

Does Legality Produce Political Legitimacy? An Experimental Approach

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ABSTRACT

This article studies whether pure legality, stripped of normative components that are central to the rule of law, can convey perceived legitimacy to governmental institutions and activity. Through a survey experiment conducted among urban Chinese residents, it examines whether such conveyance is possible under current sociopolitical conditions in which the party-state continues to invest in pure legality without imposing legal checks on the party leadership's political power and without corresponding investment in substantive rights or freedoms. Among survey respondents, government investment in professional and consistent law enforcement conveys meaningful amounts of political legitimacy. In fact, it does so even when it supports government activity, such as censorship of online speech, that is freedom depriving and socially controversial and even when such investment does not necessarily enhance the external predictability of state behavior. However, the legitimacy-enhancing effects of pure legality are likely weaker than those of state investment in procedural justice.

1. INTRODUCTION

This article studies whether pure legality, stripped of substantive and normative components that would bring it closer to conventional understandings of the rule of law or procedural justice, can convey substantial amounts of popularity and perceived legitimacy to governmental institutions and political activity. Through a survey experiment, it examines whether such conveyance is possible under the sociopolitical conditions in the People's Republic of China. Contrary to a significant academic lit-

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erature that has been skeptical about this possibility (for example, Tyler 2017; Meares, Tyler, and Gardener 2015; Zhu 2011; Landry 2008), we find strong evidence of its existence.

In particular, we find that state investment in legality can produce perceived legitimacy even when it is applied to laws and institutions that are probably normatively unattractive to a significant portion of the general population and even when such investment may not significantly enhance the external predictability of state action. However, the ability of such investments to produce legitimacy is likely weaker than that of state investment in procedural justice.

We rely primarily on online survey experiments conducted on a pool of urban Chinese respondents.¹ In our main survey, 1,040 respondents were asked to read four randomly assigned fictional fact patterns on governmental control measures in an unspecified country and then to indicate their level of approval and trust in those measures. The survey operates in sociopolitical contexts in which legal action weakens individual freedom from governmental control. In several cases, the actions are at least controversial, and very likely outright unpopular, among the Chinese public.

The fact patterns incorporate four possible treatments of governmental behavior. First, the state may or may not issue formal legal rules to regulate the use of power by its lower-level agents. Second, if it does, it may or may not publish those rules to the public. Third, again assuming the issuance of legal rules, the state may or may not invest in professional training of lower-level agents to ensure accurate rule enforcement. Fourth, those agents may or may not respond to requests from affected private parties for them to explain their actions. In any given fact pattern, the existence of the latter three treatments depends on the existence of the first treatment, but they are otherwise independent from each other. In no fact pattern are government actions subject to individual judicial review or its functional equivalent.

1. This experiment was preregistered at OSF Registries on March 18, 2021, a few days before we began to collect data (OSF Registries, “Weak Rule of Law and Perceived Legitimacy,” March 18, 2021, <https://osf.io/vx8b2>). The main survey completely follows the preregistered empirical design, and the core theoretical interpretations also flow from the preregistered framework—with, of course, a number of refinements added during the peer review process. The preregistration document laid out four independent hypotheses, each based on a separate set of theoretical intuitions, but made no further predictions as to their relative plausibility. Two were empirically confirmed, and two were cast into doubt. The only meaningful deviation was, as discussed in Section 4.4, the addition of a small supplementary survey to check the independence of the two confirmed hypotheses.

The first and third treatments capture the core components of what we call “pure legality”: the issuance and consistent implementation of laws. The second treatment, when combined with the third treatment, speaks to the legal system’s social transparency and to whether the general public can predict governmental action. The fourth treatment approximates what preexisting empirical scholarship has identified as the core components of “procedural justice”: responsiveness, explanation, and the individualized conveyance of dignity. Regardless of which combination of treatments a fact pattern incorporates, the basic statistical outcomes of governmental control—for example, the percentage of social media posts subject to censorship—are held constant.

