **Chapter 6 — The Ascendancy of the Chinese Communist Party Through Confrontation and Mobilization**

### **Introduction**

The divergent historical trajectories taken by Vietnam and China in party and state formation have materialized into notable institutional differences between the two countries. In Vietnam, the party and the state emerged from systemic constraints, in which institutions and power were established on the bedrock of accommodation and incorporation of broad diverse interests. With respect to the relationship between the party and state, greater power distribution in the decision-making structures was institutionalized in a distinct delineation between party and state functions. Compared to China, the Vietnamese legislature was also empowered as an input channel for social demands and in its oversight of the executive government.

In sharp contrast to the path undertaken by Vietnam, the Chinese Communist Party (CCP) attained a heightened level of party unity, discipline, and centralization of authority through confrontation and mass mobilization, which was continuously reinforced in the making and development of state institutions. While the Indochinese Communist Party (ICP) continued to rely on and subsume its leadership under the broad united front of the League for Vietnam's Independence (*Viet Minh*) when it came to power, the CCP had eradicated its rival opposition, the Guomindang (GMD or Nationalist Party), in an all-out civil war by the time it embarked on state building activities. Before the CCP came to power, the party also launched a rigorous rectification campaign to promote party discipline, ideological cohesion, and organizational consolidation. By 1949, the CCP had established itself as the ruling party and continued to exert its dominance during the ensuing process of state formation.



In China, state institutions were in many ways emasculated and supplanted by the party. From 1949 to 1953, the CCP underwent a phase of transition devoted to economic reconstruction, state building, and further party consolidation. The party implemented effective measures to put in place state infrastructures, to recruit and submit new cadres to rigorous training, to suppress domestic opposition, to penetrate society, and to solidify communist control. State building and party consolidation, however, occurred side by side and were indistinguishable from one another. The CCP unleashed the “Campaign to Suppress Counterrevolutionaries” (1950-1953), the “Three-Anti Campaign” (1951 – 1952), and the “Five-Anti Campaign” (1952) to suppress and weed out counterrevolutionaries. Thereafter, from 1954 to 1960, the CCP seized firmer control over state and society. The Chinese legislature became dormant after the party began sweeping purges and rectification campaigns, lasting from the 1957 Anti-Rightist Campaign until 1966, and it remained defunct for the next nine years during the Cultural Revolution.

These significant differences between Vietnam and China in their institutional formation also forged distinctive patterns of state-society interactions in the ways in which the two regimes responded to societal pressures and demands. In Vietnam, when wrongful classifications and purges during land reforms caused social tensions, the party admitted errors, apologized, and instituted a rectification campaign in which victims were rehabilitated, and rank-and-file officials and cadres were punished. Even the General Secretary of the Party, Truong Chinh, was disciplined and demoted. Later, when collectivization was met with everyday resistance, the party responded by implementing decollectivization. By 1986, Truong Chinh, who formerly advocated for the greater use of violence and radicalization in opposition to Le Duan’s preference for more moderate policy during collectivization, also moderated his own position and became a champion of decollectivization and Renovation.

On the other hand, while the communist regime in Vietnam was more receptive and responsive to social resistance by adjusting its policies, the CCP drew on its hegemony to mobilize and penetrate society in pursuit of its socialist agenda. Opposition and resistance were met with suppression and/or intensified mobilization, rather than moderation. After 1949, land reforms initiated by the CCP during the civil war in areas under communist control were intensified under communist rule. Moreover, the party overcame significant peasant resistance and suppressed opposition to bring the countryside under collectivization and the direct supervision of the communist state by the end of 1956. Rather than moderating its agenda, the party further radicalized society to implement the Great Leap Forward from 1958 to 1960. The famine that resulted from this campaign caused the deaths of millions of peasants. Although Mao personally admitted responsibility, these famines were followed with the Socialist Education Campaign with even more party purges, rectifications, and propaganda. In the aftermath of the Cultural Revolution that extended over nearly a decade, decollectivization was then only made possible after Mao's death, purges of his faction, and a turnover in party leadership.

State building in China was built upon the foundation of party unity and dominance as opposed to accommodation and greater incorporation of divergent interests. Of importance here is how the divergent path taken by China to form the Communist Party — and the type of party forged through continuous confrontation and mass mobilization — profoundly affected and continues to affect the configuration of the communist state, the relationship between party and state institutions, and state-society interactions. In privileging the centralization of authority, organizational discipline, and party unity, the consolidation of the CCP well preceded the formation of the communist state, producing the precondition for the party to forcefully exert its dominance over state institutions and society in ways that the Communist Party of Vietnam could

not. As a result, a greater delineation between the party and the state and legislative institutionalization exists in Vietnam than in China where the dominance of the party has supplanted state institutions in many ways, and effectively conditioned the extent to which the communist regime receives and responds to social claims and interests.

## **Party Formation and Pathways to Dominance**

### ***Founding of the Chinese Communist Party, 1911-1921***

The CCP was formally established in Shanghai in July 1921, in the presence of thirteen delegates and two Comintern advisors. Delegates at the party's First National Party Congress represented communist groups from Shanghai, Beijing, Changsha, Wuhan, Jinan, Guangzhou, and Tokyo.<sup>1</sup> These groups were “skeletal forms” of Chinese communism formed during the previous year.<sup>2</sup> In fact, the first communist cell of ten communist members, including Chen Duxiu, was converted from the Marxist Research Society or the Society for the Study of Marxism (*make si zhuyi yanjiuhui* 马克思主义研究会) formed in May 1920 in Shanghai. It served as a model for other similar societies devoted to the study of Marxism that would rapidly transform into a network of communist groups in other cities and abroad. The founding of the CCP in 1921 thus marked not the beginning of a communist organization, but the culmination of a prior process of political engagement and ideological cultivation that spawned an informal network of regional associations.

Chinese historiography on the origins of communism in China has primarily focused on the period between the 1917 Russian October Revolution and the founding of the Chinese

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<sup>1</sup> The delegates included: (a) Li Da and Li Hanjun from Shanghai; (b) Zhang Guotao and Liu Renjing from Beijing; (c) Mao Zedong and He Shuheng from Changsha; (d) Dong Biwu and Chen Tanqiu from Wuhan; (e) Wang Jinmei and Deng Enming from Jinan; (f) Chen Gongbo from Guangzhou; and, (g) Zhou Fohai from Tokyo. Neither Chen Duxiu nor Li Dazhao, the principal founders of the Party, was present. Bao Huiseng was sent in place of Chen Harrison 1972, 31-32.

<sup>2</sup> These were described using various terms, including “small groups” (*xiaozu* 小组), “party branch” (*dangzhibu* 党支部), or “party” (*dang* 党) Dirlik 1989, 201-202.

Communist Party (CCP) in 1921. Some works emphasize the external influence of Soviet intervention in China.<sup>3</sup> Others highlight how the 1917 October Revolution provided Chinese radicals and intellectuals with anti-imperialistic and nationalist yearning, and as an exemplar of a successful revolutionary strategy, facilitated the transmission of Marxism-Leninism in China.<sup>4</sup> In these accounts, communism emerged as an offshoot of the 1917 October Revolution and the penetration of Chinese radical thinking by Marxist-Leninist ideology. Disputing the causal primacy of these events, Arif Dirlik argues instead that the 1919 May Fourth Movement, dubbed as “intellectual revolution” in modern China, had laid the groundwork for the crucial organizational and ideological developments that led to the establishment of the CCP.<sup>5</sup>

Common ties among intellectuals and radicals who joined collectively under the banner of communism extended back to a period of political fervor and activism in China. The early Republican State formed after the collapse of the Qing Dynasty was a fragile political order that fell short of the high revolutionary aspirations of the 1911 Revolution. Just one year after the genesis of the Republican State, Song Jiaoren, a key leader of the GMD, was assassinated in March 1913 by the order of Yuan Shikai, the State’s first President. Dissent and rebellions by other GMD leaders were also heavily repressed under Yuan.<sup>6</sup> By 1915, Yuan sought to restore the dynastic system, which was met with fierce popular opposition and even military revolts.<sup>7</sup> Yuan discarded the plan under mounting pressures, and passed away three months later from natural causes in June 1916. These developments led the way to an erosion of the state and its central authority, which spiraled into a period of warlordism.

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<sup>3</sup> Whiting 1953; Brandt 1966.

<sup>4</sup> Meisner 1967; Schwartz 1967; Meisner 1977.

<sup>5</sup> Dirlik 1989.

<sup>6</sup> Young 1977, 129-137.

<sup>7</sup> Van de Ven 1991, 13-15.

Against this backdrop, Chinese intellectuals experienced a revival of political energies and spearheaded the New Culture Movement between 1917 and 1923.<sup>8</sup> Study societies and periodicals of various kinds flourished in search of new political thinking. As Dirlik argues, these societies and outlets provided “the institutional embodiments of a new culture of radicalism that was ideologically eclectic, and blended immediate patriotic with utopian aspirations, and cultural revolutionary ideals with hopes for social transformations.”<sup>9</sup> Writers like Hu Shi, Lu Xun, Chen Duxiu, and Li Dazhao were vocal critics of Chinese traditions eager for a new political order.<sup>10</sup> Chen Duxiu, then the dean of Beijing University or Beida, for instance, founded the magazine titled *New Youth* (*xin qingnian* 新青年) that became a mouthpiece for social revolutionary ideas, including reports on the Russian Revolution and Marxism. In the first issue of the periodical, Chen appealed to Chinese youth:

Youth is like early spring, like the rising sun, like the trees and grass in bud, like a newly sharpened blade . . . Tearfully, I merely place my plea before the fresh and vital youth, in the hope that they will achieve self-awareness, and begin to struggle. What is this self-awareness? It is to be conscious of the value and responsibility of one’s young life and vitality . . . What is the struggle? It is to exert one’s intellect, discard resolutely the old and the rotten, regard them as enemies and as a flood of savage beasts, keep away from their neighborhood and refuse to be contaminated by their poisonous germs.<sup>11</sup>

In addition, the retreat of Western imperialism after World War I also created an opportune window for China to propel its national industries rather than rely on foreign imports. This gave rise to an emergent class of urban proletariat on the political stage.<sup>12</sup>

When the Versailles Peace Conference transferred the rights to Shandong Province from Germany to Japan rather than returning them to China at the end of World War I, students in Beijing poured onto the street in a mass demonstration against the treaty on May 4, 1919. This

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<sup>8</sup> Hsü 2000, 596.

<sup>9</sup> Dirlik 1989, 254.

<sup>10</sup> Dirlik 1985; Hsü 2000, 600-605; Weiping 2017.

<sup>11</sup> Quoted in, Hsü 2000, 600.

<sup>12</sup> Saich 1996, 3.

incident had widespread impact on public opinion, pressuring the Chinese delegation to reject the peace treaty. In important ways, the May Fourth Movement was cited as the pivotal incubator for a network of young radicals with newfound political consciousness that provided the ideological and organizational ground for the emergence of communism during 1920-1921 in China. As Lucien Bianco puts it, “the founding of the CCP can be seen as an extension of the May Fourth Movement.”<sup>13</sup>

In March 1920, Gregory Voitinsky, chief of the Far Eastern Bureau of the Comintern, arrived in Beijing, propagating Russia’s experience from the 1917 October Revolution and Marxism. Voitinsky went on to meet with Li Dazhao, then the head librarian at Beida, and Chen Duxiu in Shanghai. Not long after in the same month as Voitinsky’s arrival, Li Dazhao and his students at Beida formed the first organization devoted to the study of Marxism, the Society for the Study of Marxist Theory (*makesi xueshuo yanjiuhui* 马克思学说研究会), followed by the establishment of the Society for the Study of Marxism in Shanghai under Chen Duxiu in May, and other similar societies in Changsha of Hunan Province, Wuhan of Hubei Province, Jinan of Shandong Province, Guangzhou of Guangdong Province, as well as in Tokyo and Paris.<sup>14</sup> These study societies were then converted into “communist small groups” (*gongchanzhuyi xiaozu* 共产主义小组), which were reconstituted as a single party upon the formal establishment of the CCP.<sup>15</sup>

### ***Communist Organization and a Fragile Alliance with the Guomindang, 1921-1927***

During its initial years, the CCP was a fledgling organization. Reports presented at the First National Party Congress underscored three items on the CCP agenda: “party members are few; it

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<sup>13</sup> Bianco and Bell 1971, 54.

<sup>14</sup> Dirlik 1989, 149, 156-190.

<sup>15</sup> Both the Manifesto of the CCP and the first party journal the *Communist* (*gongchandang* 共产党) were drawn up during the year before the actual formal establishment of the CCP when the First National Congress of the Party was held in Shanghai in July 1921.

is necessary to increase party membership; and the methods of organizing workers and making propaganda have to be improved.”<sup>16</sup> When the CCP was founded in 1921, the delegates represented only fifty-something members from various communist groups in China and abroad.<sup>17</sup> Not all study societies that originated from the May Fourth Movement became part of the CCP. Those that did were loosely held together without any central authority or cohesive leadership. Given the small size of the party, only a Provisional Central Executive Bureau was formed at first.<sup>18</sup> Chen Duxiu was elected as Party General Secretary, clashing frequently with other regional leaders, while Zhang Guotao served as head of the Organization Department, and Li Da as head of the Propaganda Department.<sup>19</sup>

In 1923, the CCP entered into an alliance with the GMD under pressures from the Comintern. Viewed as a “byproduct of Comintern domination,” the proposal for a united front between the two parties was brokered by Sneevliet, better known by the pseudonym of “Maring,” who was dispatched by Moscow to China in June 1921.<sup>20</sup> In his report to the Executive Committee of the Communist International after a year with the CCP and the GMD, Maring was “very pessimistic” about the CCP’s organizational work.<sup>21</sup> Instead, he insisted that more “fruitful work” was possible with the GMD, and that Chinese communists should “give up their exclusive attitude toward the GMD” to cooperate with them as a communist bloc within the opposition party.<sup>22</sup> This proposal became a major point of contention among party leaders at the Third National Party Congress. Senior party leaders, including Chen Duxiu, Zhang Guotao, and Cai Hesen, vocally

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<sup>16</sup> “The First Congress of the CCP, dated August 1921 ” 1996, 14.

<sup>17</sup> There is some discrepancy as to what the exact number was. Whereas Dirlik (1989, 156) cites that there were 53 members represented by the delegates, Hsu (2000, 622) notes that there were fifty seven members.

<sup>18</sup> “The First Program of the CCP, dated July-August 1921” 1996.

<sup>19</sup> Van de Ven 1991, 99-102.

<sup>20</sup> Dirlik 1989, 267.

<sup>21</sup> “Report of Comrade H. Maring to the Executive, dated July 11, 1922” 1996, 28.

<sup>22</sup> Ibid., 28 and 32.

opposed the idea.<sup>23</sup> Despite internal dissent, the CCP ultimately conceded to pressure from Moscow and cooperated with the GMD.

The CCP benefited from its first cooperation with the GMD in a number of ways. Although the communist parties in China and Vietnam in their early formation both deemed cooperation with rival groups as tactically necessary, the nature of their cooperation differed in important ways. In Vietnam, the ICP rushed to incorporate all social and political groups into the League for Vietnam's Independence (*Viet Minh*), and failed to maintain distinct boundaries between the ICP and non-communists. This diluted the party's membership and organizational cohesion from the start. By contrast, the CCP effectively made use of its alliance with the GMD to widen its influence. As part of the united front, the CCP maintained its operation independently from the GMD. This meant that the CCP could now openly receive Soviet aid without suppression by the GMD. Moreover, the CCP gained access to areas in southern and central China where it was free to mobilize peasants and workers to further broaden the party's influence. As a result, the party increased from merely 57 members in July 1921 to 57,967 members by May 1927 (see Table 6-1).

**Table 6-1 Membership in the Chinese Communist Party, 1921 – 1927**

Year	Number of Party Members
1921 July	57
1922 June	195
1923 June	420
1925 January	994
1925 September	3,164
1926 February	8,000
1926 July	18,527
1927 May	57,967

Source: Zhonggong zhongyang zuzhi bu 中共中央组织部 2000, 39.

<sup>23</sup> Wilbur and How 1989, 51-54; Saich 1996, 7-10.



The first united front between the GMD and the CCP, however, came asunder when Chiang Kai-shek commanded republican troops to purge communists during 1927 and 1928. Discord between “left wing” and “right-wing” groups within the GMD had become more acute following the death of Sun Yat-sen in 1925.<sup>24</sup> The polarization resulted in a split of the GMD into two opposition governments, one in Wuhan led by Wang Jingwei and the other in Nanjing led by Chiang. On April 12, 1927, communists in Shanghai were brutally attacked by military forces under Chiang’s command. The Shanghai massacre marked the beginning of a period of repression of communists in areas under Chiang’s control, including Guangzhou, Shantou, Xiamen, and Ningbo. Martial law, for instance, was declared in Guangzhou, prompting arrests and executions of thousands of CCP members.<sup>25</sup> Ultimately, relentless attacks of communists by republican troops forced the CCP to seek refuge in remote rural areas in southeastern China.

Differences between the two communist parties in China and Vietnam may not be vivid at this early stage. Much like the ICP when it first emerged in the 1920s, the CCP was founded by bringing together disparate communist groups across various localities. In both cases, the Comintern performed an instrumental role in the conception of the parties. Both parties were also confronted with repression from opposition forces, and were obliged to make certain compromises with opposition parties, albeit the nature of the CCP’s united front with the GMD and the ICP’s incorporation of non-communist groups in the League for Vietnam’s Independence differed.

Yet, as the next sections will show, the CCP that reached the zenith of its political power in 1949 differed characteristically from the Vietnamese ICP in 1945. The CCP sharply diverged from Vietnamese communists after surviving brutal attacks by the GMD under Chiang’s command.

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<sup>24</sup> The extent to which the factions that emerged within the GMD could be aptly termed “left” or “right” was a subject of scrutiny by the GMD as well as the CCP. See, for example, Wilbur and How 1989, 185; “Resolution on the Question of the GMD-Left, dated December 1926” 1996.

<sup>25</sup> Wilbur 1984, 110-112.

In Vietnam, the ICP rose to power in the name of the League for Vietnam's Independence, and continued to rely on its cooperation with non-communist groups even after Vietnam nominally claimed its national independence in 1945. As such, the ICP remained encumbered by divergent interests as part of this broad alliance. By contrast, the CCP effectively consolidated and centralized its political authority between 1927 and 1949. During this period, the CCP advanced on a path of confrontation that solidified its dominance over the GMD, and allowed the party to fully embark on the formation of a communist party-state in China.

### ***Party Centralization, Discipline, and Rectification, 1927-1945***

From the very outset, the CCP pursued a trajectory to build a centralized party apparatus. As the Resolution on the Constitution of the Organization of the CCP mandated, "From the central organs down to the small groups at the basic levels, there must be a well-organized system to avoid chaos; there must be a spirit of centralization and ironlike discipline to avoid anarchy."<sup>26</sup> For the first three national party congresses, the party struggled to establish a formal party structure with "strict, centralized, disciplined organization and training" that would possess sufficient strength to launch a revolutionary movement.<sup>27</sup> Those who still viewed themselves largely as atomized regional groups or study societies rather than part of a unified organization initially resisted centralization.<sup>28</sup> By the Third National Party Congress in 1923, a central party apparatus was clearly instituted. The first Revised Constitution of the CCP adopted on June 1923 provided for a Central Executive Committee elected by the National Congress to deliberate, decide, and implement all party policies.<sup>29</sup> Out of the nine members that comprised the Central Executive Committee, five

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<sup>26</sup> "Resolution on the Constitution of the Organization of the CP, dated July 1922" 1996.

<sup>27</sup> Ibid.

<sup>28</sup> Van de Ven 1991, 102-105.

<sup>29</sup> In 1927, the name was shortened from the Central Executive Committee to Central Committee Harrison 1972, 40..

members were selected to form a Central Bureau. Whereas the Central Executive Committee was designated to meet every four months, the Central Bureau was designated to convene every week.<sup>30</sup>

At the Fifth Congress held in Wuhan, the CCP adopted important organizational changes that further concentrated power within the party's central apparatus. On the one hand, the overall growth in the party membership was reflected in the greater number of delegates present at the Fifth Congress and in the size of the Central Committee, formerly called the Central Executive Committee. Whereas the Fourth Congress was attended by 20 delegates, there were 82 delegates from 11 localities present at the Fifth Congress.<sup>31</sup> Commensurate with this increase, the Central Committee was expanded from nine members to 29 regular members.<sup>32</sup> On the other hand, changes were instituted to "strengthen the party center" (*jiaqiang dang de zhongyang* 加强党的中央).<sup>33</sup> The Central Bureau was now replaced by a Politburo comprised of seven members. Political authority, in turn, was more narrowly concentrated in a Standing Committee elected by the Politburo, comprised at first of only Chen Duxiu, Zhang Guotao, and Cai Hesen.<sup>34</sup> As the Resolution on the Third Revised Constitution of the CCP adopted on June 1, 1927 outlined, while the function of the Politburo was to "guide all political work throughout the country," the Politburo Standing Committee was placed in charge of the party's daily affairs.<sup>35</sup> These bodies would function as centers of decision-making in the CCP as the party expanded and matured. In addition, a Central Supervisory Committee was created to enforce party discipline and consolidate party

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<sup>30</sup> "Organizational Code of the CCP CEC, dated June 1923" 1996.

<sup>31</sup> Zhonggong zhongyang zuzhi bu 中共中央组织部 2000, 31.

<sup>32</sup> Van de Ven 1991, 224.

<sup>33</sup> Zhonggong zhongyang zuzhi bu 中共中央组织部 2000, 31.

<sup>34</sup> Van de Ven 1991, 225.

<sup>35</sup> "Resolution on the Third Revised Constitution of the CCP, dated June 1, 1927" 1996, 261.

unity. As the CCP reiterated, “strict discipline is the first and most important duty of all party members and organizations.”<sup>36</sup>

In the wake of the 1927 Shanghai massacre and Chiang Kai-shek’s ongoing purge of communists, the CCP decisively diverged from an expectation to “gain power by making concessions” with the GMD to a more confrontational approach.<sup>37</sup> At an Emergency Conference held in Hankou on August 7, 1927, the CCP Central Committee blamed the losses suffered by the party on the “vacillating and hesitant opportunism of the party leadership” to retain a fragile alliance with the GMD-left.<sup>38</sup> In particular, Mao Zedong blamed Chen Duxiu for his lack of “decisive leadership” when making “further compromise clearly meant catastrophe.”<sup>39</sup> For instance, the CCP Central Committee specifically cited the party’s decision to postpone land confiscation and nationalization as well as its lack of support for peasant revolts in Hunan as a “downright betrayal of the mass movement,” whereby the CCP not only abandoned its independent policy but also “liquidated the entire revolutionary movement of the masses.”<sup>40</sup>

As a corrective to the former moderate measures, the CCP adopted a policy that called for arms and insurrections. Mao staked out an unequivocal position: “We cannot expect to win without arms . . . From now on, we ought to concentrate on the military problem. We must understand fully that political power grows out of the barrel of a gun.”<sup>41</sup> In the coming years, Chinese communists began building the Red Army, which grew from less than 10,000 in 1928 to nearly 300,000 troops by 1933.<sup>42</sup> Consistent with the party’s revised policy, the CCP also took up arms

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<sup>36</sup> Ibid., 264.