Relative to a baseline control group in which no laws were issued and published, no legal training was conducted, and no explanations were given in response to private inquiries, survey respondents exhibited no positive reaction to the first and second treatments: Neither the issuance of laws nor their publication had a significant impact on the perceived legitimacy of governmental action. The third and fourth treatments, however, did make a meaningful difference: Respondents across nearly all major demographic categories had a statistically significant positive reaction to state investment in professional training, even when such training was not paired with the publication of laws or investments in responsiveness/procedural justice. The boost—around .15 standard deviations—was large enough to be politically meaningful. Respondents had an even larger independent positive reaction, around .3 standard deviations, to investment in responsiveness/procedural justice.

In these results, pure legality appears to be an independent source of perceived political legitimacy. Its legitimacy-enhancing effects exist in contexts in which substantive civil rights and freedoms are being restricted. Moreover, these effects do not seem inextricably bound to pure legality’s ability to render state action more predictable: Such predictability tends to functionally depend on, or at least significantly benefit from, the publication of laws, but legal training boosted perceived legitimacy to a similar extent with or without the publication of laws. Finally, we find that the legitimacy-enhancing effects of legality are functionally independent from those of responsiveness, given the lack of interaction effects between the two treatments.

A supplementary survey we conducted on 420 respondents further confirms the functional independence of legality and responsiveness/procedural justice. The survey, which had a design similar to the main survey

but focused only on the issuance of laws and the provision of procedural justice, found that the legitimacy-enhancing effect of the latter was independent of the existence of the former.

The remainder of the article is organized as follows. Section 2 defines and discusses our core concepts. Section 3 provides additional background, both on the preexisting academic literature and on the current Chinese legal reforms that partially motivate this article. Section 4 lays out the design of our survey experiments, and Section 5 explains their results. A short conclusion follows.

2. CONCEPTUAL DEFINITIONS

There are two central concepts in this article: legality and legitimacy. Legality, as it is generally applied in jurisprudence, is “the quality of being law” (Shapiro 2011, p. 7) or “the quality or state of being legal” (*Merriam-Webster*). What “being law” or “being legal” exactly means depends on the specific theory of law and legal interpretation being applied.² Assuming that, in some sociopolitical context, the substantive meaning of a legal rule is clear to all parties, then investing in legality simply means taking steps to ensure the accurate and consistent enforcement of the law against all relevant parties—including and especially government officials. “Pure” legality therefore takes no position on what the law’s substantive content should be, merely that this content should be faithfully enforced and executed.

Legality thus defined is qualitatively different from three other law-related concepts that are commonly employed in the social sciences: rule of law, rule by law, and procedural justice. Rule of law theories generally insist that law be employed to check significant exercises of power by the political regime (Tamanaha 2004; Waldron 2020). Legality, in contrast, does not require that regular exercises of power be constrained by legal rules: If, for example, a country’s laws do not explicitly constrain the power of its political leader, then consistent application and enforcement of those laws would give the country legality but not rule of law.

“Rule by law” generally refers to the state’s use of legal rules to govern the general population (Tamanaha 2004, p. 3). The central difference

2. Most jurisprudence scholars would, at least, struggle to recognize a claim of authority that operates entirely without rules as law (for example, Dworkin 1977; Raz 1994).

between legality and rule by law is that, whereas the former requires legal rules to be accurately and consistently applied to all relevant sociopolitical actors they nominally cover, the latter requires accuracy and consistency only insofar as it furthers the objective of sociopolitical control (Ng 2019).

In recent decades, procedural justice has become a central concept in scholarship on law and legitimacy. It generally refers to “how fairly the police and the courts exercise their authority” (Tyler 2017, p. 1972) and associates social perceptions of procedural justice with the procedural conveyance of dignity and respect. In these dimensions, “procedural justice” refers primarily to the legal system’s responsiveness to private need for communication. In theory, governmental action need not have any connection to law to be perceived as responsive/procedurally just.

“Legitimacy” has qualitatively different meanings—normative and perceived—and here, like nearly all preexisting empirical work on law and legitimacy, we focus only on the latter. The idea of perceived legitimacy raises a number of methodological questions: Whose beliefs count, and what exactly do we mean when we say that state action is considered legitimate? Demographically, we focus on urban residents, both because they are easier to reach and because they now constitute a clear majority of the Chinese population. We seek to measure legitimacy in both conceptually direct and indirect ways: We directly ask survey respondents whether a specific state action is legitimate, and we also ask them whether the underlying political regime is, in general, “trustworthy.” By using trust as a proxy measure for perceived legitimacy, we are, of course, agreeing with the numerous preexisting studies that find a strong empirical correlation between the two concepts (Whiting 2017; Weatherford 1992).

3. BACKGROUND AND LITERATURE

This section supplies background information on both the preexisting academic literature on law and legitimacy and the wave of legal developments in China since 2014 that partially motivate this study. From this background material, the section draws out five conceptually distinct mechanisms through which law might enhance perceived legitimacy.

3.1. Relevant Academic Literature

Empirical scholarship on possible connections between law and legitimacy have operated in both liberal democratic and authoritarian political settings. One strand of literature that focuses on law enforcement in liberal democracies has expressed skepticism toward the idea that legality itself can be a source of legitimacy. Seminal research on law and legitimacy that Tom Tyler and others have conducted has generally found that the legality of governmental action itself has a negligible effect on perceived legitimacy but also that procedural justice and responsiveness matter greatly (for example, Tyler 2017, pp. 2006, 1977; Meares, Tyler, and Gardener 2015). Follow-up studies in the European and Australian contexts support these conclusions (Van Craen and Skogan 2015; Murphy 2005).

Studies of authoritarian regimes also operate under the assumption that legality is socially desirable primarily when it produces other beneficial outcomes. An influential literature on authoritarian legality usually addresses the connection between legality and legitimacy by referencing the functional benefits of legality (Ginsburg and Moustafa 2008; Schedler 2009): For example, because the citizenry desires economic growth, it welcomes state investment in legality, because greater legality will increase the predictability of governmental action (Ginsburg and Moustafa 2008, pp. 4–10). Alternatively, legality may help project a social image of effective judicial checks against executive authority (Landry 2008; Ginsburg and Moustafa 2008, p. 6).

A significant portion of this literature empirically focuses on China. Scholars generally agree that the party-state there has long employed legal reform as a tool to enhance its own legitimacy (Diamant, Lubman, and O'Brien 2005; Landry 2008; Stockmann and Gallagher 2011; Whiting 2017; Hurst 2018). However, these arguments tend to present law and legal institutions in an instrumental light: as a means to some other substantive end, such as the protection of labor rights (Gallagher 2006; Stockmann and Gallagher 2011) or the financing of compulsory education (Lü 2014), rather than an end in itself. One recent study finds that government measures to boost the public's legal awareness strengthened the state's perceived legitimacy but makes this finding in the context of government-sponsored legal aid that assists the public in protecting their socioeconomic rights (Whiting 2017).

For several decades, the question of whether legality itself could generate perceived legitimacy did not carry much real-world significance. Most authoritarian regimes, including China, that invested heavily in legality paired it with equally substantial investment in private socioeconomic rights, if not always in political rights (for example, Fu 2016; Minzner 2011, pp. 940–43; Peerenboom 2002; Lubman 2000). Since 2014, however, the synergy between Chinese legal reform and substantive rights enhancement has collapsed. The party-state invests ever more heavily in legality, but at the same time, the general state of civil freedoms and rights seems to have deteriorated rapidly. Under these conditions, the question of whether pure legality can generate perceived legitimacy even when it is being employed for substantively oppressive political ends has become critically important.