<sup>37</sup> “Report of the Representative of the CC Standing Committee Qu Qiubai, dated August 7, 1927” 1996, 314.

<sup>38</sup> “Circular Letter of the CCP CEC to All Party Members, dated August 7, 1927” 1996, 297.

<sup>39</sup> Snow 1961, 147.

<sup>40</sup> Snow 1961, 305.

<sup>41</sup> “Comments on the Report of the Comintern Representative Mao Zedong, dated August 6, 1927” 1996, 317.

<sup>42</sup> Harrison 1972, 200.

against the GMD in the Nanchang Uprising and the Autumn Harvest Uprisings in the fall of 1927.<sup>43</sup> Although these uprisings were ineffective and resulted in heavy losses of communist forces, they reflected the rupture in the CCP's cooperation with the GMD.

Suppression by the GMD forced communists to abandon their urban bases and to regroup in remote areas. In 1931, the CCP formally relocated the party's Central Committee from Shanghai to Jiangxi Province. There, the party established the Chinese Soviet Republic, "a state based on the democratic dictatorship of the workers and peasants," complete with separate state and military structures.<sup>44</sup> Mao was appointed as chair of the new government. These developments were interrupted when relenting attacks by republican troops forced the CCP to again abandon its bases and embark on the Long March to Yan'an, Shaanxi Province.

In the process, the CCP persistently underscored the need for greater discipline and unity within the party. At the Emergency Conference on August 7, 1927, the Central Committee stressed:

The most urgent organizational problem now facing us is the formation of solid, hard-fighting secret Party organs . . . In each branch committee a standing committee of five to seven men shall be elected to act as the leading Party organ and perform all party functions. Every Party branch shall maintain extremely close and secret relations with higher level and lower level branches, and must maintain strict secrecy and discipline. . . [Party branches] shall be completely subordinate to their respective Party committees in matters of organization and political guidance. They must submit to all resolutions passed by Party organs and all tasks imposed by the Party. Any Party members, no matter what his position, must be severely punished if he is derelict in the duties of his position.<sup>45</sup>

As chair of the Jiangxi Soviet government, Mao aimed not only to expand the influence of the party in rural areas and strengthen the quality and quantity of the Red Army, but also to build a highly disciplined and unified party.<sup>46</sup> Although the Long March during 1934 to 1935 decimated

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<sup>43</sup> Harrison 1972, 120-137; "Outline of the CCP CC on the Peasant Autumn Harvest Uprising in the Four Provinces of Hunan, Hubei, Guangdong, and Jiangxi, dated August 3, 1927" 1996.

<sup>44</sup> "Outline of the Constitution of the Chinese Soviet Republic, dated November 7, 1931" 1996, 553.

<sup>45</sup> "Resolutions of the August 7 Emergency Conference, dated August 7, 1927" 1966, 120.

<sup>46</sup> Hsiung 1970, 61-62; Wang 2002, 13.

the party membership,<sup>47</sup> the experience effectively reinforced the commitment of surviving members and further crystallized the party's cohesion. As Mao narrated,

Through many, many difficulties, across some of its highest and most hazardous mountain passes, through the country of fierce aborigines, through the empty grasslands, through cold and through intense heat, through wind and snow and rainstorm, pursued by half the White armies of China, through all these natural barriers, and fighting its way past the local troops of [Guangdong], Hunan, [Guangxi], [Guizhou], Yunnan, Sikong, Szechuan, [Gansu] and [Shaanxi], the Red Army at last reached northern [Shaanxi] in October 1935 . . . The victorious march of the Red Army, and its triumphant arrival in [Gansu] and [Shaanxi] with its living forces still intact, was due first to the correct leadership of the Communist Party, and secondly to the great skill, courage, determination and almost super human endurance and revolutionary ardour of the basic cadres of our Soviet people.<sup>48</sup>

It was also during the Long March that Mao began his ascendancy to paramount leadership.<sup>49</sup> At the Zunyi Conference in January 1935, three months after the Long March began, Mao first became a member of the Politburo Standing Committee and assistant to Zhou Enlai in overseeing all military affairs. As Benjamin Yang argues, although Mao was not yet the Chairman of the Politburo or the Military Council at this time, Mao became one of the five top leaders in the party, and a key military commander who had developed a “reputation as the only man who had represented a correct Party line in the past and who had the potential to lead the Revolution to victory in the future.”<sup>50</sup>

When Japan invaded China, a temporary truce between the CCP and the GMD from 1936 to 1940 allowed communists to recover its losses. During this period, the party expanded from around 20,000 members in 1936 to 800,000 members in 1940. By 1945, party membership had increased to as many as 1,211,128 members.<sup>51</sup> Like the ICP when the party rapidly grew in number

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<sup>47</sup> From 1934 to 1935, in terms of sheer number, party membership dropped from 150,000 to only 20,000 members by the end of the Long March Wang 2002, 14.

<sup>48</sup> Snow 1961, 167.

<sup>49</sup> Braun 1982, 104.

<sup>50</sup> Yang 1986, 258. Also see, Liu 1978, 8-9; Peng 1981, 193-195. for autobiographical accounts and reflections from Liu Bochong and Peng Dehuai, who were both participants at the Zunyi Conference.

<sup>51</sup> Harrison 1972, 271.

without proper vetting under the League for Vietnam's Independence, the exponential increase in party membership in the CCP similarly threatened to erode the cohesion of the party. However, the key difference between Vietnam and China was that the CCP undertook comprehensive measures to forge a highly disciplined and unified party *prior* to defeating the opposition party, the GMD, thereby commencing on the construction of the Chinese communist state, whereas Vietnam did not.

In particular, the Rectification Campaign (*zheng feng or cheng feng yundong* 整风运动) during 1942 to 1944 had radically transformed the party into a cohesive and formidable organization. Cognizant of the fragmentation caused by the party's rapid growth, the CCP pursued concrete policies to tighten party discipline and achieve party unity. Preparation and initiatives for the Rectification Campaign had, in fact, begun much earlier. Adopted on August 25, 1939, as the "Politburo Resolution on the Consolidation of the Party" stated,

Precisely because the party has undergone a tremendous expansion in a short period of time, however, party organization lacks cohesion and strength. There are serious mistakes and weaknesses in the work of recruiting new party members. In some places, local party organizations launched a so-called storm movement to increase the number of party members. There were group inductions into the party, as well as admission of individuals who had not been thoroughly screened. Therefore, many ordinary people who are fighting the Japanese or who have temporarily sided with the party have become members. Members of other classes, opportunists, and even spies have also taken the opportunity to infiltrate the party, thus depriving the organization of its role as the vanguard of the proletariat and seriously undermining the level of solidarity of party organization. Therefore, the party's ideological, political, and organizational consolidation have become an extremely crucial task for us today and the decisive factor for fulfilling the party's political mission.<sup>52</sup>

Critical of "the emphasis on quantity but not quality" in the party's method, the Politburo immediately suspended the expansion of the party and acceptance of new members.<sup>53</sup> Second, the Politburo ordered investigations of the class background of all existing party members from top to bottom. This work was primarily carried out by the party's Organization Department of the Central

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<sup>52</sup> "Politburo Resolution on the Consolidation of the Party, dated August 25, 1939" 1996.

<sup>53</sup> Ibid.

Committee.<sup>54</sup> As the Politburo also instructed, it was “imperative” for the party to purge landlords, rich peasants, and merchants as well as opportunists, spies and informers in the party.<sup>55</sup> Third, “systematic and planned educational work” was to be intensified at all levels in order to “raise the political and cultural level of their party members.”<sup>56</sup> Both the Central Committee cadre education department and the cadre and party schools were established with the aim to impart a systematized education and training to party members and cadres.<sup>57</sup> The CCP Politburo concluded:

To consolidate the party, we must improve discipline and strengthen party unity. Correct ideological struggles must be waged within the party to ensure ideological harmony, strengthen the party's iron discipline, and guarantee harmonious actions. Only through making all efforts to consolidate party organization, to fortify party ranks, and to unite the party as one can the party be prepared to overcome the current difficulties, oppose the danger of domestic surrender and division, unite all the people of China, and guide the War of Resistance to its final and complete victory.<sup>58</sup>

On the 20<sup>th</sup> commemoration of the founding of the CCP on July 1, 1941, the Politburo also adopted the first formal decision devoted to the subject of “strengthening party spirit” (*zengqiang dangxing* 增强党性).<sup>59</sup> The decision demanded all party members and units to possess “united will, united action, and unified discipline” (*tongyi yizhi, tongyi xingdong he tongyi jilu* 统一意志，统一行动和同意纪律) in order to become a consolidated whole.<sup>60</sup> In this sense, to strengthen the “party spirit” was essentially to “subordinate individual interests to the interests of the entire party, and subordinate the interests of the various organizational units of the party to the interests of the entire party, so that the entire party can sufficiently unite as one person.”<sup>61</sup> As the party expanded its

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<sup>54</sup> For a detailed and exemplary account of how the background check was conducted, see Gao, et al. 2018, 251-257..

<sup>55</sup> "Politburo Resolution on the Consolidation of the Party, dated August 25, 1939" 1996.

<sup>56</sup> Ibid., 889.

<sup>57</sup> Harrison 1972, 327.

<sup>58</sup> "Politburo Resolution on the Consolidation of the Party, dated August 25, 1939" 1996, 890.

<sup>59</sup> Zhongyang zhengzhi ju 中央政治局 [CCP Politburo] 1989, 698.. Indicative of its importance, the “Decision on Strengthening Party Spirit” was included in the series of twenty-two documents that all party cadres were required to learn.

<sup>60</sup> Zhongyang zhengzhi ju 中央政治局 [CCP Politburo] 1989, 698.

<sup>61</sup> The original statement in Chinese was: “*ba ge ren liyi fucong yu quandang de liyi, ba ge bie dang de zucheng bufen de liyi congfu yu quandang de liyi, shi quandang neng gou jietuan de xiang yi ge ren yiyang* 把个人利益服从于全党



influence, these central principles and concrete policies thus formed the very basis for the ensuing phases of organizational rectification and consolidation of the CCP.

Consequently, from 1942 to 1944, the CCP advanced the Rectification Campaign (*zheng feng or cheng feng yundong* 整风运动). Initiated by Mao as a mass movement, the campaign embodied the “dual content of ‘destruction’ and ‘construction’,” by which Mao sought to build and institute a new canon of party traditions while eliminating his political rivals.<sup>62</sup> At the start, the Central Committee ordered cadres to study and read a series of documents, that is, to “gain a thorough comprehension of the spirit and substance of these documents and make them their weapon.”<sup>63</sup> The eighteen documents originally designated by the Central Committee enshrined Mao’s revisionist history of the CCP, his personal philosophy, and emphasized the centrality of leadership, theory and practice.<sup>64</sup> Only two of the original eighteen documents in the designated list of essential readings for all party cadres were works by Stalin and/or from the Soviet Union, albeit the Central Committee’s Propaganda Department later added four more documents from

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的利益，把个别党的组成部分的利益服从于全党的利益，使全党能够团结得象一个人一样” Zhongyang zhengzhi ju 中央政治局 [CCP Politburo] 1989, 698.. For English translation of the decisions, see “Decision on Strengthening Party Spirit, dated July 1, 1941”. P. 1006-1008.

<sup>62</sup> Gao, et al. 2018, 246.

<sup>63</sup> “Decision Regarding Discussions in Yan’an of the Central Committee’s Decisions and Comrade Mao Zedong’s Talk on Rectification of the Three Work Styles, dated April 3, 1942” 1996, 1073..

<sup>64</sup> The eighteen essential readings first designated by the Central Committee were: (1) Mao Zedong’s [I] February report at the party school; (2) Mao Zedong’s report to the 8 February cadre meeting; (3) Two reports by Kang Sheng, who oversaw security and intelligence operations of the party, and was deeply involved with the Yan’an Rectification Campaign; (4) The CC resolution on strengthening party spirit; (5) The CC resolution on investigation and research; (6) The CC resolution on the Yan’an Cadre School; (7) The CC resolution on the education of cadres in service; (8) Mao Zedong’s address to the Border Region Assembly; (9) Mao Zedong’s report on the reconstruction of study; (10) Mao Zedong, “Oppose Liberalism”; (11) Mao Zedong’s second preface to Village Investigations; (12) “Conclusion,” from The History of the Communist Party of the Soviet Union; (13) Stalin, “The Bolshevization of the Party”; (14) Liu Shaoqi, The Training of the CP Member, chapter 2, sections 2, 3, 4, 5; (15) Chen Yun, “How to Be a CP Member”; (16) Ninth Representative Assembly of the Fourth Red Army on incorrect tendencies within the party [Gutian Resolution]; (17) Handbook for guidance in propaganda; and, (18) “Report of the Propaganda Bureau of the CCP CC on the CC Resolution Concerning the Discussions at Yan’an and Comrade Mao Zedong’s Report on the Reform of the Three Styles.” See, Decision of the Propaganda Bureau of the CC on the Discussion in Y an’ an of the Decision of the CC and Comrade Mao Zedong’s Report on Rectification of the Three [Unorthodox] Work-Styles (3 April 1942), p. 1076

Comintern head Georgi Dimitrov, Stalin, and Lenin.<sup>65</sup> Not only did cadres have to demonstrate their grasp of the designated materials, but they also had to criticize themselves and others for their “past mistakes.” Adopted on April 3, 1942, the “Decision Regarding Discussions in Yan’an of the Central Committee’s Decisions and Comrade Mao Zedong’s Talk on Rectification of the Three Work Styles,” specifically instructed,

[A]ll comrades must read each document, take notes, and afterward debate the separate documents or several documents together in small committees . . . In reading and in debate, all must deliberate deeply and thoroughly, examining their own work and thought and their own life history in its entirety. In examining others, the procedure should also entail a complete examination of the person’s past . . . The objectives of research, discussion, and investigation are a thorough understanding of the contents of CC documents; the earnest and sincere reform of styles in education, the party, and literature; the reconstruction of work, the consolidation of cadres, and the consolidation of the entire party. Any discussion or activity contravening these objectives is incorrect. Thus, the attitude in discussion and criticism must be severe, thorough, and pointed. . . . During discussions, Comrade Mao Zedong’s warnings ‘don’t repeat past mistakes’ and ‘cure the sickness to save the patient’ should be constantly heeded.<sup>66</sup>

In later stages, the Rectification Campaign intensified into a large-scale purge based on cadre screening and suppression. As Mao announced at a conference attended by senior cadres on October 19, 1942, “The Rectification Movement should not only clarify the difference between proletarian and non-proletarian (half-hearted) thought but also the difference between being revolutionary and counterrevolutionary (totally disloyal), and it should be mindful of the struggle against espionage.”<sup>67</sup> Toward this end, Mao alternated between “the application of educational transformation and coercion” to make cadres submit fully to the party.<sup>68</sup> In order to purge “half-hearted” or “disloyal” elements, rigorous examinations of cadre backgrounds as well as investigations to eliminate secret agents applied many methods, including extracted confessions,

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<sup>65</sup> The four readings later added to the series were: (1) Stalin, “Leadership and Inspection”; (2) Lenin and Stalin, “Party Discipline and Party Democracy”; (3) Stalin, “Egalitarianism”; and (4) Dimitrov, “Cadre Policy and Cadre Educational Policy.” See “Decision Regarding Discussions in Yan’an of the Central Committee’s Decisions and Comrade Mao Zedong’s Talk on Rectification of the Three Work Styles, dated April 3, 1942” 1996, 1076.

<sup>66</sup> “Decision Regarding Discussions in Yan’an of the Central Committee’s Decisions and Comrade Mao Zedong’s Talk on Rectification of the Three Work Styles, dated April 3, 1942” 1996, 1074-1075.

<sup>67</sup> Harrison 1972, 51.

<sup>68</sup> Apter and Saich 1994; Gao, et al. 2018, 419..

psychological pressures, and torture. Xie Juezai, a notable revolutionary party veteran who later served as Minister of Civil Affairs from 1949 to 1959, described the process that party members underwent in his poem with palpable imagery:

Parboil and then slow steam,  
[. . .] Do not be like a steak on a grill,  
With the outside burned and the inside raw.  
Parboiling is brief and steaming slow,  
Perfection made with pure blue flame aglow.<sup>69</sup>

As Gao Hua et al. simply put it, “Under the dual pressures of the self and the collective, the individual spirit was intensely shaken and assaulted, as if in a protracted mental purgatory.”<sup>70</sup> The submission of cadres to intensive screening, ideological training, and discipline instituted by the Rectification Campaign was like a “baptism in fire” that significantly transformed and cemented the cohesiveness of the CCP.<sup>71</sup>

At this time, Mao had also risen above his political rivals and asserted himself as the paramount leader of the CCP. By 1945, Mao’s dominance was enshrined in the new Party Constitution, which adopted Mao Zedong Thought along with Marxism-Leninism as the guiding principles for all party work. The 1945 Party Constitution formally ratified the concentration of authority in the CCP and Mao.<sup>72</sup> As Chair of the Central Committee, the Politburo, the Central Secretariat,<sup>73</sup> and the Military Affairs Commission, Mao was at the apex of the party.<sup>74</sup>

By contrast, in Vietnam, a campaign to purge contaminated elements and centralize party control was only enacted *after* the Democratic Republic of Vietnam was formed. As noted in

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<sup>69</sup> Xie 1942., translated and quoted in Gao, et al. 2018, 454.

<sup>70</sup> Gao, et al. 2018, 454.

<sup>71</sup> Van de Ven 1995.

<sup>72</sup> Saich 1996, 1190.

<sup>73</sup> The Central Secretariat was formed as a separate party organ in 1934. Under the 1945 Party Constitution, it was stipulated that the Central Secretariat would perform the routine functions of the Central Committee under the Politburo.

<sup>74</sup> Saich 1996, 1191.

chapter four, the ICP announced its self-dissolution and operated as a clandestine organization in the interest of forming a coalition government with opposition parties and non-communist groups in 1945. It was only later when the Second Party Congress convened in 1951 that the ICP reemerged as the Vietnam Worker's Party (VWP), out of the shadow of the broad united front of the League for Vietnam's Independence (*Viet Minh*). Following a freeze on party membership in 1950, the VWP then launched a party rectification campaign from 1951 to 1953, as well as corrective training of cadres in preparation for more radical socialist reforms. From 1953 to 1956, party purges were continued in parallel with land reforms.

However, the rectification campaign executed by the VWP was not nearly as systematic in terms of both its scale and scope as was the case in China. In fact, the VWP suspended the rectification campaign and land reforms half-way, apologized, and implemented an error rectification campaign in response to social discontent. On the contrary, as Liu Shaoqi remarked at the Seventh Party Congress of the CCP on May 14, 1945,

Our party has overcome various kinds of erroneous ideas and achieved unprecedented ideological, political, and organizational unity and solidarity through a rectification movement. Past opportunist lines have been liquidated, and nonproletarian ideas have been largely defeated in the Rectification Campaign, while the proletarian, Marxist-Leninist ideology and line as represented by Comrade Mao Zedong have won an unparalleled, solid victory throughout the party and attempts to undermine the nation have been combed out. Thus, our party has become united and consolidated ideologically, politically, and organizationally as never before.<sup>75</sup>

By the time that the CCP embarked on the state formation of the People's Republic of China, the party had achieved a high level of coherence, discipline, and organizational complexity that the communist party in Vietnam did not possess. Amid resistance against France and followed by the partition of Vietnam starting in 1954, the VWP continued to struggle with organizational legacies of accommodation as it sought to tighten its grip on the Democratic Republic of Vietnam, whereas

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<sup>75</sup> Liu Shaoqi Report on the Revision of the Party Constitution.: Liu Shaoqi (14 May 1945), p. 1244-1245; 1244-1253.

the CCP firmly and forcefully asserted its dominance in the development and consolidation of the Chinese communist regime.

### **State Building and Regime Consolidation**

On October 1, 1949, Mao formally proclaimed the founding of the People's Republic of China (PRC) in Tiananmen Square. This historic moment marked the culmination of the communist victory against the Guomindang (GMD). Despite pressures from the United States, attempts to reach a satisfactory compromise between the CCP and the GMD after the Japanese surrender in August 1945 quickly spiraled into a civil war between the two rival factions. As U.S. Ambassador Patrick Hurley reflected in his resignation letter to President Harry Truman in November 1945, it was predicted that the Nationalist Government and army under Chiang's command would soon collapse – hence, the U.S. intervention to keep the nationalist forces in power.<sup>76</sup> With the mediation of U.S. Ambassador George Marshall, who was dispatched to replace Hurley, the CCP and the GMD first agreed to a ceasefire in January 1946, but this truce did not last long.<sup>77</sup> A second ceasefire came into effect in June 1946, but neither side stopped preparing for attacks and counterattacks.<sup>78</sup> As the GMD battled against the communists, it was also confronted with dire inflation, which spurred widespread workers' protests and strikes.<sup>79</sup> Against this backdrop, communist forces forged ahead until Chiang Kai-shek resigned from his presidency in January 1949, paving the way for the surrender of the GMD and the communist takeover.<sup>80</sup>

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<sup>76</sup> "The Ambassador in China (Hurley) to President Truman," *Foreign Relations of the United States: Diplomatic Papers, 1945*, The Far East China, Volume VII. November 26, 1945.  
<https://history.state.gov/historicaldocuments/frus1945v07/d530>

<sup>77</sup> United States Department of State 1967, 127-145.

<sup>78</sup> United States Department of State 1967, 180-207; Spence 1990, 488-489.

<sup>79</sup> Spence 1990, 498-504.

<sup>80</sup> Chiang Kai-shek was succeeded by GMD militarist Li Zongren, who attempted to negotiate with Mao on the terms of the GMD surrender. However, the GMD could not accept the terms put forth by the CCP.

In an essay entitled, “On the People’s Democratic Dictatorship,” published on the anniversary of the founding of the CCP on June 30, 1949, Mao declared with utmost conviction, “The CCP is no longer a child; nor is it a youth in its teens; it is an adult.”<sup>81</sup> As Tuong Vu insightfully notes, “With the hard work dedicated to organizing governments in base areas and with the massive victory in the civil war, by 1949 the CCP could form a state in which it monopolized power.”<sup>82</sup> The sharp contrast between China and Vietnam hinges on this significant difference. Compared to China, the communist party in Vietnam was still a fledgling organization without an equivalent degree of organizational discipline, unity, and centralization of authority, particularly at the commencement of its state formation.

For the CCP, in China, the early years under communist rule from 1949 to 1953 was a transitional period of state building. At the beginning of this period, the CCP was headed by Mao as Chairman of the party and the Politburo Standing Committee, which consisted of Liu Shaoqi, Zhou Enlai, Zhu De, Chen Yun, and Mao himself. When the CCP first took over in 1949, the party was confronted with the immediate challenges of how to rebuild an economy devastated by the Sino-Japanese War and the civil war, how to curb hyperinflation, and how to promote agricultural and industrial production while fighting the Korean War that broke out in less than a year after the founding of the PRC. Like Vietnam, the CCP had various reasons to integrate non-communist groups during its initial transition to establish and consolidate the communist regime. Ezra Vogel’s account of the early years under communist rule in Guangzhou (Canton) depicts top-down pressures from the party to integrate communists and non-communist groups in order to alleviate an early shortage of skilled cadres for the new government apparatus.<sup>83</sup> As Mao stated in his early

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<sup>81</sup> “On the People’s Democratic Dictatorship, dated June 30, 1949,” p. 1364.

<sup>82</sup> Vu 2010a, 92.

<sup>83</sup> Vogel 1971.

essay, “We have no reason not to cooperate with political parties, social groups, or individuals outside the [Communist Party], who adopt a cooperative, but not a hostile, attitude.”<sup>84</sup>

However, unlike the ICP in Vietnam, in which “noncommunists shared real power with communists” in a “wobbly coalition” during 1945 to 1949,<sup>85</sup> real power firmly remained in the hands of the CCP even amid its transition to establish a communist regime in China. Simply put, the nature of the so-called cooperation between communists and non-communists during the initial phase of state building in Vietnam and China was not at all the same. For one, the victory of communists in Vietnam was built on the back of the broad united front of Viet Minh (Vietnam’s League for Independence) and the incorporation of officials and personnel from the former regime—so much so that party leader Truong Chinh reflected with regrets on the party’s restraint from the use of violence to weed out rival groups in 1945.<sup>86</sup> In China, Mao was determined to eradicate the opposition and favored confrontation over compromises and moderation. In the Report to the Second Plenary Session of the Seventh Central Committee of the CCP on March 5, 1949, even as Mao spoke of strategic considerations for a solution to reduce “casualties and destructions” by “a form of struggle without bloodshed,” Mao impressed on the minds of party cadres that purges, suppression, and rectification would surely ensue:

To dispose of the enemy forces by fighting . . . must still be the primary object of our attention and preparations . . . . The possibility has increased for solutions . . . to compel enemy troops to reorganize peacefully, quickly and thoroughly into the People’s Liberation Army . . . . For the purpose of rapidly eliminating the vestiges of counter-revolution and liquidating its political influence, this solution is not quite as effective as the solution by [sic] fighting. However, it is bound to occur and is unavoidable after the main force of the enemy has been destroyed . . . . *But there is not the slightest doubt that they will eventually be eliminated. It must never be assumed that, once they yield to us, the counter-revolutionaries turn into revolutionaries, that their counter-revolutionary ideas and designs cease to exist. Definitely not. Many of the counter-revolutionaries*

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<sup>84</sup> Mao 1996, 1222.

<sup>85</sup> Vu 2010a, 92.

<sup>86</sup> See Chapter 4, Vietnam: Constraints and Accommodation.

*will be remoulded [sic], some will be sifted out, and certain die-hard counter-revolutionaries will be suppressed.*<sup>87</sup>

In China, the party undertook effective measures to put in place state infrastructures, to recruit and submit new cadres to rigorous training, to suppress domestic opposition, to penetrate society, and to solidify communist control. During this period, the party never ceased to tighten its grip, centralize, and consolidate its authority with greater organizational discipline, rectification, and mass campaigns. The CCP went on to wage the “Campaign to Suppress Counterrevolutionaries” (1950-1953), the “Three-Anti Campaign” (1951 – 1952), and the “Five-Anti Campaign” (1952) to suppress and weed out opposition elements. The CCP further mobilized peasant support and intensified land reforms, which the party had already commenced in areas under communist control prior to its defeat of the GMD. These forceful campaigns were as integral to state building as they contributed to party consolidation for communists under the PRC. They were also evidence of the far more confrontational approach to state formation undertaken by the CCP in comparison with Vietnam.

From 1954 to 1960, the CCP flexed its muscles and took a firmer grip over state and society. The year of 1957 was considered a watershed moment that halted China’s legislative developments and significantly weakened the National People’s Congress (NPC) in comparison to the increasing institutionalization of the Vietnamese National Assembly (VNA). When the NPC threatened to encroach on party authority, the party undermined the legislature by purging NPC deputies as part of the nationwide Anti-Rightist Campaign from 1957 to 1958. Rather than moderating party policies, the CCP further mobilized and radicalized the masses in pursuit of the Great Leap Forward to the detriment of societal interests.

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<sup>87</sup> Mao 1961, 362., emphasis added.



### *Amid Transition: Provisional Organizational Structures and Mass Campaigns, 1949-1953*

At the commencement of state building under communist rule, the CCP was confronted with a dire economy exacerbated by protracted wars. While large areas of China still heavily relied on a traditional economy, regional industrial production fell after the Sino-Japanese War and the civil war. In fact, major industrial outputs constituted only 15 to 80 percent of the levels achieved in the 1930s.<sup>88</sup> Agricultural production, on the other hand, was hampered by an irrigation system devastated by nationalist troops during the war. Furthermore, deficits incurred by the GMD to finance its war efforts had contributed to the country's hyperinflation. The price level by late 1945 was 1,623 times higher than the level prior to the Sino-Japanese War. With little improvement, the deficit continued to rise, constituting 70 percent of expenditures in 1947 and 80 percent in 1948.<sup>89</sup> How an incipient state was then able to effectively stabilize the economy, control hyperinflation, and promote agricultural and industrial production was no simple feat.<sup>90</sup> As Julia Strauss sums up, "Earlier scholarship and the historiography of the Chinese Communist Party (CCP) itself concur that in its first years in power, the young PRC did an impressive job with regime consolidation. It managed to implement key programmes [sic], from currency stabilization to land reform, to the socialization of industry and enterprise, and an unbelievably rapid collectivization that was pushed through without the kinds of resistance and liquidations that had occurred in the Soviet Union."<sup>91</sup>

When the CCP came to power in 1949, rather than immediately instituting a permanent legislature, the party first assembled the Chinese People's Political Consultative Conference (CPPCC) as a provisional representative body with a limited mandate. The temporary nature of the CPPCC was stipulated from the very start. The CPPCC was composed of party delegates from

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<sup>88</sup> Lardy 1987, 149.

<sup>89</sup> Lardy 1987, 149-150.

<sup>90</sup> See Lardy 1987. for greater elaboration on the economic recovery achieved by the PRC during the first period.

<sup>91</sup> Strauss 2007, 37-38.

fourteen other minor political parties with the Communist Party being the dominant party, as well as 206 mass organizations, including the armed forces, and other political and administrative organs. Given the diverse political interests incorporated under the CPPCC, this provisional institution was claimed by the CCP as “the organizational form of the people’s democratic united front” that “represented the will of the people of the whole country.”<sup>92</sup> As such, the CPPCC was formally charged with the functions of electing the new executive institution, the Central People’s Government Council. It also enacted the Common Program of the CPPCC, the Organic Law of the CPPCC, and the Organic Law of the Central People’s Government, which operated as a provisional state constitution during the transitional period until 1954.

It was in the interest of the Communist Party to incorporate a broad spectrum of political interests in the CPPCC to ratify and legitimate the founding of the new regime. The rationale was to provide “the appearance of a genuinely national and other than purely communist regime” when in fact groups in the CPPCC were tenuous and only “duly consulted” in state affairs.<sup>93</sup> Although the establishment of the executive institution required the formal approval of the CPPCC, its organization and composition were conducted in accordance with proposals already put forth by Mao three months earlier.<sup>94</sup> In short, “no matter how broad its nature of representation might be, the Conference was completely controlled by the Communist Party.”<sup>95</sup> When the National People’s Congress (NPC) was finally established in 1954, the CPPCC was reduced to an umbrella organ for mass organizations with little to no binding authority.

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<sup>92</sup> Blaustein 1962, 34-53; Tung 1968, 260; Spence 1990, 512.

<sup>93</sup> Meisner 1977, 70.

<sup>94</sup> Meisner 1977, 70.

<sup>95</sup> Tung 1968, 260.

The Central People's Government Council was created as the executive and administrative apparatus of the state in 1949.<sup>96</sup> In forming the state executive apparatus, prominent party leaders were selected to fill key positions in the state administration. As Chairman of the Government Council, Mao was directly supported by six vice-chairmen, including Zhu De and Liu Shaoqi who were both members of the Politburo Standing Committee. Zhou Enlai served as Premier of the Government Council and oversaw the state ministries. Compared to the provisional coalition government established under the Democratic Republic of Vietnam on January 1, 1946 the executive apparatus of the Chinese state was evidently more complex. While the Viet Minh government then had merely thirteen ministries,<sup>97</sup> the government bureaucracy of the Chinese communist state consisted of twenty four ministries, which reflected the developmental priorities of the new government.<sup>98</sup>

In order to build an effective bureaucracy capable of executing government programs and its agenda, the state relied significantly on the CCP's leadership and organizational apparatus. The People's Liberation Army (PLA) was instrumental in providing much needed manpower to fill the shortage of skilled cadres for the government bureaucracy. Mao called on the PLA to "be turned into a working force" for state building:

There is a possibility that before very long the entire People's Liberation Army will be turned into a working force, and we must take this possibility into account. The 53,000 cadres now ready to leave with the army for the south are very inadequate for the vast new areas we shall soon hold, and we must prepare to turn all the field armies, 2,100,000 strong, into a working force. In that

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<sup>96</sup> The Central People's Government Council was renamed the State Council in 1954.

<sup>97</sup> The Provisional Coalition Government (*Chính phủ liên hiệp lâm thời*) formed on January 1, 1946 consisted of Ministry of Home Affairs, Ministry of Information and Mass Mobilization, Ministry of Defense, Ministry of Youth, Ministry of National Economy, Ministry of Social Relief, Ministry of Justice, Ministry of Health, Ministry of Transport, Ministry of Labor, Ministry of Finance, Ministry of Education, and the Ministry of Agriculture. See, chapter 4 Vietnam: Constraints and Accommodation.

<sup>98</sup> These ministries were Agriculture, Communication, Culture, Education, Finance, Food Industries, Foreign Affairs, Forestry, Fuel, Heavy Industry, Internal Affairs, Justice, Labor, Law, Light Industry, Minority Nationalities, Overseas Chinese Affairs, Posts and Telecommunications, Public Health, Public Security, Railways, Textile Industries, Trade, and Water Conservancy Spence 1990, 522.

event, there will be enough cadres and the work can develop over large areas. We must look upon the field armies with their 2,100,000 men as a gigantic school for cadres.<sup>99</sup>

Military Administrative Committees in four of six regional divisions were charged with the implementation of government programs and policies.<sup>100</sup> Mass organizations, including peasant associations and the Women's Federation, also provided party extensions to carry out government programs.

Concurrently, the CCP actively recruited and trained new cadres. In particular, the party targeted the following groups: (a) Those with worker and peasant backgrounds; (b) intellectuals and others with special technical skills; (c) youth and students; and (d) lower and middle-level personnel from the former Nationalist government.<sup>101</sup> The 1950 rectification campaign was simultaneously aimed at both the party and the state, particularly the various groups in rural and urban areas that had been quickly absorbed in the initial period to support the new government.<sup>102</sup>

As Lin Piao, head of the new government in the Central-South region, stressed in his report:

Training a large group of new cadres should become our first priority. Cadre training classes, people's congresses, and various mass organizations should recommend and train a sufficient number of worker-peasant cadres in the provinces and the cities for administrative and management tasks. The previous policies of recruitment and training of intellectual youth, technicians, and specialists should be continued. We must cultivate persons of special talents in short-term revolutionary colleges and other universities to meet the urgent needs of future production. Based on the directives of the Central Government and Chairman Mao, we should absorb former military and administrative personnel of the Nationalist government and, following sufficient training and reform, transform them into new cadres.<sup>103</sup>

Party membership exponentially increased from a little over 1 million in 1945 to more than 10 million by the Eighth National Party Congress in 1956, to as high as 17 million members in 1961. New cadres recruited for government work were subject to cadre training and reform. Attendance

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<sup>99</sup> Mao 1961, 363.

<sup>100</sup> Harding 1981, 35.

<sup>101</sup> Harding 1981, 35-38.

<sup>102</sup> Compton 1952, xlvi-xlix.

<sup>103</sup> Quoted in, Harding 1981, 36.

at cadre training schools, rotating special training classes (*xun lian ban* 训练班), and weekly study sessions aimed at “rectifying” members’ attitude and behavior were required in connection with the development of personnel for the new government and party organs.<sup>104</sup> A rectification campaign was again launched as early as spring of 1950.<sup>105</sup> At the Third Plenum of the Central Committee in June 1950, Mao announced,

In the summer, autumn, and winter of 1950, the whole Party must, in close connection with its various tasks and not in isolation, carry out a large-scale ideological remolding movement. . . . This will raise the ideological and political level of the cadres and rank-and-file Party members; it will overcome mistakes committed in our work.<sup>106</sup>

As the Political Bureau specifically instructed at an enlarged meeting on February 18, 1951 on the main tasks of party consolidation and party building,

The consolidation of the Party should be accomplished in three years. The steps to be taken are as follows. Devote one year (1951) to *extensive education on what is required of a Communist*, so that the entire membership will know the standards a Communist should live up to, and to the training of personnel for organizational work. . . . *A policy of prudence must be adopted in building the Party in the cities and the new liberated areas.* In the cities, Party organizations should be set up primarily among the industrial workers. In the rural areas, it is only after the completion of the agrarian reform that Party branches can be set up by admitting those who prove themselves qualified for Party membership as a result of education, and for the first two years the membership of a rural Party branch should in general not exceed ten. In city and countryside alike, education on how to be a Communist should be conducted among activists who are ready to receive it, and after such education those really qualified for Party membership should be admitted.<sup>107</sup>

While party membership rapidly increased during this period, the importance of cadre training and education in order to maintain party discipline and unity was a persistent focus in the organizational work of the CCP.

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<sup>104</sup> Vogel 1971, 55-60.

<sup>105</sup> Harding 1981, 43-47.

<sup>106</sup> Quoted in, Compton 1952, xlvii.

<sup>107</sup> Mao 1977a, 48 (emphasis added).

**Table 6-2 Party Membership, 1945 – 1961**

<b>Year</b>	<b>No. of Party Members</b>
1945	1,211,128
1946	1,348,320
1947	2,759,456
1948	3,065,533
1949	4,488,080
1950	5,821,604
1951	5,762,293
1952	6,001,698
1953	6,612,254
1954	7,859,473
1955	9,393,394
1956	10,734,384
1957	12,720,000
1959	13,960,000
1961	17,000,000

\*Source: Lewis 1963, 110-111.

The development of an efficient administrative and bureaucratic apparatus in the early years of communist rule was accompanied by mass campaigns that effectively reinforced the centralization of party authority, organizational discipline, and unity. The “Campaign to Suppress Counterrevolutionaries” (1950-1953), the “Three-Anti Campaign” (1951 – 1952), and the “Five-Anti Campaign” (1952) were emblematic of this.<sup>108</sup> Through these campaigns, the CCP also elicited a high level of mass participation, effectively penetrating society with both persuasion and coercion,<sup>109</sup> control and mobilization<sup>110</sup>. Julia Strauss referred to the use of mass campaigns by the CCP as a distinctive blend of “paternalist terror,” that is, “paternalism alternated with coercion,” and “populism with monocratic control.”<sup>111</sup> As Strauss further elaborates, the campaigns

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<sup>108</sup> For accounts of the implementation of these campaigns at the local level, see Gardner 1969; Vogel 1971; Lieberthal 1980.

<sup>109</sup> Teiwes 1978.

<sup>110</sup> Vu 2010a..

<sup>111</sup> Strauss 2007, 45.

unleashed by the party between 1950 and 1953 constituted a strategy of state building and regime consolidation, a “*modus operandi* of the new government,” with “paternalist care for those whom it deemed to be within the realm of revolutionary society, terror unleashed against those beyond the pale of revolutionary society, and the coercive power to make both stick.”<sup>112</sup>

The Campaign to Suppress Counterrevolutionaries was implemented during 1950 to 1953. The Korean War provided a backdrop for the party to rally the population against domestic enemies of the state. Screenings and investigations were conducted to search for alleged spies and saboteurs. The campaign primarily targeted former officials under the Nationalist government, bandits, and local notables of religious groups, secret societies, and hoodlums as well as others deemed to have wavering party loyalty and sympathy for counterrevolutionaries. On October 10, 1950, the party center issued a central directive on the suppression of counterrevolutionary activities in which it criticized the misunderstanding of the party’s “policy of combining suppression and lenience” (*zhenya yu kuanda jiehe de zhengce* 镇压与宽大相结合的政策) as “one-sided lenience” (*pianmian de kuanda* 片面的宽大) toward counterrevolutionaries.<sup>113</sup> Instead, the policy called for more stringent punishments and suppressions, including executions, imprisonments, and arrests. Besides seeking to suppress domestic opposition, there was a deliberate aspect of mass mobilization to the campaign. In May 1951, Mao outlined a set of instructions on the party mass line:

The line for [the movement to suppress counter-revolutionaries] that has proved effective everywhere is *the Party's mass line*. This means leadership by Party committees, mobilization of the entire Party membership, mobilization of the masses, participation by the democratic parties and by personages from all circles, unified planning, unified action, strict examination of the lists of persons to be arrested or executed, attention to tactics in different phases of the struggle, widespread propaganda and education (holding various kinds of conferences, cadre meetings, forums and mass rallies, at all of which victims can bring their accusations and evidence of crimes

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<sup>112</sup> Strauss 2002, 81.

<sup>113</sup> "Zhonggong zhongyang guanyu zhenya fangeming huodong de zhishi 中共中央关于镇压反革命活动的指示 [Party and center directive on the suppression of counterrevolutionary activities, October 10, 1950]" 1992, 420-421.

can be displayed, and making propaganda through films, lantern-slides, stage performances, newspapers, pamphlets and leaflets, in order to make the movement known to every household and individual) . . . Wherever this line is completely adhered to, the work is completely correct. Wherever this line is not adhered to, the work is wrong. *What is most important here is strictly to examine the lists of persons to be arrested or executed and to do a good job of widespread propaganda and education.* Do both well and mistakes will be avoided.<sup>114</sup>

Conferences, cadre meetings, forums, mass rallies, as well as films, lantern-slides, performances, print publications, and so forth provided the medium for the “emotion work” of mass campaigns that Elizabeth Perry discusses.<sup>115</sup> By the time the campaign concluded, between 700,000 to two million people had reportedly been executed in the country.<sup>116</sup>

Not long after the Campaign to Suppress Counterrevolutionaries was underway, the party launched the Three-Anti Campaign against corruption, waste, and bureaucratism in December 1951, which was then merged with the Five-Anti Campaign against bribery, tax evasion, theft of state property, cheating on government contracts, and stealing state economic secrets in January 1952. While the former was specifically aimed at urban cadres, particularly those serving in financial and economic departments of the government, and officials who had been retained from the nationalist regime, the latter was directed at emerging capitalists, industrialists, and businessmen.<sup>117</sup> As Melanie Manion noted, “both campaigns signaled a major policy shift away from economic recovery and political conciliation toward all-encompassing political mobilization.”<sup>118</sup> Most interestingly, Manion argues, they epitomized the party’s distinctive approach of “deterrence through unpredictability,” whereby the constant threat of purge and the unpredictability about the next campaign would keep cadres and officials from straying too far from party line and policy.<sup>119</sup>

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<sup>114</sup> Mao 1977b, 50-51.

<sup>115</sup> Perry 2002.

<sup>116</sup> Strauss 2002, 87.

<sup>117</sup> Teiwes 1978, 140-141; 1987, 90.

<sup>118</sup> Manion 2004, 157.

<sup>119</sup> Manion 2004, 159.



As this section illustrates, party-building was integral to and inseparable from the construction of the state and the consolidation of the Chinese communist regime. Under the PRC, where the Communist Party was a cohesive organization with monopoly of power, state formation amounted to a process in which the party took concrete steps to further entrench its dominance and assert its interests without the same degree of accommodation and moderation undertaken by the Communist Party of Vietnam. In seeking to establish a communist political order in China, the CCP constructed a state apparatus that relied heavily on the organizational capacity of the party itself. Even amid a period of transition when the CCP was in the process of extending and securing its control over liberated areas after its victory over the GMD, the party routinely conducted drives of organizational rectification and mass campaigns in order to maintain party unity and discipline, as well as to tighten party control and to heighten party penetration of society.

### ***Party Dominance and Supplantation of State Institutions, 1954-1960***

In contrast to Vietnam where the Communist Party had to build an incipient state on the basis of accommodation and an unsteady coalition under the Viet Minh, how did the Communist Party of China translate its dominance into state building initiatives? By 1954, having secured communist control and the necessary apparatus for executing government programs and policies, the CCP replaced the provisional representative body of the Chinese People's Political Consultative Conference (CPPCC) with the National People's Congress (NPC)<sup>120</sup>, which is the functional equivalent of the Vietnamese National Assembly, and enacted the first Constitution of the PRC. The adoption of the 1954 Constitution and the NPC marked an important departure by the party from a transitional phase of economic reconstruction and state building to one of greater

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<sup>120</sup> Starting in 1954, the Chinese People's Political Consultative Conference (CPPCC) became only a consultative body comprised of various mass organizations and groups similar to the Vietnam's Father Land Front, with not binding legislative authority.

consolidation in which the party put down permanent institutional structures, codified its powers, and advanced its socialist agenda.