3.2. Chinese Legal Reforms since 2014

Prior to 2008, many Chinese and foreign scholars alike believed that China was on some sort of “long march toward rule of law” in which the state consistently invested in legal professionalism and, to some extent, judicial independence, while also expanding the economic rights and freedoms held by the populace (Peerenboom 2002; Zhang 2008; Gallagher and Dong 2011). The judiciary and legal profession underwent massive expansion as part of these efforts (Liu 2006, 2008; Stern 2014). The state continued to view sociopolitical freedoms such as speech, assembly, and religion with much suspicion and hesitation, but even there, the general trend was moderately toward political opening (Liebman 2007).

Around 2008, the party-state’s posture toward legality became rather negative, to the extent that some scholars call this period a “turn against law” (Minzner 2011; Zhang 2012). At around the same time, the expansion of substantive rights and freedoms began to plateau (Liebman 2014). Meanwhile, political freedoms began to erode, most noticeably through tighter Internet censorship and escalating crackdowns over civil rights activism (Zhang 2016; Minzner 2018).

The party-state’s institutional posture again underwent a major shift after 2012, when Xi Jinping became party secretary and president (Zhang and Ginsburg 2019). The new regime moved to reverse the antilegalistic tendencies of its predecessor, making “governing the country according to law” one of its most prominent political slogans. After 2014, the slogan was quickly backed up with a sweeping array of institutional reforms that aimed to boost the judiciary’s professionalism, independence, and

ability to act as a check against other governmental entities. The rollout of these measures dovetailed with an institutionalized escalation in the party-state's anticorruption efforts (Zhang and Ginsburg 2019). Inevitably, changes of such sweeping scope ran into implementation problems at the lower levels of government, but local compliance has merely been uneven rather than insignificant (Wang 2021).

During this period, the erosion of political rights and freedoms has only accelerated (Minzner 2018). Meanwhile, economic rights and freedoms have stagnated at best as growth has slowed significantly (Franceschini and Nesossi 2018). Simultaneously, the state's ability to monitor private activity has risen to perhaps unprecedented heights (Dai 2020). For probably the first time in the post-Mao era, China's relationship with legality has now decoupled from its relationship with substantive rights and freedoms: Since 2012, the former has once again become significantly positive, whereas the latter has become increasingly negative.

The party leadership's political reasons for enhancing legality seem to go beyond just instrumental strengthening of its control over society. It has also taken great pains to bolster the formal legality of its own power, for example, by formally enshrining the party's political supremacy into the Chinese Constitution in 2018 (Zhang and Ginsburg 2019). This does not imply that legal checks against the party leadership's nominally unlimited power will emerge any time soon but does suggest that the leadership cares about the external perception of legality even when it comes to its own authority. All this produces the reasonable inference that it sees the social perception of legality as a potentially significant boost to its political legitimacy (Zhang and Ginsburg 2019).

The underlying assumption here has to be that pure legality can produce perceived legitimacy, given the continued erosion of both substantive rights and freedoms and, with the removal of presidential term limits in 2018, of formal legal checks on high-level political power. China clearly seems to be moving away from substantive rule of law at the same time it is moving toward legality. Under these circumstances, can there be a reasonable expectation that the party-state's investment in pure legality will generate politically meaningful amounts of perceived legitimacy?

3.3. Possible Connections between Law and Legitimacy

The academic and political background provided above identifies four major potential mechanisms through which law can enhance a regime's perceived legitimacy. We seek to add a fifth.

First, if the legal system functions in ways that are seen as procedurally just, it can generate large amounts of perceived legitimacy. As discussed above, this primarily means that the system becomes more responsive to private individuals.

Second, the state may choose to enhance certain socially desirable rights and freedoms enjoyed by its citizens and protect them through law. This includes both rights and freedoms against the state, such as the protection of private property against governmental expropriation or freedom of speech against governmental persecution, and rights against other private parties, such as the right to sue trespassers or slanderers through civil lawsuits.³

Third, the state could constrain its own power through other legal checks and balances, which usually entails some constitutional separation of powers or at least a significant amount of judicial independence. This follows from the same political logic that partially underlies the second mechanism: People tend to feel threatened by unchecked governmental power.