Although the formulation of the 1954 Constitution involved numerous actors, the leading role assumed by the party was evident in the process. Whereas the process of the making of the 1946 Constitution in Vietnam bears the imprint of an expansive coalition in which the ICP exercised restrained influence, the CCP exerted its dominance and authority vis-à-vis the Constitution Drafting Small Group, the Politburo, and Mao himself in the drafting of China's first constitution. In December 1953, per Mao's instruction, the Constitution Drafting Small Group (*xianfa qicao xiaozu* 宪法起草小组) comprised of Mao's personal secretaries Chen Boda, Hu Qiaomu, and Tian Jiaying was charged with the task of preparing the preliminary draft of the constitution.<sup>121</sup> On February 18, 1954, the preliminary draft was submitted to the Politburo for approval and further revisions. On March 23, 1954, the draft was forwarded to the thirty-three member Constitution Drafting Committee (*xianfa qicao weiyuan hui* 宪法起草委员会) of the Central People's Government—also called the State Council starting in 1954.<sup>122</sup> According to the detailed plan prescribed by Mao himself, the draft at this stage was expected to undergo another round of review and amendment by the Constitution Drafting Small Group of the party, and then be presented to the Politburo for final approval in April 1954.<sup>123</sup> From May to September 1954, the Constitution Drafting Committee conducted wider consultations with seventeen CPPCC Constitution Discussion Small Groups,<sup>124</sup> then allowed for public comments on the final draft.<sup>125</sup> In the Report on the Draft Constitution at the first session of the first NPC on September 15, 1954,

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<sup>121</sup> Cai 2006, 32.

<sup>122</sup> Tiffert 2009, 67.

<sup>123</sup> Mao 1999, 320-321.

<sup>124</sup> For a list of the individual members in the small discussion groups, see Wang 2007, 260.

<sup>125</sup> Tiffert 2009, 67.

Liu Shaoqi remarked on the importance of the document as an instrument to designate and regulate the permissible order under the regime:

The Constitution is, on the one hand, an epitome of our past struggle and, on the other, it provides us with a fundamental law on the basis of which to proceed with our present struggle. *It specifies what is legal or legally obligatory and what is illegal and prohibited as regards the most important aspects of our national life.* After the promulgation of the Constitution, things which contravene the provisions of the Constitution will not disappear of themselves. But the Constitution provides us with a *powerful weapon* and enables us to wage an effective struggle to wipe them out.<sup>126</sup>

Nine months after the process was initiated by Mao, the first Constitution of the PRC was adopted on September 20, 1954, in which the leadership of the party was stated in the very preamble of the Constitution.

The legislature and the executive institutions were initially conferred with many powers similar to those in Vietnam. Designated as the “highest organ of state authority,” among an array of legislative powers, the NPC possessed the authority to amend the Constitution and make laws, as well as to elect members of the State Council, the executive and administrative apparatus of the state, including the State Chairman, Vice Chairman, Premiers, and members of the State Council.<sup>127</sup> The NPC was also empowered to supervise the work of the government, including the right to question the State Council, ministries, and commissions, which were “under obligation to answer.”<sup>128</sup> The State Council was named “the highest organ of state administration,” which then consisted of the Premier, Vice Premiers, Ministers, Chairmen of Commissions, and Secretary General.<sup>129</sup> As an executive organ, among other functions, it could submit legislative proposals, formulate administrative measures, issue decisions and orders without contravening those already enacted by the legislature, and coordinate the work of various ministries and commissions.<sup>130</sup>

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<sup>126</sup> Liu 1954, 59 (emphasis added).

<sup>127</sup> 1954 Constitution, art. 26. Liu 1954, 70-90.

<sup>128</sup> 1954 Constitution. art. 36

<sup>129</sup> 1954 Constitution, art. 48.

<sup>130</sup> 1954 Constitution, art. 49.

Despite the apparent similarities in the functions of these institutions with Vietnam, closer study of their developments during the period from 1954 to 1960 illustrates how their powers were eroded by party dominance and centralization of power in the CCP.

Scholars have described the early years after the NPC was formed, particularly the years of 1955 and 1956, as “the heyday of Chinese legal and legislative development” during which the NPC was actively exercising its newfound constitutional functions.<sup>131</sup> According to a report in *Renmin Ribao* of June 4, 1956, in exercising its supervisory function, from 1955 to 1956, the legislature conducted inspections (*shicha* 视察) of 23 provinces in the first tour and 29 provinces in the second tour of local conditions in their constituent areas, with a third tour planned for the spring of 1956.<sup>132</sup> As it was claimed, through these inspections, NPC deputies were able to “reflect (*fanying* 反映) the urgent problems in the masses’ lives, reflect numerous situations in every area of work.”<sup>133</sup> Of 676 inspection reports conducted by NPC deputies, 151 reports focused on agricultural cooperativization and agricultural production, 119 on culture and education, 90 on health and medicine, 74 on the socialist transformation of capitalist enterprises, 18 on socialist transformation of handicraft enterprises, and so forth.<sup>134</sup> There was a perception that NPC deputies could bring greater attention to concrete problems and solutions in government work.<sup>135</sup> NPC deputies also boldly posed critical questions of government work during the legislative sessions in 1956.<sup>136</sup> As Chairman of the NPC Standing Committee, Liu Shaoqi, and Peng Zhen, Secretary General of the NPC, also expressed support for measures to strengthen legislative structures by

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<sup>131</sup> O'Brien 1990.

<sup>132</sup> Wu 1957.

<sup>133</sup> Wu 1957.

<sup>134</sup> Wu 1957.

<sup>135</sup> Gu 1957; Sun 1957.

<sup>136</sup> O'Brien 1990, 36.

proposing to increase the number of permanent legislative committees in areas parallel to the State Council and its ministries.<sup>137</sup>

In 1957, the CCP launched the Hundred Flowers Movement, despite differing opinions among party elites about its potential consequence. The campaign encouraged open criticism and freedom of expression as a way of resolving “various kinds of contradictions [that] still exist in a socialist society” and enabling “a socialist culture to thrive.”<sup>138</sup> As Mao reasoned,

Marxists should not be afraid of criticism from any quarter. Quite the contrary, they need to steel and improve themselves and win new positions in the teeth of criticism and the storm and stress of struggle. Fighting against wrong ideas is like being vaccinated – a man develops greater immunity from disease after the vaccine takes effect. Plants raised in hothouses are not likely to be robust. Carrying out the policy of letting a hundred flowers blossom and a hundred schools of thought contend will not weaken but strengthen the leading position of Marxism in the ideological field [ . . . ] You may ban the expression of wrong ideas, but the ideas will still be there. On the other hand, correct ideas, if pampered in hothouses without being exposed to the elements or immunized from disease, will not win out against wrong ones. That is why it is only by employing methods of discussion, criticism, and reasoning that we can really foster correct ideas, overcome wrong ideas, and really settle issues.<sup>139</sup>

Mao called on intellectuals and artists as well as non-communists, party cadres, and society at large to express their views and air their grievances, intending for their criticisms to be directed at inefficiencies in the performance of government bureaucracies and low and medium level cadres. However, as Jurgen Domes points out, “[T]he criticism which Mao had called for did not confine itself to particular deficiencies, but was soon directed against the system, the top leadership and the ideology itself.”<sup>140</sup> Criticisms of the CCP spread like wildfire among intellectuals as well as workers and peasants, even inciting student demonstrations and counter-suppression by the CCP.<sup>141</sup>

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<sup>137</sup> MacFarquhar 1974, 115; Gasper 1982; O'Brien 1990, 37-38.

<sup>138</sup> Mao 1963, 79-80.

<sup>139</sup> Mao 1963.

<sup>140</sup> Domes 1973, 58.

<sup>141</sup> Domes 1973, 59-62.

Invigorated by the Hundred Flowers Movement, calls for legislative reforms escalated into scathing criticisms of the legislature's subordination to the paramount leadership of the party. Some deputies contested, for instance, that the NPC was poorly informed about government work, and not notified of the subjects to be discussed on the legislative agenda in advance of the actual sessions. Others questioned whether legislative deliberation and approval were merely regarded as a formality by communist members, and proposed that it was most necessary to limit party control such as through free elections and campaigns in order to strengthen the NPC competence.<sup>142</sup> In a report published in *Shenyang Daily* on June 10, 1957, Zhang Bosheng, a professor and intellectual critic, forcefully voiced his contention:

[T]he National People's Congress is nothing but a mud idol, while all power is in the hands of the Party centre [sic]. The National People's Congress merely carries out the formality of raising hands and passing resolutions. In all these years, one has seldom seen a Standing Committee member putting forward an important motion, though occasionally one has seen some of them publish unimportant notes on inspection tours in the press. Is this not laughable? Why did the National People's Congress deputies see no contradictions among the people during their inspection tours? They saw only what the Party said and saw nothing when the Party did not say anything [. . .] [T]he Party must be removed from its position of superiority to the National People's Congress and the government, the government must be placed below the National People's Congress, and the National People's Congress must be made an organ of genuine power.<sup>143</sup>

Such criticisms had in effect breached the parameters that the party intended. In the Political Report of the Central Committee of the CCP at the Eighth National Party Congress on September 15, 1956, Liu Shaoqi was unequivocal about the necessity for the party to maintain monopoly of power over state institutions:

In the work of our socialist construction there are comrades though very few who have tried to weaken the leading role of the Party. They confuse the question of the party giving leadership to various spheres of state affairs in regard to principles and policies with the question of purely technical matter; they think that since the Party is still a layman in the technical side of these things, it should not exercise leadership over such work, while they themselves can go on taking arbitrary action. We have criticized this wrong viewpoint. *In all work the Party should and can play a leading role ideologically, politically, and in matters of principle and policy.*<sup>144</sup>

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<sup>142</sup> O'Brien 1990, 39-40.

<sup>143</sup> Quoted in, MacFarquhar 1960, 108-109.

<sup>144</sup> Liu 1956, 38-39., emphasis added.

The objective of the Hundred Flowers Campaign was not to promote liberty or democracy itself, but to deepen the socialist commitment to consolidate party authority in Chinese society. The two most important criteria among those prescribed by Mao as the basis for the masses to distinguish between “right ideas” and “wrong ideas,” “fragrant flowers” and “poisonous weeds,” were whether they would be “beneficial, not harmful, to socialist transformation and socialist construction,” and whether they would “tend to strengthen, not to cast off or weaken, the leadership of the Communist Party.”<sup>145</sup>

The CCP resorted to old repertoires and tactics by halting the Hundred Flowers Movement and unleashing an intensive assault against party critics in the “Anti-Rightist Campaign” between mid-1957 and 1958. Those labeled as “rightists” were subject to public confessions, suspensions of their positions, labor education, and executions.<sup>146</sup> NPC deputies were not exempted from the party’s counterattacks to reestablish its authority and reemphasize party unity. Seeking to regain control over legislative criticisms, the party first postponed the NPC session from June 3 to June 20, to June 19, to June 26, 1957.<sup>147</sup> At the 1957 session, the CCP orchestrated denouncements of NPC deputies who were labeled as “rightists” along with their proposals to strengthen the NPC.<sup>148</sup> As Kevin O’Brien concluded, “After 1957, the NPC would not be a forum for nonparty government officials, intellectuals, democratic party members, or former capitalists to express their views or to urge the party to reform or compromise. Doubtful converts would not question party dominance again under the bright lights of national publicity. The leadership would sacrifice

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<sup>145</sup> Mao 1963, 83.. Allegedly, the published version of Mao’s speech was a revised version which noted how criticisms should not contravene with the goals of socialism and party leadership, whereas the original speech conveyed a greater promise for intellectual freedom and encouragement of public criticism Spence 1990, 572.

<sup>146</sup> During this period, between 300,000 and 550,000 “rightist deviationists,” for instance, were sent to labor camps. Domes 1973, 86.

<sup>147</sup> Domes 1973, 67.

<sup>148</sup> O’Brien 1990, 44.

the benefits of further legislative development before it would allow the NPC to undermine party rule.”<sup>149</sup>

Bowing to the CCP’s pressure, the NPC Standing Committee itself recommended that thirty-eight deputies from the Ethnic Group Committee, the Legal Committee, and the National Defense Committee, all labeled as “rightist elements” (*youpai fenzi* 右派分子) be removed, and barred from attending the 1958 legislative session. It was claimed that, because of their “rightist” orientation, they had lost the “legitimate basis” (*hefa genju* 合法根据) to carry out their representative position.<sup>150</sup> In 1958, allocations for deputies’ working expenses were withdrawn.<sup>151</sup> The frequency of the NPC Standing Committee’s meetings was also reduced from thirty-seven to thirteen per year. As legal scholar Wu Jialin wrote, “Until 1957, the development of the system of people’s congresses in our country had been rapid and healthy. After 1958, this system was not as highly respected as before; meetings became fewer and fewer and the role of the people’s congresses at all levels gradually weakened.”<sup>152</sup>

Instead, party committees were increasingly and directly involved in the development of policy and government administration, supplanting both the NPC and the State Council.<sup>153</sup> Referring to a “virtual fusion of political and administrative roles” in which the party assumed increasing roles in routine state affairs, Gordon White notes, “The party exercises its leadership role over other sectors of the state through a hierarchically organized system of committees, branches, and groups, each of which is subject to one of the specialized departments under the

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<sup>149</sup> O’Brien 1990, 44.

<sup>150</sup> Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui 全国人民代表大会常务委员 [National People’s Congress Standing Committee] 1958b, a.

<sup>151</sup> *Renmin Shouce 1958* 人民手册 [People’s Handbook] 1958, 330.

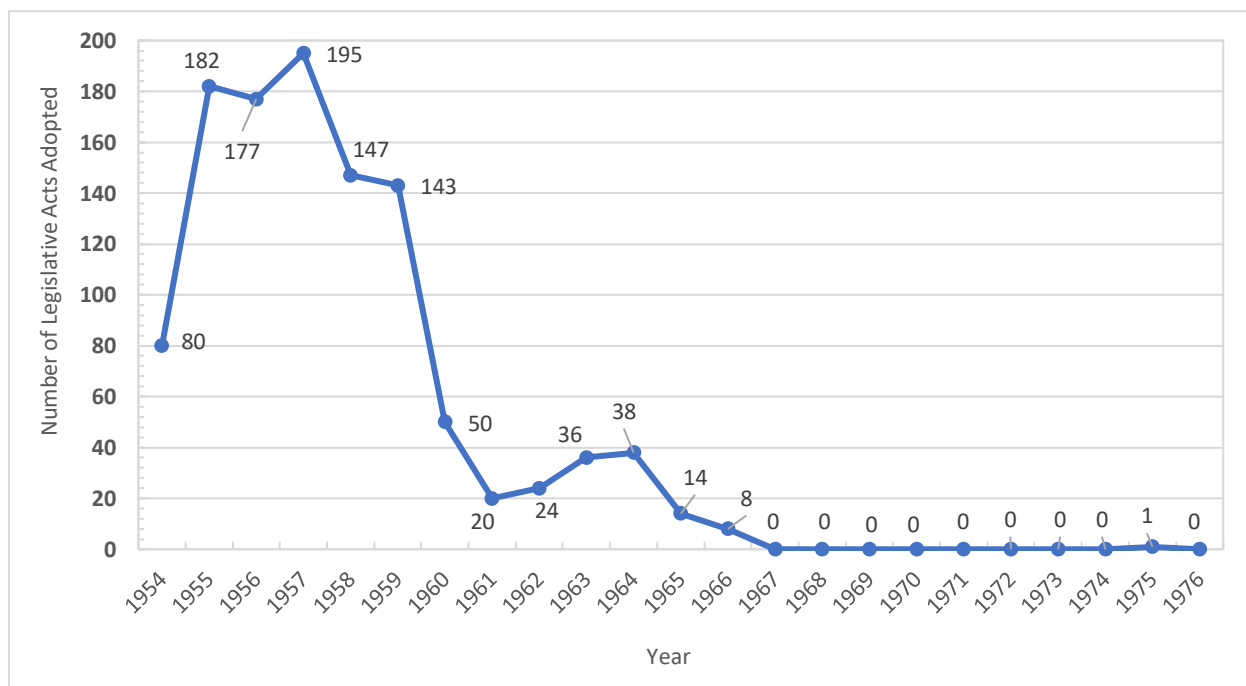
<sup>152</sup> Wu 1982, 95.

<sup>153</sup> O’Brien 1990, 45.



Central Committee and the Politburo.”<sup>154</sup> By 1966, the NPC ceased to operate altogether for the next nine years during the Cultural Revolution until it was reconvened in January 1975. As Figure 6-1 shows below, between 1954 and 1976, legislative activities reached their peak in 1957, but drastically declined thereafter. From March 1966 to 1974, the number of legislative acts passed by either the NPC and its Standing Committee and/or the State Council was zero (Figure 6-1).<sup>155</sup> In 1975 when the NPC was restored, it was stripped of its powers to supervise and enforce the Constitution, to supervise the work of and to question the State Council, to appoint commissions of inquiry, and to decide on questions of war and peace.<sup>156</sup> By 1976, after Mao died and the fall from power of radicals in support of Mao, the NPC had become a “battered shell.”<sup>157</sup>

**Figure 6-1 Legislative Acts Adopted, 1954 – 1976**



\*Note: The figures include legislative acts adopted by the National People’s Congress and its Standing Committee, as well as the State Council. They exclude State Council regulations adopted between 1964 and 1966, as well as local regulations for the entire period between 1954 and 1976. Source: Wu, et al. 1984, 241-242.

<sup>154</sup> White 1983, 39.

<sup>155</sup> Wu, et al. 1984, 241-242.

<sup>156</sup> O’Brien 1990, 58.

<sup>157</sup> O’Brien 1990, 60.

## **Conclusion**

This chapter has traced the historical formation of the communist party and state in China at critical junctures from the emergence of communist organization to the conception of the communist state and the early periods of consolidation of the communist regime. Despite the initial fragmentation and cooperation of the CCP with the Guomindang during 1921 to 1927, the party gained significant strength and cohesion during its crucial years in exile and the Long March to Yan'an. By 1949, the CCP that defeated the GMD and rose to power had solidified a party base and cemented a degree of party unity, discipline, and cohesion that was unseen in the case of Vietnam. This was principally achieved through a course of confrontation and intensive mobilization epitomized by the Cheng Feng Rectification Campaign between 1942 and 1944. Externally, the party also forcefully eradicated its rival opposition, the GMD, in what was essentially a Chinese civil war. Thereafter, the CCP embarked on the formation of the communist state in which the party continued to visibly exert its dominance in numerous ways. Party consolidation and state building were tightly enmeshed. The CCP constructed a state apparatus that relied heavily on the party's organizational capacity, while the party routinely conducted drives of organizational rectification, suppressions, and mass campaigns in order to maintain party unity and discipline, as well as to increase party control and penetration of society.

It is important to clarify that the difference between Vietnam and China does not merely hinge on the strength or weakness of the communist party. Rather, it resides in a historically driven process that forges and entrenches certain institutional structures and patterns in the ways by which they engage with and address social claims. In Vietnam, the incorporation of divergent interests and accommodation has resulted in wider power distribution of power party and state structures, and organizational values – understood as established patterns of behavior rather than any intrinsic cultural values — that orient the regime to be more receptive and responsive to societal pressures

and demands. In the next chapter, I will show how the configuration and nature of institutions developed from the path to party and state formation taken by China significantly affects the way in which the Chinese communist regime responds to mass contention against compulsory government land seizures.

## **Chapter 7 — Supplanting the State and Reactive Responsiveness in China**

### **Introduction**

Despite the fact that both regimes have been confronted with mounting pressures from prevalent and persistent social unrest caused by government land seizures, Vietnam has responded with institutionalized, systematic, comprehensive, and coherent reforms, whereas China has not. In 2013, Vietnam targeted the root cause of its defective land expropriation system with programmatic revisions of the Land Law. Reforms were written into determinate provisions with deliberate specificity, tighter restrictions, and greater legislative scrutiny to constrain government authority and discretion. Standardized procedures and processes were stipulated to better ensure uniformity in subnational administrative regulations and government practices. Alternative mechanisms were further instituted to allow for wider public participation, as well as for monitoring and evaluation in order to strengthen the rights of households and individuals against arbitrary land seizures.

By contrast, China has relegated its responsiveness to ad hoc and lackluster reform efforts in the form of policy and administrative regulations with limited, marginal adjustments. Between 2004 and 2017, reforms in Chinese law also maintained the lack of legislative scrutiny and public participation, as well as procedural safeguards for citizens. In short, while reforms in Vietnam have been deeper and more systematic, China's responses have been more ad hoc and marginal. As a whole, at the central level, much-needed legal reforms enacted by the Vietnamese regime provide strong indicators of its extensive responsiveness compared to China.

In this chapter, I will closely examine and trace the ways in which China has responded to social discontent in comparison to Vietnam. I will discuss the evolution of land institutions and the expansive scope of land expropriation in China between 1982 and 2004, which was largely

driven by the state's relentless pursuit of a developmental agenda and rapid urbanization. This has consequently given rise to immeasurable tensions and invoked explosive conflicts and violent confrontations between state and society in China. In tracing reform measures adopted by the Chinese central authorities in response to claims of social discontent, the difference between Vietnam and China is markedly clear. The reform process reflects salient differences that are historically rooted in the countries' divergent paths to party and state formation. In China, party dominance has supplanted state institutions, and the weakness of legislature embodies historical legacies of party suppression of legislative development during the Anti-Rightist Campaign and the Cultural Revolution, whereas the VCP has emphasized the delineation of party and state functions, and has increasingly empowered the Vietnamese legislature to exercise considerable oversight over executive institutions. Coterminous with this salient difference, responses by China have predominantly taken the form of non-statutory central party and government policies issued by the CCP Central Committee and the State Council, as well as ministerial rules and other administrative regulations as opposed to a unified, comprehensive, programmatic national framework epitomized by Vietnam's revised Land Law in 2013. In effect, these reactive, lackluster, targeted, and partial responses sanctioned immense variation and experiments at the subnational level, indicative of the lack of institutionalization of China's responsiveness.

### **State-Led Development and Land Expropriation in China, 1982-2004**

Under post-Maoist China, the communist regime has strengthened institutional arrangements for state land acquisitions and monopoly control of the land supply as crucial instruments to rapidly advance the country's development. Starting with the 1982 Constitution, China has maintained a bifurcated system of land ownership, which recognizes all land in urban areas as owned by the

state, and land in rural and suburban areas as owned by the collectives.<sup>1</sup> Adopted in 1986, the first Land Administration Law affirmed this principle, further stipulating village collective economic organizations (*jiti jingji zuzhi* 集体经济组织) and villagers' committees (*cunmin weiyuanhui* 村民委员会) as the designated entities that operate, manage, and administer collectively-owned rural land.<sup>2</sup> At the time when the 1982 Constitution was drafted, some were concerned that an abrupt abolishment of rural land ownership by peasant collectives would cause immense social instability, given how deeply entrenched the collective system had been during the Maoist era.<sup>3</sup> Hence, it was deemed practical to maintain a dual-track system for the interim. In theory, as members of the collectives, villagers would therefore have rigorous rights to land on the basis of collective ownership of rural land. However, as Peter Ho, argues, in creating this dual-track system, the Chinese government actually "sanctioned and perpetuated" an "institutional indeterminacy" at the cost of individual rights.<sup>4</sup> The term "collective" and exactly who would constitute the actual owner of rural land was intentionally kept vague in the law to create leeway for the central leadership to react to societal developments. As a result, Ho concludes, "there is a high risk that the deliberate institutional ambiguity becomes an instrument in the violation of villagers' interest."<sup>5</sup>

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<sup>1</sup> 1982 Constitution, art. 10. The full clause originally in Chinese reads, "城市的土地属于国家所有。农村和城市郊区的土地，除由法律规定属于国家所有的以外，属于集体所有。国家为了公共利益的需要，可以依照法律规定对土地实行征用。任何组织或者个人不得侵占、买卖、出租或者其他形式非法转让土地。一切使用土地的组织和个人必须合理地利用土地。" In contrast to China, since the 1987 Land Law, both urban and rural land in Vietnam has been formally declared "ownership of all the people," to be "uniformly managed by the State." This is the equivalent of "state ownership" or land nationalization in China.

<sup>2</sup> 1986 Land Administration Law, art. 8.

<sup>3</sup> Those who supported keeping the principle of rural land collective ownership in the 1982 Constitution included Yang Shangkun, then Deputy Chairman of the Central Military Commission, Yang Xiufeng, then Vice Chairman of the Legal Affairs Commission of the National People's Congress, Hu Qiaomu, then Secretariat of the Constitutional Amending Committee, and Peng Zhen, then Vice Chairman of the Constitutional Amending Committee. Xu 2005, 666, 681-682.

<sup>4</sup> Ho 2001. Also see Ho 2005.

<sup>5</sup> Ho 2001, 421.

On the other hand, Chinese political leaders were concerned that the collective ownership system would hinder state acquisitions of rural land for state-led development. Fang Yi, then Chairman of the State Scientific and Technological Commission, commented:

The contradiction between these two kinds of ownership is increasingly intensified and severe. The state enterprises and undertakings need to be developed, which requires land. But land is limited. *Collective ownership of suburban and rural land becomes a way for [the rural collectives] to rip off the state and make a windfall.* For one mu of land, ten thousand yuan was demanded. By selling the land the production teams [of the rural collectives] can secure their members a good life for this generation and the next two, who don't ever have to work anymore. Although the draft constitution prescribes that no organization or individual can sell the land, [rural collectives] can still do so in disguised forms by setting conditions [for them to accept state land takings] such as establishing factories that will recruit their peasant members to become workers and provide for them for life . . . the national fiscal expenditure becomes a bottomless pit . . . if this continues, it will enrich the peasants at the expense of the entire population, making the contradiction even more intense.<sup>6</sup>

As it was argued, by leaving ownership in the hands of village collectives, the state would surrender its prerogative to use, acquire, and profit from the land as it would deem appropriate. In fact, prior to the adoption of the 1982 Constitution, there had been multiple motions proposing that a separate legislation was needed to address the problem of resistance by rural collectives against state land expropriation for building state-owned enterprises, coal mines, the army, and so forth.<sup>7</sup> In May 1982, the Regulation on Land Requisition for State-led Construction (*guojia jianshe zhengyong tudi tiaoli* 国家建设征用土地条例) was promulgated. As stated in the explanatory report on the draft regulation,

[I]n the last twenty years, with the economic and population growth in our country, some new circumstances with regard to land requisition for state-led construction have emerged. The 1958 Measures on Land Requisition for State-led Construction (*guojia jianshe zhengyong tudi banfa* 国家建设征用土地办法) has long become unable to adapt to the changed circumstances, resulting in a 'lawless' (*wu fa ke yi* 无法可依) situation in the actual work of land requisition for state-led construction over recent years. Due to [this] lawlessness, administration of land expropriation has been very chaotic. . . . Many construction units have postponed the due dates for construction time

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<sup>6</sup> Xu 2005, 644-645., emphasis added; translation quoted in, Chun 2018, 165.

<sup>7</sup> Zhonghua renmin Gongheguo di wu quan guo renmin daibiao da hui di san ci huiyi mishu 中华人民共和国第五届人民代表大会第三次会议秘书 [Secretariat of the Third Session of the Fifth PRC National People's Congress] 1989, 408, 469.

and again because they could not satisfy the demands for land expropriation raised by rural collectives, [and] affected state-led construction.<sup>8</sup>

Not only did this new regulation stress the principle of “state land expropriation by law” (*guojia yifa zhengdi de yuanze* 国家依法征地的原则), but it forbade purchases, rentals, and land shareholding directly from rural communes.<sup>9</sup> In restricting voluntary land transactions and emphasizing the state’s right to expropriate rural land for nonagricultural use, the state thus tightly controlled the rural land supply, irrespective of the distinction in ownership between urban and rural land.

In fact, subtle changes had expanded the scope of state land expropriation since even earlier on. The 1982 Constitution inherited from the 1954 Constitution the principle that the state could expropriate land for “the need of public interest” (*gonggong liyi de xuyao* 公共利益的需要). In turn, the 1986 Land Administration Law restated this principle, but did not clearly define the clause. The “regrettable” change in the 1986 Land Administration Law was that it employed a more expansive formulation by adding “economic, cultural, national defense construction projects, and starting societal public projects”<sup>10</sup> to the permissible scope of land expropriation.<sup>11</sup> As Liu Shouying further notes, a close reading comparing the 1986 Land Administration Law with the 1982 Constitution reveals that the clause “toward the implementation of *land* requisition” (*dui tudi shixing zhengyong* 对土地实行征用) was revised into “toward the implementation of *collective land* requisition” (*dui jiti tudi shixing zhengyong* 对集体土地实行征用).<sup>12</sup> According to Liu, “this

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<sup>8</sup> Lǚ 1982, 444-445. Translation adapted from Chun 2018, 167.

<sup>9</sup> Lǚ 1982, 446.

<sup>10</sup> 1986 Land Administration Law, art. 2 and 21. The clause in Chinese states, “*guojia jinxing jingji, wenhua, guofang fianshe yiji xingban shehui gonggong shiye* 国家进行经济、文化、国防建设以及兴办社会公共事业”.

<sup>11</sup> Liu 2014, 50.

<sup>12</sup> Liu 2014, 50 (emphasis added).



is undoubtedly the first time in the history of China's new laws which clearly stated that the target of land requisitions is rural, collectively-owned land."<sup>13</sup>

How to provide the necessary drivers for the country's rapid development and urbanization was the primary concern at the forefront of Chinese political leaders' minds. Zhao Ziyang, former Premier and General Secretary of the CCP, opened up in his memoir about the intraparty dispute over whether to relax restrictions on land lease and transfer to allow for the formation of a real estate market. Puzzling over how to build up Shanghai, Zhao recalled:

In order to build up infrastructures, we need large investments . . . A lot of land was lying idle. . . . It was perhaps 1985 or 1986 when I talked to Huo Yingdong [a Hong Kong tycoon better known as Henry Fok] and mentioned that we didn't have funds for urban development. He asked me, 'If you have land, how can you not have money?' . . . I thought that what he had said was reasonable . . . His view did inspire my thinking. We had lands but no funds, while the Hong Kong government auctioned off a piece of land every year, not only bringing in income for the government, but also allowing the area to develop quickly.<sup>14</sup>

Two pilot programs were later launched, in Shenzhen in 1987 and in Shanghai in 1988, in which land use rights were permitted to enter the market so that land be leased and auctioned. In 1988, the Constitution and the Land Administration Law were amended, modifying the former prohibition on land sales, lease, and transfer. Under the new amendments, land use rights could now be transferred according to law. Yet, as Chun Peng commented, "none of this has affected the state monopoly of rural-urban land conversion through expropriation."<sup>15</sup> Instead, these revisions paved the way for the "real estate craze" that occurred between 1992 and 1994 during which rural land was converted at an unprecedented scale for China's urbanization.<sup>16</sup>

The next comprehensive and substantive revision of the Land Administration Law in 1998 effectively strengthened state mechanisms for compulsory land requisitions. Because subsequent

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<sup>13</sup> Liu 2014, 50.

<sup>14</sup> Zhao, et al. 2009, 108-109.

<sup>15</sup> Chun 2018, 218.

<sup>16</sup> Rithmire 2017, 130.

amendments of the Constitution and the Land Administration Law in 2004 would merely make a terminological distinction between the terms “requisitions” (*zhengyong*) and “expropriation” (*zhengshou*).<sup>17</sup> It was the 1998 Land Administration Law that essentially provided the legal basis for the land expropriation system for the next twenty years. In this respect, Article 43 of the 1998 Land Administration Law required that land used for construction purposes must be state-owned land only.<sup>18</sup> This means that collectively-owned, rural land cannot be used for nonagricultural purposes, and must first be converted into state-owned land through state expropriation or requisition before it can be used for construction purposes.<sup>19</sup> The law enumerated a number of exceptions when village collectives would be permitted to use rural land for non-agricultural, construction purposes, albeit only upon attaining permission from the government.<sup>20</sup> Besides these exceptions, land-use rights to collectively-owned, rural land could not be leased, transferred, or

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<sup>17</sup> “Expropriation” (*zhengshou* 征收) in the Chinese context refers more specifically to the compulsory acquisition by the state of non-state owned land of collectives. Thereby, collective ownership of rural land is converted or transferred into state ownership. In terms of legal terminology, this is slightly different from the legal definition of “*zhengyong* 征用” or “requisitions” of non-state owned land which is, by definition, supposed to be temporary. Other terms are also used to denote compulsory land acquisitions by the state in China. “*Zhengdi*,” literally translated as “land taking,” commonly refers to compulsory land acquisitions, broadly conceived. More technically, the term “*shouhui* 收回” is similar to the term “*thu hồi*” in Vietnamese. This term refers to situations in which the state “recovers” or “withdraws” land use rights to state-owned land. Except in original translations and quotations, I use the terms land taking, land seizure, land reclamation, land requisition, land expropriation, and land recovery interchangeably to refer to situations in which the state is authorized to acquire land by use of compulsory administrative decisions, which citizens are expected to comply with.

<sup>18</sup> 1998 Land Administration Law, art. 43. The article in Chinese is, “何单位和个人进行建设，需要使用土地的，必须依法申请使用国有土地。”

<sup>19</sup> In China, land use purposes are broadly classified under three categories: (a) agricultural, including cultivated land, forest land, grassland, land for irrigation and water conservancy, and water surfaces for agriculture; (b) construction, including land for housing in urban and rural areas, for public utilities, for factories and mines, for communications and water conservancy, for tourism and for military installations; and (c) unused for land other than land for agriculture and construction. See, 2004 LAL, art. 4. Similar to China, land classified according to land use purposes in Vietnam also falls under three general categories: (a) agricultural land; (b) non-agricultural land, which is the equivalent of land for construction in China; and (c) unused land. Agricultural land is in turn classified under the following categories: (1) agricultural production land, which consists of annual crop land and perennial crop land; (2) forest land; (3) water surface land for fishing; (4) land for salt production; and (5) others.

<sup>20</sup> The exceptional situations enumerated in Article 43 of the 2004 Land Administration Law are the use of collectively-owned land for the construction of township enterprises, houses for villagers, public facilities or public welfare facilities of the townships.

rented for non-agricultural construction.<sup>21</sup> By contrast, in Vietnam, except for paddy land, protective forest land, or special-use forest land,<sup>22</sup> individuals may lease, receive transfers or contributions of agricultural land use rights as capital for non-agricultural use and investments, so long as the land use purpose is consistent with the national master plan and the specific local land use plans.<sup>23</sup> In other words, while Vietnam allows for alternative mechanisms for land acquisitions through voluntary land transactions, China has closed off these openings for rural land to be transferred via market mechanisms, making state expropriation the only permissible means for acquiring rural land for nonagricultural purposes. Furthermore, in China, the 1998 Land Administration Law continued to leave the public interest prerequisite undefined, sanctioning an expansive interpretation of “public interests” as any activities that would contribute to economic development. This sweeping interpretation of public interest has made it “convenient” for the Chinese government and developers to acquire villagers’ land by any means.<sup>24</sup>

Land accumulation has been central to economic development and urban expansion in China. At the national level, land, as Meg Rithmire argues, has provided the CCP with an instrument of “macromanagement” to generate and manage economic growth by boosting GDP through economic activities revolving around real estate investments, and by offering local governments an indirect fiscal stimulus.<sup>25</sup> Between 2003 and 2013, for instance, the supply of land for construction was drastically increased in order to invigorate the economy, particularly when economic growth had slowed (see Figure 7-1).<sup>26</sup> Moreover, at the subnational level, central

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<sup>21</sup> 2004 Land Administration Law, art. 63.

<sup>22</sup> 2013 Land Law, art. 191. As an exception, households and individuals living in protective forests, and strictly protected zones in special-use forest who are not able to move out of these areas may transfer or donate their land use rights only to those living in these areas. See, 2013 Land Law, art. 192.

<sup>23</sup> 2013 Land law, art. 193.

<sup>24</sup> Liu 2014, 54.

<sup>25</sup> Rithmire 2017.

<sup>26</sup> Liu 2018, 437, 443.

policies have provided local state actors with stronger incentives to accumulate land, which occurs primarily through compulsory expropriation. As You-tien Hsing explains, “local state leaders seek to legitimize themselves as urban promoters and builders, and urban agendas dominate local development policy, while local politics predominantly revolves around farmland conversion and industrial or commercial development projects.”<sup>27</sup> Furthermore, fiscal recentralization reforms in 1994 and the abolishment of the agricultural tax in 2004 radically decreased local governments’ revenue, making land a primary extrabudgetary source of revenue for local governments.<sup>28</sup> In this manner, the drivers for local governments to expropriate, accumulate, and convert rural land have directly resulted from the central government’s deliberate policies. Central policies have effectively promoted, sanctioned, and perpetuated government practices and discretion in land expropriation. All of these structural factors have exacerbated and escalated government land seizures, especially seizures of rural land.

State land takings have accelerated on a massive scale in China. Between 1978 and 2001, a reported total of 28.34 million *mu* (4.67 million acres) of rural land was expropriated.<sup>29</sup> Between 2004 and 2016, the total amount of land requisitioned by the state added up to 4.98 million hectares (12.31 million acres).<sup>30</sup> During this period, agricultural land accounted for 70 to 80 percent of the annual total of land area requisitioned by the state nationwide (see Figure 7-2). Data collated from China Urban Construction Statistical Yearbooks also indicate that the annual total of urban

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<sup>27</sup> Hsing 2010, 6.

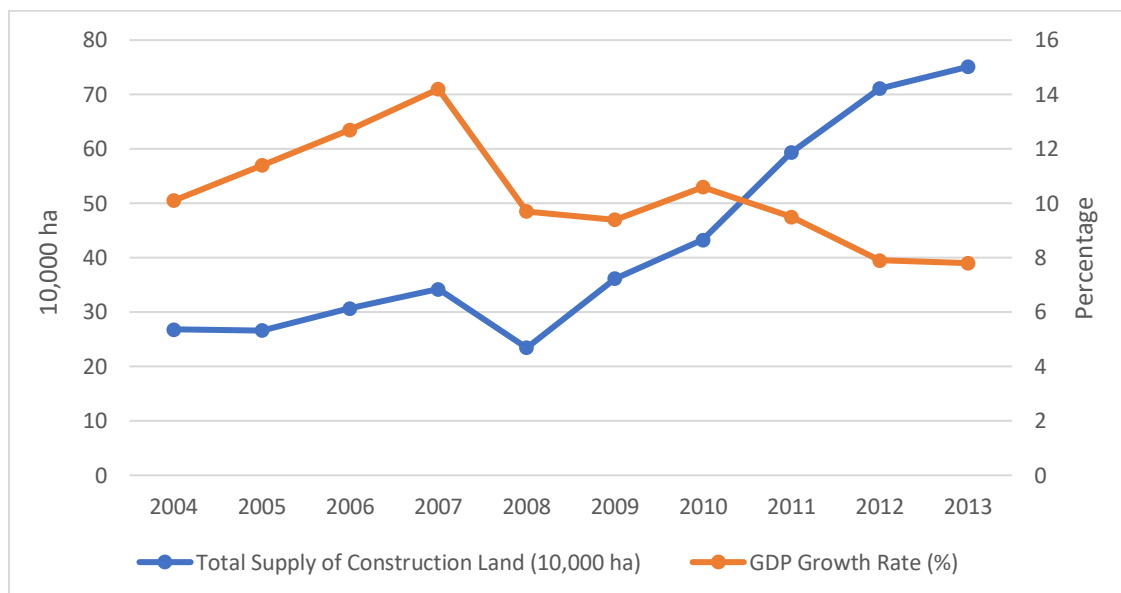
<sup>28</sup> Whiting 2011b; Ong 2014.. For an analysis on the impact of China’s fiscal policies on local governments’ land policy, see Liu, et al. 2006; Liu, et al. 2008; Liu, et al. 2012..

<sup>29</sup> Chen, et al. 2008, 192.

<sup>30</sup> Compiled by the author from data published in China’s Land and Natural Resources Statistical Yearbook (中国国土资源统计年鉴) from multiple years. The data starts with the year of 2004 when the Ministry of Land Resources (MLR) first began to publish official statistics on the annual total of requisitioned land areas. This total accounts for requisitioned agricultural land areas (农用地), which consists of cultivated land (耕地), but does not exclusively include this category. Prior to 2004, the yearbooks only published statistics on the annual requisitioned agricultural land areas and cultivated land areas.

construction land not only increased between 2005 and 2016, but also that it significantly exceeded the area of urban land requisitioned by the state. In other words, this suggests that the persistent increase in urban construction land has not derived solely from urban land requisitions (see Figure 7-3). As a study by the World Bank corroborates, nearly 90 percent of the demand for urban construction land was met through rural land expropriations, while the remainder came from other stocks of undeveloped urban land.<sup>31</sup> Rural land requisitions have also outpaced increases in urban construction land areas, suggesting that rural land was widely expropriated not only for urban construction but also for other uses and purposes.<sup>32</sup>

**Figure 7-1 GDP Growth Rate and Construction Land Supply, 2004-2013**

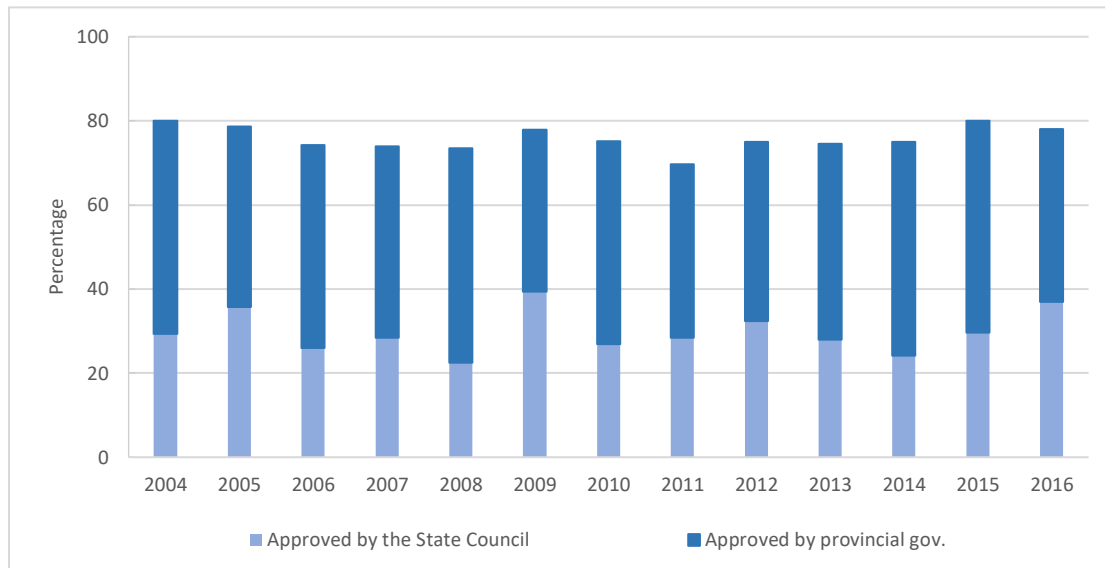


Source: *China Land and Resources Bulletin 2004-2014*; *China Statistical Yearbook 2004-2014*. Quoted in, Liu 2018, 443.

<sup>31</sup> World Bank and The People's Republic of China Development Research Center of the State Council 2014.

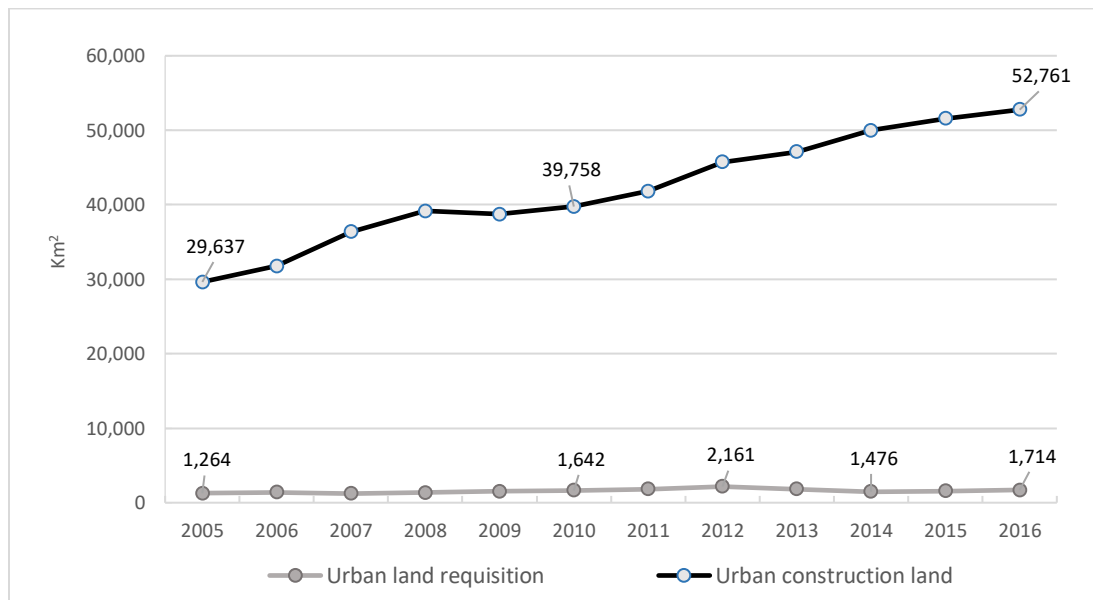
<sup>32</sup> World Bank and The People's Republic of China Development Research Center of the State Council 2014.