Fourth, the public may welcome investment in law and legality because it renders governmental activity more predictable. This allows economic actors to plan for it more efficiently.

The lion's share of preexisting scholarship has, as discussed above, championed at least one of these four mechanisms, but this article seeks to empirically test a fifth mechanism: People may value legality for qualities that are inherent to it, without any additional instrumental considerations. For example, they might accept law as reason and therefore believe that being legal is itself desirable. Alternatively, they may inherently associate legality with normative values such as neutrality, objectivity, or lack of arbitrariness. Although valuing these qualities is not, strictly speaking, normatively equivalent to "valuing legality for its own sake," it is effectively indistinguishable from it in externally observable behavior. Legalistic governmental behavior may or may not check state power, be

3. Mainstream political and legal theory has long believed more strongly in the social desirability of rights and freedoms with respect to the state than to other private parties. Rights in the latter category tend to create winners and losers among the general population, and some are visibly controversial: for example, labor rights against private employers. In contrast, modern scholars are far more willing to believe in the social popularity of government forbearance. Scholars who study authoritarian regimes, in particular, often assume that such forbearance is near universally popular, especially because it is in relatively short supply (for example, Peerenboom 2002; Tushnet 2014).

procedurally responsive, or be externally predictable, but it is necessarily and inherently objective, neutral, and nonarbitrary.⁴

4. RESEARCH DESIGN

To study the causal effect of pure legality on the Chinese public's perceptions of institutional and political legitimacy, we conducted a multiarm survey experiment in spring 2021. This section lays out the survey experiment's research design and its underlying intuitions.

4.1. Core Intuitions

We aim to differentiate the legitimacy effects of legality's inherent normative qualities from those of the other four theoretical mechanisms: (1) the protection of substantive rights and freedoms, (2) the provision of checks and balances against political power, (3) the strengthening of the predictability of governmental action, and (4) the provision of procedural justice. We strip out interfering effects of substantive rights and freedoms mechanisms by focusing on legal changes that attempt to restrict private rights and freedoms in the fictional fact patterns we give to survey respondents. In all four fact patterns, the state expands its sphere of control over private activity and thereby restricts private freedom against state control.⁵ In particular, in two of our fact patterns—which focus on Internet speech censorship and media content review—the state engages in activity that restricts private freedom primarily for its own political benefit. Previous studies have found that such activity is deeply controversial, indeed often unpopular, in China (Wang and Mark 2015; Guo and Feng 2012). The other two fact patterns focus, in contrast, on state regulations that are less politically salient—the restriction of street-side vendors and private fireworks sales—which allows for some comparative analysis.

This design also screens out interference from the checks-and-balances mechanism. None of these fact patterns yields a reasonable interpretation of the state limiting its own political power through law, and quite the opposite occurs: They are all clearly presented as examples of the state

4. There are many scenarios in which legality does not necessarily increase the predictability of state action: For example, consistent law enforcement may do almost nothing to enhance predictability if the laws being enforced change too frequently or are too complex for the layman to understand. A failure to publish the law can easily exacerbate this latter problem.

5. This does not necessarily mean that such action will be socially perceived as oppressive, although the expansion of online censorship, at least, almost certainly is.

instrumentally employing the law to expand control. In no fact pattern does an independent judiciary, or any external entity, meaningfully constrain the state's legal authority.

Differentiating the legitimacy-enhancing effects of legality's inherent qualities from those of procedural justice or enhanced predictability is a more delicate task. Here, our core intuition is that these three mechanisms each emphasize different parts of the law enforcement process. The normal life cycle of a legal rule includes four qualitative phases: its creation through legislation or rulemaking, publication, enforcement, and postenforcement actions such as explanation or review, if any. Beyond the functionally self-explanatory creation phase, the state has a range of options in each of the next three phases.

First, it may publish the rule to the public, a subset of the public, or only internally to rule enforcement agents. The latter option may seem counterintuitive if social compliance is the goal, but it is exactly how some censorship regimes in authoritarian states have operated in practice (Tai 2014; Wagner 2012; Dewhirst 2002). Second, the state can take steps to ensure more accurate rule enforcement, such as by providing professional training to enforcement agents. Finally, it may invest in procedures that enhance the social perception of procedural justice: It may, for example, offer explanations for individual decisions upon request. Note that the three phases are functionally independent of each other: A legal system can, for example, conduct professional enforcement training, or even explain individual enforcement decisions to affected parties, without publishing the rules.

The inherent qualities, predictability, and mechanisms of procedural justice rely on different combinations of institutional options. First, legality's inherent qualities primarily stem from accurate and consistent law enforcement and therefore benefit enormously from state investment in professional legal training. Insofar as general social compliance with legal rules can, under certain conditions, make accurate law enforcement easier, legality is also functionally connected to the publication of rules, but technically speaking a legalistic regime can be one that does not publish its rules, as long as it enforces unpublished rules consistently and professionally. If the public values legality for its inherent qualities, it will respond positively to investments in professional training, with or without the publication of laws and rules.

Second, if the public values legality primarily, or solely, for the predictability it provides, then publication also becomes enormously important. Predictable legal action usually exists when legal rules are both

published and consistently followed. It is not inconceivable that private parties can, over time, reverse engineer the content of unpublished rules simply by observing consistent enforcement outcomes in a highly legalistic system, but the publication of those rules would still make social comprehension much easier. In other words, accurate rule enforcement cannot functionally substitute for the more direct predictability benefits of publication.

Therefore, people who value predictability should respond most positively to the combination of professional legal training and publication. They may respond positively to training alone in the absence of publication, but the addition of publication should make a further positive impression.⁶ If, however, the public does not seem to respond positively to publication at all, even when it is paired with training, then that would cast doubt over whether it is truly concerned about governmental predictability in this context. Unless we believe that the public does not value predictability in general—this seems unlikely—the interpretation would have to be that the public does not believe that the publication of legal rules adds to the predictability of state action in any significant way, even when those legal rules are being faithfully enforced. This can plausibly occur when the public has little confidence in its own ability to comprehend published legal rules.

If, however, we assume such a high level of legal incomprehensibility, then we should also assume that professional training alone does very little to enhance the predictability of governmental action. If the public cannot comprehend legal rules through reading them, then it almost certainly cannot comprehend them through the much more difficult task of reverse engineering. It is therefore extremely unlikely that all three of the following statements can be true simultaneously: The public values predictability, believes that professional training enhances it, and believes that publication does not enhance it.

Therefore, if the addition of publication produces no further positivity beyond what training alone already generates, then it is very unlikely that the positive response to training is solely driven, or even predominantly driven, by a desire for predictability. Such a result is far more consistent with a world in which people do value legality for its inherent qualities, as opposed to a world in which people value legality only for its predictability benefits.

6. This begs the question of how to interpret results in which respondents respond positively to publication alone in the absence of training. We find this somewhat implausible, and, in any case, the results do not show it.

Third, procedural justice as conventionally understood in empirical research is, as explained above, distinct from legality. It does not necessarily benefit significantly from either publication or professional training. Instead, previous scholarship clearly identifies the state's postenforcement activity—whether, in particular, it responds respectfully to private requests for explanation or review—as its most important determinant.

These conceptual and functional differences allow our survey experiments to probe more deeply into the specific mechanisms through which perceived legitimacy is produced. Variations in whether the legal rule is published capture at least some of the public's demand for predictability; variations in professional rule enforcement training, especially in the absence of publication, capture the public's approval, if any, of legality's inherent normative qualities; and variations in postenforcement responsiveness capture the public's desire for procedural justice. Section 4.2 lays out the specific survey design that implements these basic intuitions.