**Figure 7-2 Agricultural Land Requisitions, 2004-2016**



Source: *China Land and Natural Resources Statistical Yearbook* (中国国土资源统计年鉴), 2005-2017

**Figure 7-3 Urban Land in China, 2005-2016**



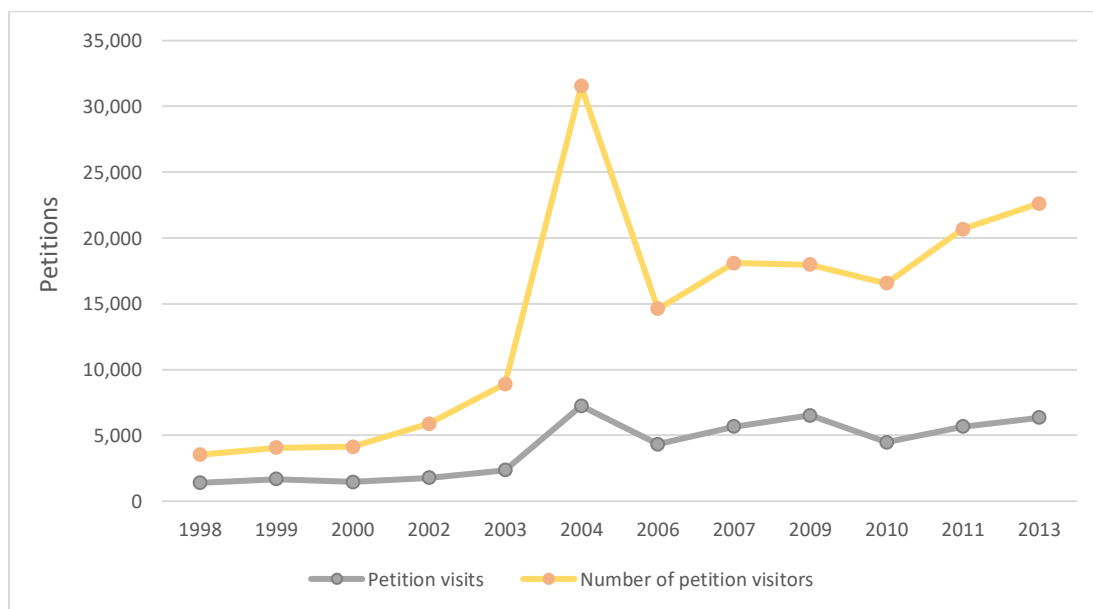
Source: *China Urban Construction Statistical Yearbook* (中国城市建设统计年鉴), 2006-2017

## Mounting Unrest and Social Discontent

The exponential increase in land takings gave rise to an evident proliferation of petitions and mass incidents (群体性事件) during the period from 1998 to 2013. Calling the phenomenon a “serious

political problem,” Yu stressed that land disputes, particularly forceful rural land expropriations, were the cause of 65 percent of mass incidents classified as “rights defense cases” (维权事件) in the country.<sup>33</sup> Data from the China Land and Natural Resources Yearbook illustrates that the number of visits received by the Ministry of Land and Resources (MLR) by citizens to file petitions, and the number of people who visited between 1998 and 2013 had considerably increased (see Figure 7-4). These indicators illustrate an alarming trend of social unrest due to unrelenting land expropriation by the government in China.

**Figure 7-4 Land Petitions in China, 1998-2013**



Note: Missing data for the years of 2001, 2005, and 2012 are omitted from the graph. Source: China Land and Natural Resources Statistical Yearbook (中国国土资源统计年鉴), 1999-2014.

Endemic land expropriation and demolition have also given rise to protests, demonstrations, and various forms of social resistance, resentment and distrust of the Chinese government. In 2007, a photo went viral of a so-called “nail house” (*dingzihu* 钉子户) in Chongqing, in which the house stood out in plain sight as the sole standing structure elevated on a single piece of earth within an

<sup>33</sup> Yu 2004, 2009.

excavated pit nearly 30-feet deep, all against the desolate terrain of the demolition site in the middle of the city.<sup>34</sup> The house belonged to a couple who had refused to leave the area, which had been expropriated by the local government in order to make way for the Chongqing Zhengsheng Real Estate Company to build a commercial development with apartments and a shopping mall called “Broadway Square.” While “nail houses” such as the one pictured in Chongqing are common, most others simply give in to the circumstances of the government’s land seizure. In the bustling and urbanized city of Guangzhou, one landless migrant villager expressed a sentiment of complicit acquiescence from perceiving no other alternative means but to comply:

We have land. But the land does not belong to us. We can only grow crops, grow wheat, and grow corn. . . It belongs to the country, and [we] only are the users, without any rights to decide [what to do with it]. . . If the government wants to use the land, wants to expropriate it, it just goes ahead and expropriate (*zhengfu yao yong de hua, xiang zhengshou jiu zhengshou le* 政府要用的话, 想征收就征收了). [The government] then gives you some money. If you are willing then you are [sic], if you are not, it will take it anyway. The government does not need to explain [what it wants to do with the land to us]. Whatever we say, they don’t listen anyway, and just send armed police, [and] suppress (*zhenya* 镇压) [sic]. Because the government controls the army, has a repressive machine (*baoli jiqi* 暴力机器), and guns [sic]. [We] all listen, what is there to do ([*women*] *dou ting hua de, gao shenme a* [我们]都听话的, 搞什么啊)? The village chief doesn’t care about you either.<sup>35</sup>

In 2005, local authorities reportedly hired hundreds of men armed with “shotguns, clubs and pipes” to attack a group of farmers who had refused to concede their land to the government for the construction of a state-owned power plant in Shengyou, Hebei Province southwest of Beijing. Six farmers were killed, and 100 others or more were severely injured in the attack.<sup>36</sup>

While the explosive conflict between villagers and local authorities in Wukan, Guangdong Province has drawn international attention,<sup>37</sup> it is by no means a stand-alone incident. In 2012, at

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<sup>34</sup> Goldkon 2007.

<sup>35</sup> Interview No. 50025, villager. May 5, 2019. Guangzhou, China.

<sup>36</sup> Pan 2005.

<sup>37</sup> Fu 2014; “Wukan, a Chinese Village, Erupts in Unrest Over Activists’ Arrests” 2016; Tomba 2020..



least 200 villagers staged three consecutive protests over land disputes with local officials in Panhe, Zhejiang Province.<sup>38</sup> In 2002, land seizures by local authorities and the arrest of three villagers during the demolition caused several thousands to rise up in protest in Dongzhou village, Shanwei County of Guangdong Province. Villagers clashed with armed police in the protest. In 2006, the police used tear gas to break up a riot by villagers in Dongzhou. In turn, villagers blew up the electric plant for which the land had been expropriated and threw fire bombs at the police.<sup>39</sup> According to records by Yanqi Tong and Shaohua Lei, between 2003 and 2010, over 88 large-scale protests involving land requisitions occurred in China.<sup>40</sup> The number of protestors recorded in each case is in the hundreds or more.

### **Regime Reactive Responsiveness**

How, then, has the communist regime in China responded to social unrest? In this section, I examine policy measures adopted by the Chinese regime between 2004 and 2017 in response to societal pressures for further-reaching reforms of its land expropriation system. Although the central leadership publicly acknowledged compulsory land seizures as a central cause of surging social unrest in China, its responses had been piecemeal rather than comprehensive and programmatic like Vietnam. Shrouded by deliberate ambiguity and without definite specification, the 2004 Land Administration Law and subsequent policy measures failed to assertively restrict the expansive scope of government discretion in land takings, and continued to maintain the present lack of legislative scrutiny, public participation, and procedural safeguards for citizens. Contrary to Vietnam, reform measures in China predominantly took the form of central party or government policies, including decisions and opinions by the CCP Central Committee and the State Council, ministerial rules (*bumen guizhang* 部门规章), and other administrative regulations.

Instead, in Vietnam, in order to address the source of social unrest in a more systematic and institutionalized manner, the Vietnamese communist regime first and foremost chose to revise

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<sup>38</sup> "Arrests after land protests in China's Zhejiang province" 2012.

<sup>39</sup> Tong and Lei 2017.

<sup>40</sup> Tong and Lei 2017.

the country's Land Law. Targeted, partial, ad-hoc reforms by non-statutory mandates, administrative regulations, and ministerial rules were insufficient to address the endemic problems of land expropriation. Moreover, it was the legislature that exerted pressure on the executive branch and pushed for programmatic reforms by means of a comprehensive revision of the Land Law. The Government (*Chinh phu*) had on numerous occasions asked the Vietnamese National Assembly (VNA) to delay the revision, and to defer to the discretion of pertinent ministries and the executive branch in order to adopt selective reforms. However, not expecting that the Government and its executive ministries would willingly tie their own hands by imposing tighter restrictions on the scope of their own discretionary authority, the legislature decided that reforms by law were imperative. These dynamics were vastly different from China's reactive responsiveness.

By comparing Vietnam's institutionalized responsiveness with China's reactive responsiveness, the differences in the involvement of the communist party in the policymaking process are stark and evident. In both countries, major reforms on an issue of great importance necessarily require signals of approval from the communist party. In both countries, there are party committees embedded in the legislature and the government of the state that report and ensure that state policy is coherent with party policy. Despite these similarities, the CCP is much more directly and closely involved in the policymaking process than the Communist Party of Vietnam. In China, the Central Rural Work Leading Small Group (*zhongyang nongcun gongzuo lingdao xiaozu* 中央农村工作领导小组) and the Central Finance Leading Small Group (*zhongyang caijing lingdao xiaozu* 中央财经领导小组) are designated party organizations that directly oversee specific policy portfolios, formulate and draft policy documents, and provide integral input to the State Council and ministries. As evidence of this difference, the CCP itself has frequently issued central party documents on land issues jointly with the State Council and various ministries as a means of responding to social unrest. In this manner, the greater dominance of the CCP and its impingement on state functions remains salient and pronounced in the ways in which the Chinese regime responds to social preferences and discontent.

In responding to social unrest, the Chinese regime has been reactive not only with regard to its policy output, but also with regard to the process the central party and the executive government has taken to put forth policies by sanctioning local variations and experiments. This

is in stark contrast to Vietnam's emphasis on greater uniformity and consistency through institutionalized, systematic, and comprehensive responsive reforms in the land expropriation system. China's responsiveness resembles a "guerilla-style policy-making" that has been associated with its "trademark policy style," which "encourag[es] decentralized initiative within the framework of centralized political authority," and that prioritizes discretion, "sketchy and episodic" oversight, and "institutional elasticity" over accountability, legal consistency, and procedural stability.<sup>41</sup> As Sebastian Heilmann and Elizabeth argue, it reflects China's conception of policymaking as "a process of ceaseless change, tension management, continual experimentation, and ad-hoc adjustment."<sup>42</sup> This characterization is opposite to the definitional values of institutionalization that are marked by features of stability, consistency, and predictability.<sup>43</sup> Reactive responsiveness by China, in this sense, mirrors the "regime of uncertainty" and of "ambivalent governance" that Maria Repnikova has described in her study of China.<sup>44</sup>

Reflective of the weaker role of the legislature in China, the 2004 Land Administration Law like previous versions completely dismisses the role of the legislature at both the national and local levels in the required procedures for issuing land expropriation decisions.<sup>45</sup> The NPC is not granted any direct and explicit authority in China's land management in the 2004 Land Administration Law. As the executive branch of the state, the State Council and relevant ministries are conferred authority in the law over the country's land use and governance. Consisting of 86 articles, not once does the Land Administration Law mention the NPC. Instead, the State Council is cited 23 times. These include undefined, open-ended clauses, such as: "according to the standards and measures of the State Council's regulations" (*anzhao guowuyuan guiding de biao zhun he banfa* 按照国务院规定的标准和办法), "to be approved by the State Council" (*you guowuyuan pizhun* 由国务院批准), or "to be stipulated separately by the State Council" (*you guowuyuan ling xing guiding* 由国务院另行规定). Rather than writing determinate provisions

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<sup>41</sup> Heilmann and Perry 2011, 7, 14.

<sup>42</sup> Heilmann and Perry 2011, 3.

<sup>43</sup> Huntington 1968, 12.

<sup>44</sup> Repnikova 2017, 32.

<sup>45</sup> The local People's Congress is cited once in Article 25. According to the stipulation, People's Governments must report to People's Congresses at the same level about the implementation of annual land-use plans. See, Article 25 of the 2004 Land Administration Law.

into law, these clauses essentially leave the gates wide open for subsequent regulations and decisions at the discretion of the State Council and local governments. In short, land expropriation decisions are made within the executive hierarchy without any procedures or mechanisms for legislative oversight and scrutiny. This sharply contrasts with Vietnam where, in order to narrow the space for interpretation as well as to constrain the Government's discretion, VNA deputies deliberately sought to limit the number of open-ended clauses in the revision of the Land Law in 2013, such as “the Government shall detail this Article” (*Chinh phu quy dinh chi tiet Dieu nay*). Overall, the revised Land Law in Vietnam is far more detailed and specific than China's. The Land Law in Vietnam has expanded from seven chapters and 146 articles in 2003 to 14 chapters and 212 articles in 2013, which reflects the greater degree of specificity and substantive changes embodied by the law (see Table 7-1).

**Table 7-1 Land Laws in Vietnam and China, 1986-2017**

<b>Vietnam</b>	<b>No. of Chapters &amp; Articles</b>
<ul style="list-style-type: none"> <li>➤ Land Law (<i>Luật đất đai</i>) 1987</li> <li>➤ Land Law 1993 <ul style="list-style-type: none"> <li>- Amending and Supplementing a Number of Articles 1998</li> <li>- Amending and Supplementing a Number of Articles 2001</li> </ul> </li> <li>➤ Land Law 2003</li> <li>➤ Land Law 2013</li> </ul>	<ul style="list-style-type: none"> <li>➤ 6 Chapters, 57 Art.</li> <li>➤ 7 Chapters, 89 Art. <ul style="list-style-type: none"> <li>- 14 Art.</li> <li>- 14 Art.</li> </ul> </li> <li>➤ 7 Chapters, 146 Art.</li> <li>➤ 14 Chapters, 212 Art.</li> </ul>
<b>China</b>	<b>No. of Chapters &amp; Articles</b>
<ul style="list-style-type: none"> <li>➤ Land Administration Law (<i>tudi guanli fa</i> 土地管理法)1986 <ul style="list-style-type: none"> <li>- Amendment (<i>xiuzheng</i> 修正)of the Land Administration Law 1988</li> </ul> </li> <li>➤ Revision (<i>xiuding</i> 修订) of the Land Administration Law 1998 <ul style="list-style-type: none"> <li>- Amendment of the Land Administration Law 2004</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ 7 Chapters, 57 Art. <ul style="list-style-type: none"> <li>- 7 Chapters, 54 Art.</li> </ul> </li> <li>➤ 8 Chapters, 86 Art. <ul style="list-style-type: none"> <li>- 8 Chapters, 86 Art.</li> </ul> </li> </ul>

First, it must be noted that the CCP and the State Council had been keenly cognizant of the problem and the causes of land-related social unrest in China. Starting in 2004, in its Central Document No. 1, the CCP Central Committee and the State Council designated rural reforms and agricultural development as high priority issues in order to promote a stable and productive countryside.<sup>46</sup> The 2004 Central Document No. 1 on Several Policies to Promote Farmers' Income

<sup>46</sup> The Central Document No. 1 is the first document issued by the Central Committee of the CCP and the State Council every year, which outlines the priority policy issues and direction for that year.

Increase (*guanyu tuijin nongmin zengjia shouru ruogan zhengce de yijian* 关于促进农民增加收入若干政策的意见) contained provisions that mandated reforms of the land requisition system to be accelerated in China. In particular, the document highlighted the importance of: (a) implementing a stringent protection system of cultivated land; (b) safeguarding farmers' rights and interests; (c) controlling the scale of land acquisition, and clearly defining government rights and its scope of expropriation; (d) improving land acquisition procedures and compensation mechanisms; (e) abiding by the examination, procedures, and scope of authority for approving non-agricultural land occupation; (f) exploring alternative ways for collective non-agricultural construction land to enter the market.<sup>47</sup> Pursuant to the Central Document No. 1 of 2004, the State Council then issued the Decision on Deepening Reforms and Intensifying Strict Land Management (*guanyu shenhua gaige yange tudi guanli de jue ding* 关于深化改革严格土地管理的决定) in the same year with more detailed guidelines, in which it further acknowledged:

Blind investment, low-level redundant construction, occupation of land and misappropriation of cultivated land have not yet been fundamentally resolved. Therefore, we must correctly handle the relationship between ensuring economic and social development and protecting land resources, strictly control the increase in construction land, strive to revitalize land stocks, strengthen the use of land, deepen reform, improve the legal system, make overall plans, treat both the symptoms and the root causes, and further improve the country's national most stringent land management system.<sup>48</sup>

These broad mandates indicate that the party and the state in China were well aware of the need to reform the country's land expropriation system, and that the differences in regime responsiveness between Vietnam and China cannot be attributed to any lack of information or cognizance of the root causes of the problem, which demanded more far-reaching, systematic, and comprehensive reforms.

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<sup>47</sup> Central Committee of the Communist Party of China and State Council 2003a, part 7, point 16.

<sup>48</sup> State Council 2004.

Responsiveness in China, however, took the form of intermittent, broad, non-statutory mandates or policy signals issued by the CCP Central Committee and the State Council. First, the central party and government partially relaxed statutory restrictions to allow collective rural construction land to enter the market. As previously mentioned, under China's Constitution and Land Administration Law, the use of collective rural land for nonagricultural purposes outside of the village's collective requires that it first be converted into state-owned land through state expropriation, and is prohibited from lease or transfer on the market. Only members of the village collectives are permitted to use rural land for construction without first having to undergo the expropriation process under five exceptional situations specified in the law. In 2003, the CCP Central Committee and the State Council stated in their Opinions on Improving Work of Agriculture and Countryside (*guanyu zuohao nongye he nongcun gongzuo de yijian* 关于做好农业和农村工作的意见) that, "all localities should formulate policies to encourage the concentration of township and village enterprises in small towns," and named "collective construction land transfer" (*jiti jianshe yongdi liuzhuan* 通过集体建设用地流转) as one of the means to do so.<sup>49</sup> In the following year in 2004, the State Council elaborated on this point in the Decision on Deepening Reform and Enhancing Land Administration by simply stating that, "the right to use construction land collectively owned by farmers . . . can be transferred in accordance with the law," insofar as it conforms with the annual land use plan.<sup>50</sup> These were taken by local

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<sup>49</sup> Central Committee of the Communist Party of China and State Council 2003b, point 9.

<sup>50</sup> State Council 2004, point 10.. The full article in Chinese reads: " (十)加强村镇建设用地的管理。要按照控制总量、合理布局、节约用地、保护耕地的原则,编制乡(镇)土地利用总体规划、村庄和集镇规划,明确小城镇和农村居民点的数量、布局和规模。鼓励农村建设用地整理,城镇建设用地增加要与农村建设用地减少相挂钩。农村集体建设用地,必须符合土地利用总体规划、村庄和集镇规划,并纳入土地利用年度计划,凡占用农用地的必须依法办理审批手续。禁止擅自通过“村改居”等方式将农民集体所有土地转为国有土地。禁止农村集体经济组织非法出让、出租集体土地用于非农业建设。改革和完善宅基地审批制度,加强农村宅基地管理,禁止城镇居民在农村购置宅基地。引导新办乡村工业向建制镇和规划确定的小城镇集中。在符合规划的前提下,村庄、集镇、建制镇中的农民集体所有建设用地使用权可以依法流转:" emphasis added.

governments as policy signals from central authorities that would permit market transactions of rural construction land, albeit without any further concrete and detailed provisions — statutory or non-statutory — on how to do so.

These reform measures, however, had a limited scope, and the lack of specification and non-systematic nature of the reform in the absence of a nationwide, institutionalized policy framework effectively invited and sanctioned considerable subnational variation. The CCP Central Committee and the State Council did not provide permission for all rural land to be transacted via non-compulsory market mechanisms, but only relaxed the restriction for a specific category of rural construction land, which was for-profit, commercial rural construction land (see Figure 7-5). The CCP Central Committee and the State Council further clarified this point in subsequent decisions and opinions.<sup>51</sup> As Peng Chun argues, this response is far from a “meaningful solution” because it only applies to for-profit rural construction land, which constitutes collectively-owned land for township and village enterprises (TVEs), and joint ventures already used for non-agricultural purposes, which accounted for only 13.5 percent of rural construction land in 2017.<sup>52</sup> Not limiting estimation to rural construction land alone, this meant that more than 90 percent of rural collective land would still be subject to state compulsory expropriation as the only means for converting rural collective land for nonagricultural purposes.<sup>53</sup> Moreover, rather than institutionalizing a standardized, uniform national framework that would ensure greater consistency, bindingness, and transparency of the reforms, the broad and vague mandate issued by the party and the State Council resulted in widespread variation by local governments across the

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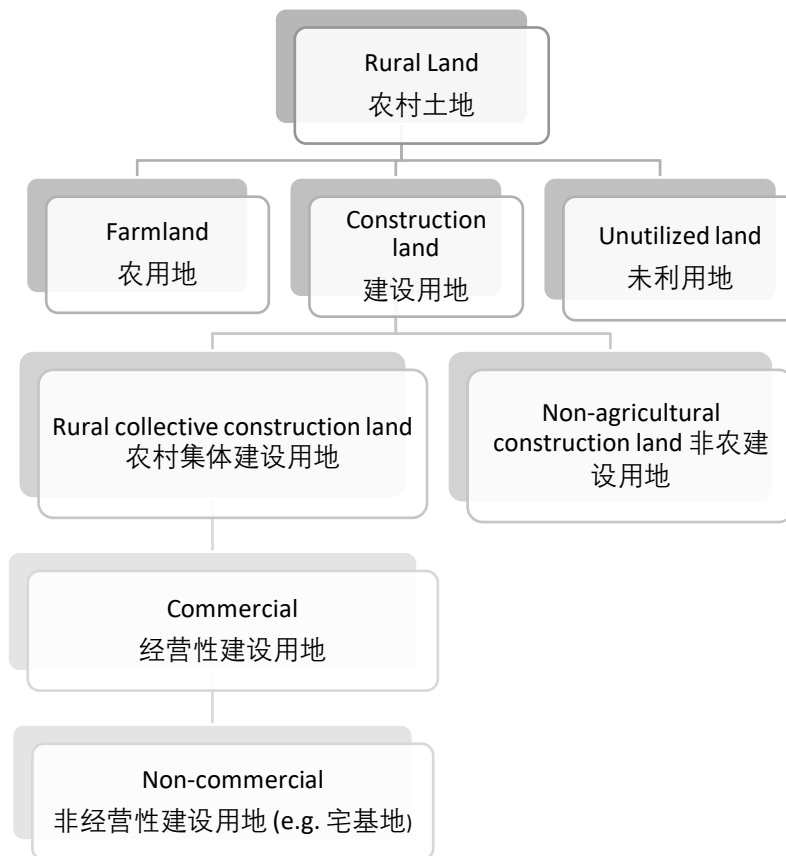
<sup>51</sup> Central Committee of the Communist Party of China 2008, part 3, point 2; 2013, part 3, point 11; Central Committee of the Communist Party of China and State Council 2014.