4.2. Survey Design

4.2.1. Survey Flow and Treatments. Figure 1 illustrates our survey flow. After initial screening, respondents are first asked basic demographic questions and about their political predispositions (see Table OA3 in the Online Appendix for the questions and the coding of variables). We use respondents' agreement with various statements on law and politics to construct additive indices on nationalism, regime support, and support for legality.

Subsequently, respondents are randomized into one of the four treatment arms (A, B, C, and D) in which they read four fact patterns with different combinations of the legal characteristics described in previous sections (see Table 1 for the specific variations). At the end of each fact pattern, respondents are asked to evaluate the legitimacy of government action. Once they finish reading all four fact patterns, they are asked to state their level of trust in the fictional regime at large.

The four fact patterns we presented concern regulation of street-side vendors, regulation of fireworks sales, media censorship, and online speech censorship. Within each fact pattern are four possible institutional variations, as shown in Table 1: the issuance of formal laws and rules versus no issuance (the issuance condition), the publication of formally issued laws and rules versus no publication (the publication condition), professional training of enforcement personnel versus no training (the training condition), and governmental response to private requests for

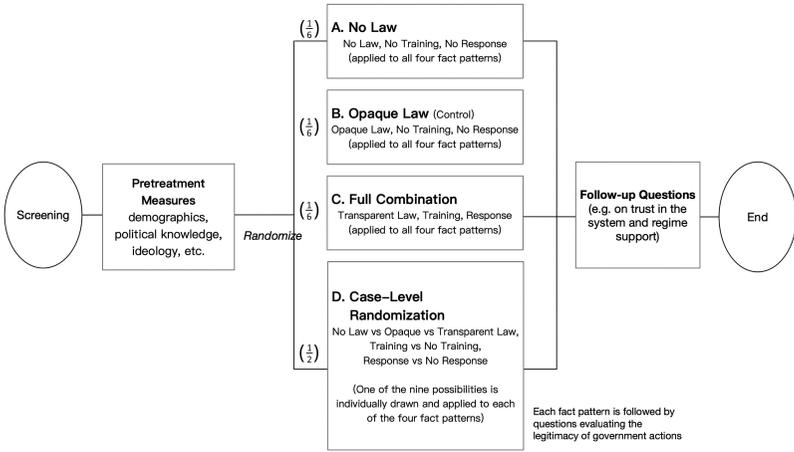


Figure 1. Experiment flowchart

Table 1. Treatment Conditions for Fact Patterns: A Factorial Design

Arm	Variation	Law	Publication	Training	Response
A ($\frac{1}{6}$)	0	No	No	No	No
B ($\frac{1}{6}$)	1	Yes	No	No	No
C ($\frac{1}{6}$)	8	Yes	Yes	Yes	Yes
	0	No	No	No	No
	1	Yes	No	No	No
D ($\frac{1}{2}$)	2	Yes	Yes	No	No
	3	Yes	No	Yes	No
	4	Yes	Yes	Yes	No
	5	Yes	No	No	Yes
	6	Yes	Yes	No	Yes
	7	Yes	No	Yes	Yes
	8	Yes	Yes	Yes	Yes

explanation versus no response (the responsiveness condition). Publication, training, and responsiveness are dependent on the issuance of formal laws and rules but are independent of each other.

As discussed in Section 4.1, different combinations of the latter three treatments correlate to different mechanisms through which investment in law potentially enhances perceived legitimacy. First, a positive response to the combination of publication and training suggests that respondents value greater transparency and predictability of state action. Second, a positive response to responsiveness suggests that they value procedural justice. Finally, and most important for our purposes, a positive response to professional enforcement training in the absence of publication sug-

gests that respondents value legality for its inherent qualities, especially if they do not otherwise respond positively to publication.