<sup>52</sup> Chun 2018, 59.

<sup>53</sup> Chun 2018, 62.

country.<sup>54</sup> As Samson Yuen points out, even prior to this reform, local governments in Suzhou, Guangdong, Jiangsu, Anhui, and Hainan Province had already adopted their own experiments and practiced various methods of transferring rural construction land in the market. In this regard, Yuen questions, how new was the “new land reform” actually?<sup>55</sup>

**Figure 7-5 Rural Land System in China**



Source: Land Administration Law of the People's Republic of China, Haitong Securities, quoted in Yuen 2014.

With the construction land supply still tightly controlled by the state, under the 2004 Land Administration Law, local governments indiscriminately invoked the ambiguous and undefined public interest clause to expropriate land for all purposes. As of 2017, not only had the meaning

<sup>54</sup> Yuen 2014..

<sup>55</sup> Yuen 2014, 63-64..



of “public interest” been undefined by the NPC, it had also never been interpreted by the local People’s Congress.<sup>56</sup> Under the status quo, as You-tien Hsing observes, “The lack of definition of ‘public interest’ has been taken not as a constraint, but as an excuse for land grabs.”<sup>57</sup> According to a 2003 report edited by former MLR Deputy Minister Lu Xinshe, 21.9 percent of rural land that had been subject to expropriation across 16 provinces during 2000 and 2001 was for commercial interests, such as golf courses, shopping malls, sports stadiums, and commercial housing.<sup>58</sup>

To limit the scope of land expropriation, various scholars and policymakers advocated for a clearer definition of “public interest” by means of legally enumerating situations that would qualify under this clause. This discussion gained wider attention around the time that China introduced the Property Law (*wuquan fa* 物权法) in 2007. In arguing for a clearer definition of public interest, legal scholar Liming Wang makes an important distinction between “national interests” and “public interests.” As Wang states:

The reason why the draft of the country’s property law should adopt the concept of public interest is not only because public interest is a legitimate reason for restricting private property, but *it is also a concept that cannot be replaced and tolerated by the concepts of national interest and public order and good customs*. . . the so-called national interest mainly refers to the political, economic, and national security interests that the country enjoys as a political entity and subject of civil law. Among the national interests, more emphasis is placed on the political interests of the country. According to this, some scholars describe the national interests as ‘the interests of the ruling class.’ This view is not unreasonable. *When the state and civil society are separated, national interests and social public interests are no longer the same. Although in our country, the state represents the fundamental interests of the people, and the ultimate goal of state power is for the best interests of the people, the direct purpose of the state is still different from the public interest.*<sup>59</sup>

This distinction draws out the existing conflicts between interests of the state and those of society, whereby government authorities at various levels expropriate land in pursuit of a state-led developmental agenda in the name of public interest, in spite of the dire costs that this places onto

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<sup>56</sup> Chun 2015, 176.

<sup>57</sup> Hsing 2010, 95.

<sup>58</sup> Lu 2003, 46.

<sup>59</sup> Wang 2005.

citizens. In this regard, “national interests” or state interests and public interests are not synonymous with one another. As Jialong Lao from the Research Office of the Legal Affairs Committee of the NPC Standing Committee remarks, “Other than the Constitution, there are currently more than 50 laws that use or involve [the] ‘public interest’ [clause]. However, the Constitution and most laws do not clearly stipulate the meaning and scope of ‘public interest’ [in China].” Lao proposes an enumerative list based on a comparison of how public interest had been defined in Germany, Japan, Taiwan, and Hongkong.<sup>60</sup> Huixing Liang, a civil law scholar of the Chinese Academy of Social Sciences who was a contributor to the initial draft of the Property Law, defined public interest in the draft as “public transportation, public health, disaster prevention and control, science and culture education, environmental protection, protection of cultural relics, historic sites and scenic resorts, protection of public water resources and areas for drawing or draining water, protection of forests and other public interests provided by national regulations.”<sup>61</sup> This definition, however, was not incorporated in the 2007 Property Law. Former Deputy Director of the CCP Central Rural Work Leading Group Chen Xiwen reasoned, “Speaking from a perspective of our phase of development, if we delimit public interest, this would be a trial at best as far as we are concerned. Right now, many experts hope to put forth a catalogue of public interest, but I personally think this is very difficult, very difficult.”<sup>62</sup>

In 2011, the State Council adopted the Regulation on Expropriation of and Compensation for Buildings on State-Owned Land of 2011 (*guoyou tudi shang fangwu zhengshou yu buchang tiaoli* 国有土地上房屋征收与补偿条例) (hereinafter the 2011 Urban Taking Regulation). On the one hand, the regulation is heralded as a breakthrough in China’s

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<sup>60</sup> Liao 2006.

<sup>61</sup> Liang 2010, 69.

<sup>62</sup> Song 2017.

legislative history for defining public interest by enumerating six general situations that fulfill the requirement, including the open-ended clause for “any other public interest as prescribed by a law or administrative regulation.”<sup>63</sup> On the other hand, the regulation leaves decision-making authority decentralized and delegated to local governments at the municipal or county level, and without legislative oversight at both the central and local level. Moreover, the regulation only applies to urban expropriation and does not narrow the scope of expropriation of rural land, which state-society conflicts mostly revolve around. Instead of stipulating and narrowing the scope of public interest to reduce endemic government land seizures, in 2010, the Ministry of Land and Resources (MLR) sanctioned local governments in seven cities – Tianjin, Chongqing, Wuhan, Chengdu, Changsha, Shenyang and Foshan – to formulate their own trial policies to narrow the scope of rural land expropriation.<sup>64</sup> While some drew up their own catalogues of public interest, others bypassed the legally required conversion of rural, collectively-owned land through expropriation and directly transferred rural land to private developers. This unsystematic and non-institutionalized response again yielded significant variation among the seven cities as well as inconsistent and non-uniform application of existing laws. In fact, local policies practiced in these seven cities actually violated the 2004 Land Administration Law.

Under the current Land Administration Law of 2004, dispossessed households and individuals are also not guaranteed meaningful procedural rights to due process and participation in the decision-making and execution of land expropriation. Whereas the Vietnamese Land Law

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<sup>63</sup>According to article 8 of the 2011 Urban Land Taking Regulation, local governments at the municipal or county level shall make a decision to expropriate buildings for: (1) national defense and foreign affairs; (2) the construction of energy, transportation, water, and other infrastructures initiated by the government; (3) such public utilities as science and technology, education, culture, health, sports, environment and resource protection, disaster prevention and mitigation, protection of cultural relics, social welfare or municipal utilities; (4) the construction of government-subsidized (social welfare) housing; (5) redeveloping a run-down urban neighborhood with dilapidated buildings; (6) any other public interest as prescribed by a law or administrative regulation.

<sup>64</sup> Ye 2014.

specifies that citizens must be notified before the local government issues a land requisition decision – 90 to 180 days to be exact – Chinese law only requires that the local people’s government “announce and organize the implementation” (*gonggao bing zuzhi shishi* 公告并组织实施) *after* the state expropriation has already been approved; those having their land taken away must then comply by bringing their land certificate to the compensation department of the local land administrative office to register within the time limit specified in the announcement.<sup>65</sup> The procedure stipulated by law on citizen rights to notification and participation concerning their land compensation and resettlement is no less deficient. It is stated that, after the plan for land compensation and resettlement has been determined, the local government shall announce and “listen to the opinions of the rural collective economic organizations and peasants being expropriated” (*tingqu bei zhengdi de nongcun jiti jingji zuzhi he nongmin de yijian* 听取被征地的农村集体经济组织和农民的意见).<sup>66</sup> To prevent embezzlement, the law requires that rural collective economic organizations “make public” (*gongbu* 公布) to its members receipts and expenditures involved in the compensation transmitted through the entity.<sup>67</sup> Nowhere in these provisions does the law actually obligate and prescribe procedures for the local government to have to hold dialogues with and make efforts to address people’s grievances as it does in the Vietnamese Land Law. While it is unreasonable to expect that the law would require the local government to concede to all of the people’s demands, a due process must be written which demands that local governments provide proper dialogue and consultation with households and

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<sup>65</sup> 2004 Land Administration Law, art. 46.

<sup>66</sup> 2004 Land Administration Law, art. 48.

<sup>67</sup> 2004 Land Administration Law, art. 49.

individuals on the terms of the expropriation that will concern their fundamental interests and livelihoods.

Central authorities in China demonstrate the same pattern in the use of targeted, ad-hoc, piecemeal ministerial rules and broad guidelines in place of institutionalizing a systematic and unified national framework to strengthen the procedural safeguards for citizens. In the Decision on Deepening Reforms and Intensifying Strict Land Management in 2004, the State Council's Decision stated that notifications to, and consultations with, dispossessed individuals must be conducted as part of the pre-application process to be submitted to the higher-level authority before the expropriation can be approved.<sup>68</sup> One month following this decision, MLR issued the Guiding Opinion on Improving Compensation and Resettlement System in Land Expropriation, stating that individuals have the right to request a hearing at the pre-application stage if they object to the proposed compensation and resettlement arrangements. The MLR later further enacted the Notice on Publicizing Land Expropriation Information in 2013, and the Notice on Further Improving Land Expropriation Information Publication by Municipalities and Counties in 2014, stipulating that procedures of notification, confirmation, and public hearing must be an integral part of the expropriation process. The recognition of citizens' rights in these ministerial rules and administrative regulations was an improvement compared to the situation prior to 2004. But in comparison to Vietnam, not only were they derived at in a lackluster manner, they also lacked the degree of specification and standardization that the revision of the Land Law of Vietnam embodied in 2013. As a policy activist explains, rules and policies are "jurisdictionally self-disciplinary measures" that, in essence, rely on local government's "self-consciousness."<sup>69</sup> "To hold local government's behavior not only administratively accountable to the central government, but also

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<sup>68</sup> State Council 2004, point 14.

<sup>69</sup> Personal interview, December 2017.

socially accountable to the mass, policy improvements on expropriation procedures must therefore be embodied into law.”<sup>70</sup>

### **Attempted Revisions of the Land Administration Law**

The central argument that I advance in this study is that divergent paths of party and state formation have resulted in salient differences in the institutional formation and the patterned state-society interactions in Vietnam and China, which profoundly affects the responsiveness of the two regimes. While Vietnam has epitomized a path of accommodation characterized by greater incorporation of societal input and relative functional differentiation between party and state institutions, China has persisted with a path of confrontation in which the party exerts significant dominance over the state and society. The dynamics of these differences are very much still at work in the ways in which Vietnam and China respond to contemporary state-society conflicts.

Through analysis of the reform measures taken by the Chinese regime between 2004 and 2017 in response to social discontent caused by state land seizures, it is evident that responsiveness by the Chinese regime has not accommodated societal demands for further-reaching, programmatic reforms of the country’s land expropriation system. During this process, the CCP was extremely hands-on in its engagement in the policymaking process and leadership of the State Council, that is, beyond merely issuing broad guidelines on policy orientation as one observes of the Communist Party of Vietnam. In Vietnam, the VCP and state organs do not jointly issue policy decisions and opinions. However, the CCP and the State Council have responded by means of party central documents, joint decisions and opinions, ministerial rules, and other non-statutory means, which indicate the greater extent to which the party and the state have been merged, in comparison to Vietnam.

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<sup>70</sup> Personal interview, December 2017.

Moreover, while the Vietnamese legislature has been increasingly institutionalized and empowered in its supervisory functions over the executive organ, the Chinese legislature has been relatively more marginal. In comparison to the National Assembly of Vietnam, the weakness of the Chinese legislature can be historically traced back to the establishment of the party's hegemony and its suppression of legislative developments during the Anti-Rightist Campaign of the second phase of party consolidation from 1954 to 1960, as well as to the extension of legislative dormancy during the Cultural Revolution. This is not to dismiss that there has been a re-emphasis on the importance of law for various purposes and of the role of the legislature in the post-reform period in China. Yet, as discussed in greater detail in the earlier chapter, the Chinese National People's Congress (NPC) is not as institutionalized as the legislature in Vietnam.<sup>71</sup> Reflective of this salient difference, although NPC deputies put forth proposals to revise the Land Administration Law between 2004 and 2017, it had been the MLR and the State Council that were actually in charge of the revision. In place of a national framework, the CCP and the State Council opted for lackluster, intermittent, targeted responses in the form of broad proclamations of the general policy direction and guidelines of reform at the expedience of party and executive organs. In closely tracing this legislative process, it was evident that initiatives by the Chinese legislature to push for reforms had been significantly supplanted by the superimposition of the CCP and the State Council's dominant role in policymaking and state operation.

A number of NPC Deputies submitted a proposal for the revision of the Land Administration Law during the Fourth Plenary Session of the Tenth NPC in March 2006, and the revision was added to the 2008 legislative plan.<sup>72</sup> By 2009, the MLR had completed a draft that it

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<sup>71</sup> Schuler 2020.. See the discussion on "Power Diffusion in Policymaking Under Authoritarianism" in Chapter 5.

<sup>72</sup> "Tudi Guanli Fa Xiugai Gongzuo Zheng Zai Tuijin Jiang Gaige Zhengdi Zhidu Zuowei Xiugai Hexin 土地管理法修改工作正在推进将改革征地制度作为修改核心 [Revision of the Land Management Law Is Now Moving Forward, Reforming the Land Taking System Is the Core]" 2007.

then submitted first to the State Council for approval.<sup>73</sup> The proposed draft of the revision fostered major criticisms from Chinese scholars. First, under Article 68 of the proposed revision, the definitional scope of “public interest” was overly broad, so that it also included, “urban planning for construction within the scope of urban construction land determined in the overall land use plan.”<sup>74</sup> Not only did the new article not narrow the existing scope of land expropriation, but it subsumed and legitimated all uses of construction land and urban planning under “public interest,” which Hong Sheng argues was “evidently an overly broad interpretation, and the result [was] to further expand the scope of [authority] of the land management department and the government’s direct land expropriation.” Hui Wang and Ran Tao question:

Does the state need to requisition land for urban planning? The current draft revised “Land Management Law” stipulates that “within the scope of urban construction land defined in the overall land use plan, the state implements urban planning for construction” can expropriate collective land. Two important issues are involved here. First, does the state’s implementation of urban planning reflect public interests? Secondly, is it necessary to implement urban planning through expropriation of collective land ownership?<sup>75</sup>

For numerous reasons, Wang and Tao argue against the proposed revision, and suggest instead that collective construction land should be permitted to enter the market, or be directly purchased by the government or land users in order to protect the rights and interests of dispossessed farmer. As the authors further point out, the proposed revision stated that, when disagreements arise between rural collectives and the municipal and county governments on compensation standards, these would be adjudicated (*caijue* 裁决) by the provincial people’s government, autonomous regions, and municipalities directly under the central government, which have the “final ruling”

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<sup>73</sup> “Tudi Guanli Fa Nian Nei Jiang Shenxi Xiuding, Zhuzhai 70 Nian Keneng You Chang Xuqi 土地管理法年内将审议修订 住宅 70 年可能有偿续期 [The Land Management Law will be reviewed and revised within the year, and the residence may be renewed for 70 years with Fees.]” 2009.

<sup>74</sup> Sheng 2009.

<sup>75</sup> Wang and Tao 2009.



(*zuizhong de caijue 最终裁决*).<sup>76</sup> Wang and Tao contest, “This is equivalent to letting the party involved in land acquisition have both pricing power and the right to judge disputes when the other party disagrees,” whereby local governments play the role of both the “athlete and the referee” (*dang yundong yuan, you dang paiduan yuan 当运动员，又当裁判员*) in the land expropriation process.<sup>77</sup>

In 2009, the Land Administration Law was added to the 2010 Legislative Work Plan of the NPC Standing Committee as one of the items to be subject to an initial review.<sup>78</sup> In fact, ten of 506 legislative proposals submitted by the NPC special committees that year for 2010 pertained to the revision of the Land Administration Law.<sup>79</sup> In 2011, Shouzhi Wang, Director of the Department of Policies and Regulations of MLR, reported that the ministry had submitted another revised draft to the State Council for review.<sup>80</sup> By November 2012, this draft revision had been submitted to the NPC for initial review. Yet, when it was submitted to the NPC in 2012, the scope of the revision of the law further limited the focus of reforms only to the removal of an upper cap on compensation, and the authorization of the State Council to determine the standards for land taking compensation by promulgating administrative regulations.<sup>81</sup> At the Third Plenary Session of the Eighteenth CCP Central Committee on November 15, 2013, the CCP Central Committee issued the “Decision on Major Issues Concerning Comprehensively Deepening Reform” (*zhonggong zhongyang guanyu*

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<sup>76</sup> The original article in Chinese states: “被征收土地的农村集体经济组织和农民对征收土地方案中确定的补偿方案有争议的，由市、县人民政府协调，协调不成的，由省、自治区、直辖市人民政府裁决。对征收土地补偿方案的裁决为最终裁决。”

<sup>77</sup> Wang and Tao 2009.

<sup>78</sup> *Quanguo renda nian jian bian weihui 全国人大年鉴编委会* 2009, 133.

<sup>79</sup> *Quanguo renda nian jian bian weihui 全国人大年鉴编委会* 2009, 122.

<sup>80</sup> Ma 2011.

<sup>81</sup> “Zhuanjia jiedu 'zhengdi buchang zhidu gaige' yanchi chutai beihou 专家解读‘征地补偿制度改革’延迟出台背后 [Experts Decipher the Background behind the Delay in the Emergence of ‘Land Taking Compensation System Reform]” 2013.

*quanmian shenhua gaige ruogan zhongda wenti de jueding* 中共中央关于全面深化改革若干重大问题的决定), in which the party stressed the need for reforms of rural land expropriation, peasant household residential land, and rural construction land systems.<sup>82</sup> Pursuant to the party's mandate for more expansive reforms, the NPC Standing Committee postponed the State Council's proposed amendment in 2014, citing "great changes to the situation."<sup>83</sup>

Thereafter, the CCP and the State Council headed subsequent efforts to authorize policy experiments in 33 select counties, including Daxing District of Beijing between 2015 and 2017. On December 31, 2014, the General Office of the CCP Central Committee and the General Office of the State Council jointly promulgated the "Opinion on Pilot Work Regarding Rural Collective Land Expropriation, Marketization of For-profit Rural Construction Land, and Reform of Residential Land System" (*guanyu nongcun tudi zhengshou, jiti jingyingxing jianshe yongdi rushi, zhajidi zhidu gaige shidian gongzuo de yijian* 关于农村土地征收、集体经营性建设用地入市、宅基地制度改革试点工作的意见) which initiated the implementation of pilot reforms in select counties in the country.<sup>84</sup> The three designated areas of reform — rural land expropriation, peasant household residential land, and rural for-profit construction land — were referred to in China as the "reforms of three pieces of land" (*san kuai di gaige* 三块地改革). Not long after, in January 2015, the MLR drafted the "Decision on Authorizing the State Council to Temporarily Adjust Implementation of Relevant Legal Provisions in 33 Piloting Administrative Areas including Daxing District of Beijing (Draft) (关于授权国务院在北京市大兴区等三十三个试点县(市、区)行政区域暂时调整实施有关法律规定的决定(草案代拟稿)), which was then passed onto

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<sup>82</sup> Central Committee of the Communist Party of China 2013.

<sup>83</sup> Wei 2017.

<sup>84</sup> General Office of the Central Committee of the Communist Party of China and State Council 2014.

the State Council for deliberation.<sup>85</sup> It was then only after the Legal Affairs Office (*fazhi ban* 法制办) of the State Council asked and received opinions from the Central Reform Office (*zhongyang gaige ban* 中央改革办), the Central Agricultural Office (*zhongyang nong ban* 中央农办) of the CCP, as well as other groups that the proposed statement on the pilot reforms was presented to the NPC for nominal approval.<sup>86</sup> On the surface, formal authorization from the NPC Standing Committee was required to temporarily suspend select articles of the Land Administration Law and the Urban Real Estate Management Law in 33 select counties.<sup>87</sup> Yet, in tracing the unfolding of this process step by step, it is evident that the authorization by the legislature was mostly a formal procedure, to take place after substantive policy decisions had already been determined by the CCP and executed by the State Council at the behest of the party's directive.

Initially, the trial reforms were set to end by December 31, 2017. As Jiang Daming, Minister of MLR, explained at the 13th meeting of the Standing Committee of the 12th National People's Congress on February 25, 2015, it was expected that, "If practice proves feasible, relevant laws shall be revised and perfected; if practice proves to be inappropriate, relevant laws and regulations shall be restored."<sup>88</sup> However, even prior to this formal authorization of the policy experiments, local governments had practiced numerous "experiments" of their own. This immense local variation across China had been fostered and sanctioned by the party and the State Council's reactive responsive approach. Moreover, the pilots were later extended from 2017 to 2018, and again from 2018 to 2019.

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<sup>85</sup> Jiang 2015.

<sup>86</sup> Jiang 2015.

<sup>87</sup> Ou 2015.

<sup>88</sup> Jiang 2015.

## Conclusion

There is a clear contrast between Vietnam and China in the ways in which these two most similar, single-party, communist regimes have responded to social unrest due to the pervasiveness of government land seizures. In tracing how reform measures adopted by the Chinese regime unfolded between 2004 and 2017, this chapter has captured this stark contrast between Vietnam and China reflected in the institutional dynamics and the politics of responsiveness of the two countries. Despite mounting pressure for much-needed systematic reforms of the country's land expropriation, China has continued to accommodate government discretion with ad-hoc, lackluster reforms, and deliberate institutional ambiguity, rather than assertively restricting its expansive scope. Vietnam, on the other hand, has gone far beyond this: responding with deliberate institutionalized, systematic, comprehensive, and coherent reforms of the legal land expropriation regime to narrow the scope of government authority, discretion, and abuse.

There is an evident continuity in the legacies that the divergent paths of party and state formation taken by Vietnam and China has created. Albeit within certain authoritarian bounds, the Communist Party of Vietnam has maintained a higher degree of functional differentiation from state institutions, whereas the Communist Party of China and state are fused to the extent that the CCP visibly exerts its dominance over state functions in ways that the VCP evidently does not. While the VNA is embedded in a decision-making apparatus that allows for a greater legislative oversight of the executive government, the NPC in China only tenuously maintains its lawmaking role in relation to the CCP's politicization of the regime's responsiveness. In Vietnam, a more highly autonomous and institutionalized legislature has been instrumental in driving and realizing stricter and substantive legal restraints on the discretion of executive state organs. On the contrary, the NPC has been readily absorbed by the extensive influence of the CCP and the State Council, which opted for reactive reform measures that sanctioned experiments and immeasurable variation

in land expropriation policies practiced by local governments. Hence, responsiveness in China has been degraded to ad-hoc and limited change by means of party documents and administrative regulations that allow for more leeway and variable practices, creating more unpredictability and precarity for those vulnerable to land seizures by local authorities for all kinds of indiscriminate purposes. In these ways, responsiveness in China has been significantly reactive in comparison to Vietnam's institutionalized responsiveness to social unrest.

## **Chapter 8 — Conclusion**

### **Divergent Pathways of Authoritarian Responsiveness**

The central puzzle that emerges from the comparative analysis of Vietnam and China in this study is why these two countries with most similar communist, single-party systems fundamentally differ in their responsiveness to social unrest. Both countries have been considered successful developmental states insofar as their ability to achieve high levels of economic growth. Both have proven to be highly adaptable and resilient. Both have also faced widespread state-society conflicts due to the pervasiveness of government land seizures. Yet, Vietnam has demonstrated a greater degree than China of institutionalized responsiveness to societal pressure for programmatic reforms of the land expropriation system. Responsiveness by China has been relatively reactive, with a more limited scope and depth that has failed to constrain government discretion, to strengthen legislative oversight, and to institute procedural safeguards for individuals against arbitrary land seizures.

Why then are some authoritarian regimes more responsive than others? In particular, why do some authoritarian regimes respond to social unrest in an institutionalized manner with more consistency and stability, whereas others do so more reactively, sporadically, and unsystematically? These are the central theoretical questions that have underpinned this study. I argue that authoritarian responsiveness varies with the degree of inter-institutional autonomy and the nature of societal rootedness of party and state institutions, which originate in entrenched historical legacies of party and state formation. In other words, the historical dynamics that produce the party and the state and the prominent sequencing of these distinct processes fundamentally shape the institutional character and the linkages between state and society, which profoundly affect the ways in which authoritarian regimes respond to social unrest. In this sense, variation in

authoritarian responsiveness is not merely contingent on bureaucratic or organizational politics, but is deeply grounded in the accumulative effect of historical pathways to institutional formation and regularized patterns of state-society interactions over time.

The study has charted the divergent paths taken by Vietnam and China using comparative historical analysis. It traces institutional developments and state-society engagements in the two countries over several critical periods that fundamentally forged the configuration and character of the two communist regimes. In Vietnam, the combination of institutional structures, a relative separation of party and state functions, and state-societal linkages cultivated through moderation of elite agendas and incorporation of societal interests have historically developed from entrenched legacies of accommodation. These elements have effectively oriented and provided more avenues for responsiveness under the Vietnamese communist regime. By contrast, the Chinese Communist party (CCP) has historically emerged from confrontational dynamics in which the party forcefully asserted dominance over state and society while heightening the importance of party unity, organizational discipline, and power concentration in itself. As a result, party and state institutions under the CCP are more tightly fused while state-society interactions have been built upon a pattern of extensive mobilization and control, which are less receptive and responsive to divergent interests.

In explaining variation in authoritarian responsiveness across regimes, the argument draws particular attention to overlooked historical divergences in pathways to party and state formation that forge the institutional character of regimes and the nature of their rootedness in society. While party formation has often been analytically subsumed under the rubric of state formation in the existing literature, I have examined these as distinct processes. The Vietnamese Communist Party (VCP) failed to consolidate a centralized structure of authority, and to develop the effective

organizational discipline and unity as that the CCP did during its formational period. Prior to 1945, the VCP was still a disparate organization with a limited capacity that forced it to form a broad united front by design with non-communist groups, all while downplaying its communist platforms and ideology in order to expand and achieve nominal national independence. State formation in Vietnam was henceforth founded on an inchoate party organization and a politics of flexibility and accommodation.

These dynamics are starkly different from China's confrontational path. Severe constraints and repression at the hands of the Guomindang (GMD) forced the CCP into exile during which the party took extensive measures to tighten party organization and discipline, and to build a formidable army. It was during these crucial years following the Long March to Yan'an that Mao established his paramount leadership, and decisively carried out a comprehensive and systematic Rectification Campaign (1942-1944), which intensified purges of party members, and submitted cadres to rigorous screening, ideological training, and suppression. By the time the CCP embarked on state building in 1949, the party had been radically transformed into a cohesive organization with a degree of coherence, complexity, and discipline that the VCP could not match. The CCP went on to forcefully eradicate its rival opposition and exert its dominance in the construction and consolidation of the communist regime in China.

The divergent paths exemplified by Vietnam and China significantly affect responsiveness because they fundamentally shaped the configuration of political institutions, and the patterned interactions between state and society of the two regimes. The political apparatus in Vietnam is distinguished by greater delineation between party and state functions, and by power diffusion, which allows for state institutions to develop stronger functional differentiation, organizational identity, and competitive interests that are more conducive to responsiveness. In particular,



organizational legacies of accommodation have allowed for the legislature in Vietnam to achieve greater institutionalization and to exercise more extensive legislative oversight of the executive government than China. As such, the legislature in Vietnam offers a relatively more receptive channel for receiving and responding to societal claims than China's National People's Congress, which has historically been supplanted and weakened by the CCP.

Furthermore, while Vietnam and China could both be said to have stable roots in society, the nature of their linkages with society fundamentally differ. The study underscores how Vietnam has cultivated its roots in society through a regularized pattern of moderation and societal incorporation, whereas China has done so through a routine pattern of mass mobilization and control in pursuit of elite ideological agendas. Where state-society interactions have been forged upon societal incorporation and moderation of elite agendas in congruence with societal interests, regimes are thus more likely to be responsive.

Vietnam is a representative case of institutionalized responsiveness and the positive case in this study. In underscoring the variation in responsiveness between Vietnam and China, the study has charted the various ways in which Vietnam has incorporated societal input that was effectively channeled through the legislature in the lawmaking process, which culminated in the programmatic revision of the Land Law in 2013. The significant difference between Vietnam and China's responsiveness is a relative difference – based on variation across a spectrum – not one in terms of absolute values. At the same time, some clarifications are necessary in recognition of the ways in which authoritarian responsiveness by the two regimes remains constrained *within authoritarian bounds*. It is not my intention to paint a rosy picture of authoritarian regimes, but rather to capture its multidimensionality for a more nuanced understanding.

## Why Authoritarian Responsiveness?

In a burgeoning literature in search of an alternative lens for understanding authoritarianism and the causes of authoritarian persistence, theoretical inquiries regarding authoritarian responsiveness are particularly salient. Since Francis Fukuyama claimed that the world order was nearing “the end of history,” not only has authoritarianism remained “resilient” and “recalcitrant,”<sup>1</sup> but democracy itself has also shown vexing trends of backsliding.<sup>2</sup> Various pathways can lead to different regime outcomes, including authoritarianism and its subtypes, whereby democracy is not the be-all and end-all.<sup>3</sup> Questions about authoritarian regimes and their durability continue to resonate with calls for “the end of the transition paradigm.”<sup>4</sup> The shift in comparative politics toward studies of authoritarianism has led David Art to decisively declare that the transition paradigm “now has the taste of ashes.”<sup>5</sup>

Moving away from the transition paradigm and focusing on questions of authoritarian responsiveness, this study has aimed to advance a deeper and more nuanced understanding of state-society conflicts and the nature of authoritarian rule from a comparative historical perspective. In doing so, the study has situated itself in dialogue with prominent strands in the existing literature that are fundamentally concerned with how authoritarian regimes manage social unrest, the origins and performance of authoritarian institutions, and how these in turn affect the production of political legitimacy under authoritarian rule.

First, scholars have examined the mobilization of social resistance, and the facilitative conditions for contentious collective action that range from noisy and overt contention<sup>6</sup> to quieter,

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<sup>1</sup> Emmerson 1995; Nathan 2003.

<sup>2</sup> Zakaria 1997; Geddes 1999; Bermeo 2016.

<sup>3</sup> Luebbert 1991; Downing 1992; Levitsky and Way 2010; Magaloni and Kricheli 2010; Riley 2010; Slater 2010.

<sup>4</sup> Carothers 2002.

<sup>5</sup> Art 2012, 351.

<sup>6</sup> Boudreau 2001, 2004; O'Brien and Li 2006; Weiss 2006; O'Brien 2009; Chen 2012; Weiss and Aspinall 2012.

covert, and everyday forms of resistance under authoritarian regimes.<sup>7</sup> In response, authoritarian regimes may employ various repressive tactics,<sup>8</sup> from building a full-on security state<sup>9</sup> and actively fighting against counterinsurgency<sup>10</sup> to exercising “softer” repression techniques aimed at demobilizing social contention.<sup>11</sup> While repression may be assumed under authoritarianism, the literature has documented a wide spectrum of approaches taken by authoritarian regimes to social contention, which are fundamentally dynamic and far more multidimensional than a conventional, bifurcated view of authoritarianism and democracy would hold. Authoritarian regimes may allow space for social resistance,<sup>12</sup> make selective concessions,<sup>13</sup> and even facilitate protests in areas of strategic interests to the state.<sup>14</sup> They may even be responsive to societal pressures by adopting policies that incorporate greater citizen preferences and demands.<sup>15</sup>

This study engages with this literature in its concerns with the dynamics of social contention and state management of social conflicts, but distinguishes itself by expanding the analytical focus from ad-hoc, short-term, reactive regime responsiveness to differences in the degrees of institutionalization of regime responsiveness under authoritarianism. The study approaches the puzzle embodied by the variation in authoritarian responsiveness to recurring conflicts caused by government land seizures between Vietnam and China through a temporally and topically wider analytical lens, which spans from grassroots-level conflicts to central-level politics of lawmaking and reforms of the countries’ land expropriation system.

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<sup>7</sup> Kerkvliet 1990, 2005; Scott 2008.

<sup>8</sup> Ritter and Conrad 2016.

<sup>9</sup> Guo 2012.

<sup>10</sup> Odgaard and Nielsen 2014.

<sup>11</sup> Deng and O'Brien 2013.

<sup>12</sup> Li 2019.

<sup>13</sup> Cai 2004, 2008, 2010; Teets 2014; Fu 2017.

<sup>14</sup> Weiss 2014.

<sup>15</sup> Bernstein and Lü 2003; Kerkvliet 2005; Heurlin 2016; Kerkvliet 2019.

Second, the “institutional turn in comparative authoritarianism”<sup>16</sup> has directed attention to the roles of formal political institutions—why and how institutions form, change, and function—under authoritarian rule. Nominal democratic institutions like elections, political parties, and legislatures do not necessarily exist as mere window-dressing in authoritarian contexts, but are purposeful and strategic instruments in their own terms, even under authoritarian rule.<sup>17</sup> Indeed, authoritarian regimes have innumerable reasons to adopt elections. For instance, institutions like elections offer various mechanisms for information collection and control,<sup>18</sup> power-sharing,<sup>19</sup> and managing opposition. Elections can allow autocrats to collect various types of information,<sup>20</sup> to signal regime strength,<sup>21</sup> to enhance power-sharing mechanisms,<sup>22</sup> and to distribute spoils.<sup>23</sup> In the same vein, political parties can provide organizational structures for co-opting and suppressing opposition by mediating inter-elite factionalism, dissuading defection, and mobilizing popular support.<sup>24</sup> Other scholars have also turned their attention to the roles of national and local legislatures,<sup>25</sup> coercive institutions,<sup>26</sup> as well as laws and courts under authoritarian regimes.<sup>27</sup>

The study complements these increasing interests in authoritarian institutions by providing a historical account that traces the institutional differences between Vietnam and China back to the countries’ party and state formation, and how these differences fundamentally affect regime responsiveness. Institutionalization has been identified as central to the complex causes of

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<sup>16</sup> Pepinsky 2014.

<sup>17</sup> Gandhi 2008.

<sup>18</sup> Wintrobe 1998; Gehlbach, et al. 2016.

<sup>19</sup> Gandhi and Przeworski 2007; Svolik 2009, 2012.

<sup>20</sup> Manion 2006; Landry, et al. 2010; Malesky and Schuler 2011, 2013; Geddes, et al. 2018.

<sup>21</sup> Magaloni 2006.

<sup>22</sup> Magaloni 2008; Boix and Svolik 2013.

<sup>23</sup> Gandhi and Przeworski 2006; Lust-Okar 2006; Blaydes 2011.

<sup>24</sup> Alberto and Beatriz 2001; Magaloni 2006; Brownlee 2007; Magaloni 2008; Magaloni and Kricheli 2010.

<sup>25</sup> Malesky, et al. 2012; Truex 2014; Manion 2015; Schuler 2018; Truex 2018.

<sup>26</sup> Bellin 2004; Policzer 2009; Greitens 2016.

<sup>27</sup> Ginsburg and Moustafa 2008; Woo and Gallagher 2011; Wang 2014; Gallagher 2017; Hurst 2018.

authoritarian resilience.<sup>28</sup> At first glance, both the VCP and the CCP could be said to be fairly institutionalized, particularly with regard to their adaptability, complexity, and coherence. However, the study shows that political institutions in the two countries in fact differ in terms of their relative inter-institutional autonomy. Although institutions in the two authoritarian regimes cannot be said to exist entirely independent from their communist parties, they do vary in terms of the degree to which state institutions are supplanted and emasculated by the party. In Vietnam, where there is a relatively stronger emphasis on the delineation between the party and the state, societal interests have more receptive avenues to advance their claims. Moreover, the study differentiates societal rootedness of authoritarian institutions not merely on the basis of the extent to which they have stable roots in society, but also on the basis of the particular nature of their societal linkages. In doing so, it brings important nuances to contemporary understanding of authoritarian political institutions, and their significant consequences for regime responsiveness.

Third, the study's focus on authoritarian responsiveness is directly tied to theoretical interests in the production of political legitimacy that contributes to the persistence of authoritarian regimes. Given its concern with the quality of government as measured by the extent to which a government adheres to the preferences of its citizens, regime responsiveness henceforth is most closely intertwined with performance-based legitimacy. *Regime performance*, that is, the quality and output side of the political system, is key for authoritarian regimes to establish their right to rule.<sup>29</sup> Scholars have pointed to China's successful economic development, for instance, as the primary reason why key sectors of Chinese society, including the middle class, have supported and "accepted" authoritarianism.<sup>30</sup> Others have made similar arguments about Vietnam.<sup>31</sup>

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<sup>28</sup> Nathan 2003.

<sup>29</sup> Alagappa 1995; Gilley 2006, 2008, 2009; Le Hong 2012; Kuhonta 2016.

<sup>30</sup> Wright 2010; Chen 2013.

<sup>31</sup> Le Hong 2012.

Assessing the factors that contribute to the persistence of the Vietnamese communist regimes, Tuong Vu especially notes, “as long as economic growth continues, the dictatorship should be safe.”<sup>32</sup> However, rather than elevating socioeconomic performance as the only and single most important source of authoritarian legitimacy, this study has shed light on the dire consequences of a relentless state-led pursuit of developmental goals centered on land accumulation irrespective of the social costs. This was exemplified by the path undertaken by China to achieve rapid urbanization and economic growth, which ultimately resulted in surging social unrest and discontent.

Moreover, the study distinguishes the ways in which projections of authoritarian responsiveness can differ from actual responsiveness. There are *performative* dimensions to the various ways in which an authoritarian regime seeks to “legitimate” itself,<sup>33</sup> noticeably inscribed in the narrative and language of legitimation propagated by authoritarian regimes.<sup>34</sup> While projections of authoritarian responsiveness mostly comprise theatrical gestures of showmanship, actual responsiveness is characterized by substantive outputs that constitute actual regime performance. Similarly, while the Chinese communist regime has projected its concerns toward social conflicts through party and government discourses, the regime has fallen short from delivering actual substantive reforms. By contrast, Vietnam has advanced greater programmatic reforms of the land expropriation system in response to social discontent.

### **Further Agenda for Comparative Research**

The theory developed in this study can be further buttressed by adding Cambodia as a case study. In contrast to Vietnam and China, Cambodia is a strongly negative case. Like China and Vietnam,

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<sup>32</sup> Vu 2014.

<sup>33</sup> Repnikova 2017.

<sup>34</sup> Sorace 2018; 2019.

Cambodia faces widespread and incessant protests due to land grabs.<sup>35</sup> Despite the regularity of elections, Cambodia has been dominated by the Cambodia People's Party (CPP), ruling virtually unopposed particularly between 1997 and 2013. Since 2017, Cambodia has been increasingly authoritarian as Hun Sen refused to step down and forcibly dissolved its rival opposition, the Cambodia National Rescue Party. The complete absence of responsiveness to social grievances against land concessions by the Cambodian government makes it a strongly negative case. The government has refused to revise the 2001 Land Law, which was designed to provide pathways for land grabbing by political elites.<sup>36</sup> The wide variation among these three cases on the dependent variable — authoritarian responsiveness — allows for the theory to be tested against a more representative sample. Whereas China demonstrates some responsiveness—albeit more ad-hoc and limited compared to Vietnam, Cambodia has favored repression and been completely unresponsive to societal grievances concerning state land acquisitions. The absence of responsiveness in Cambodia may be attributed to a pattern of mass suppression with violent confrontation and coercive elimination of opposition. Over time, this pattern produces and reinforces the concentration of authority under the one-person rule of Hun Sen, the emasculation of society, and the disavowal of divergent interests by state institutions.

How does responsiveness then correspond with actual changes or outcomes? Responses by authoritarian regimes need to be analytically differentiated from the actual *outcomes* resultant from those responses. While the former is concerned with *actions and outputs* of the regime, the latter is concerned with their *implementation and outcomes*. For instance, even when laws and policies may be adopted with the best of intention in response to societal pressures, it does not mean that they are effectively enforced, due to other unaccounted factors. Analytically, regime responses and

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<sup>35</sup> Un 2013; Oehm 2015; Verkoren and Ngin 2017; Schoenberger and Beban 2018; Hennings 2019.

<sup>36</sup> Fitzpatrick 2015.

the outcomes of those responses should therefore be treated as related but distinctive processes in the chain of authoritarian responsiveness.

By differentiating regime outputs from outcomes, there is another puzzle with regard to how regime responsiveness in turn feeds back into society and affects subsequent patterns of social unrest. Although survey data indicate an overall decrease in the number of reported land seizures from 2013 to 2018 after strengthened land reforms in Vietnam, protests against land seizures continue to occur. Recent clashes between citizens and government in Dong Tam in the outskirts of Hanoi and the Loc Hung Garden in Ho Chi Minh City have recharged state-society tensions in Vietnam. There is a seeming paradox whereby greater institutionalized responses under authoritarianism do not necessarily correspond with declining social unrest.

How should one make sense of these contentious incidents in light of Vietnam's responsiveness? I suggest that the relationship between regime responsiveness and social unrest is not linear nor unidirectional, but is an interactive, reiterative, and multidirectional process over time. How a regime responds to signals of societal preferences and demands in one instance at a particular point in time can influence—pacify, amplify, or inhibit—societal pressures in other instances at other times. Vice versa, how societal actors receive the responses by the regime can later affect regime receptivity, perception, and responsiveness. This means that patterns of regime responsiveness and societal pressures are shaped by process-oriented interactions between state and society. By probing deeper into the variable dynamics and secondary effects of authoritarian responsiveness on social outcomes, case studies of land clashes in Dong Tam and Loc Hung Garden in Vietnam would shed further light on how social protests can take on a dynamic life of their own, spanning beyond and in spite of government responses.



Lastly, what effect does authoritarian responsiveness have on political legitimacy? What is the extent to which responses adopted by the government penetrate grassroots politics and how this in turn shapes citizen perception of and “belief” in the legitimacy of the regime? These questions probe deeper into the effect of responsiveness in pursuit of a micro-level analysis of how Vietnam’s institutionalized responsiveness shapes and orients individual views of and support for the Vietnamese government. As suggested earlier, autocrats actively inscribe their claims to political legitimacy in narratives and projections of regime responsiveness. Commonly viewed as an integral dimension of performance-based legitimacy whereby the output side of the political system is seen as key for authoritarian regimes to establish their right to rule, responsiveness is therefore often assumed to be synonymous with greater legitimacy.

However, this may not necessarily be the case. During my fieldwork in 2016-2017, I conducted site visits of industrial parks and special economic zones, as well as in-depth, semi-structured interviews of dispossessed households across four different provinces, Da Nang city, Quang Nam, Quang Tri, and Can Tho in Vietnam. Preliminary insights based on my fieldwork suggest that individual support for the regime may not be contingent merely on whether or not individuals receive their desired responses or outputs from government authorities. Instead, individual belief in the legitimate order of the regime may also be strongly influenced by the process that they undergo to elicit responsiveness from the regime. As one farmer asserted, after having obtained the compensation package that he wanted from local government authorities, “The things that are rightfully mine, I should not have had to ask, fight, and beg for in order to receive them [from the government] in the first place.”<sup>37</sup>

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<sup>37</sup> Personal Interview VNQT. March 2017. Quang Tri, Vietnam. Villager

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