4.2.2. Treatment Arms and Randomization. In arm A, as shown in Figure 1, about a sixth of the respondents read four fact patterns from control variation 0, which contains no issuance of formal regulations—and therefore no publication, no professional training of enforcement personnel, and no government response to private requests for explanation. In arm B, another sixth of the respondents read four fact patterns from variation 1 with formally issued rules but no publication, no training, and no response to requests. In arm C, another sixth of the respondents read four fact patterns from variation 8, with the issuance and publication of formal regulations, training, and responses to requests. Because the treatment conditions are the same for all four fact patterns in each of these three arms, we prevent spillover effects from treatment conditions appearing in one fact pattern to subsequent fact patterns. This allows us to study the causal effect of these conditions on respondents' diffused trust of the regime as a whole.

Finally, the remaining half of the respondents are randomized into arm D. They read four fact patterns each independently drawn from the nine variations. In other words, if a respondent is assigned variant 4 of the television media set, they may be assigned to any variation in the other three fact patterns, including the variant 4 pattern. The order of the four fact patterns was also randomized.

4.2.3. Fact Pattern Vignettes. The four fact patterns are frequent topics of debate in contemporary Chinese society and are thus realistic and salient to our respondents. The diversity in the range of topics and the agency of enforcement contributes to the generalizability of our findings.

We give an example of the web series fact pattern below; see Section OA2 of the Online Appendix for all text combinations. It should be noted that all quantitative outcomes of the enforcement action are kept constant across all combinations.

In 2016, Country W's media regulator issued a legal document titled "Further Regulations to Supervise Television Content," introducing 20 new content moderation rules for online television series. . . . [Issuance condition:] The authorities asked all online media platforms to fulfill their duties of reviewing online television series, promoting positive values, and removing negative content that harms public morals. . . . [Publication condition:] The media regulator published the document in full on government portals.

Not long after, C, a streaming platform, held internal seminars on “purifying the online media environment and protecting public morals,” asking its employees to strictly follow the standards set by the document when reviewing existing television series on the platform. . . . [Training condition:] After publishing the regulations, Country W’s media regulator also held training sessions, explaining to employees at the online platforms what each standard of the new regulation entailed. Content reviewers at Platform C all participated in the training and passed the national examination held that year on content moderation.

In 2017, *The Critical Point*, a popular online television series imported from South Korea, was removed from Platform C. Mr. Zhang had been greatly looking forward to seeing *The Critical Point*. When he saw that the series was removed from Platform C, he asked the platform for an explanation. . . . [Response condition:] Platform C wrote to him that *The Critical Point* violated the regulation’s statute on the total amount of screen time allowed for “violent and vulgar” content.

That year, Platform C removed 20 television series in total, accounting for 10 percent of all television series on the platform. Several market research surveys show that 70 percent of users were satisfied with Platform C.

The issuance condition contains two variations:

1. Without issuance: In 2016, Country W’s media regulator conveyed to all Internet platforms the spirit of the meeting the national department held on “purifying the online media environment and protecting social morality.”
2. With issuance: In 2016, Country W’s media regulator issued a legal document titled “Further Regulations to Supervise Television Content,” introducing 20 new content moderation standards for online television series.

The publication condition contains three variations:

1. Without publication if no issuance: The spirit of the meeting was promulgated internally but never shared with the public.
2. Without publication if issuance: All Internet platforms received the legal document, but the regulator never publicized its details.
3. With publication: The media regulator published the document in full on government portals.

The training condition contains two variations:

1. Without training: Media regulators in Country W did not organize training sessions for employees at the country’s various streaming platforms. Employees at Platform C started reviewing content right away.

2. With training: After publishing the regulations, Country W's media regulator also held training sessions, explaining to employees at the online platforms what each standard of the new regulation entailed. Content reviewers at Platform C all participated in the training and passed the national examination held that year on content moderation.

The responsiveness condition contains two variations:

1. Without response: Platform C did not respond.
2. With response: Platform C did respond.

Our experimental design offers three advantages. First, the factorial design allows us to isolate the legitimacy-enhancing effect of each of the four qualitative phases (issuance, publication, training, and response). Second, by randomizing respondents into pure treatment arms in which they see four fact patterns of the same variant, we can test whether the presence or absence of law affects diffused trust in the regime overall. Third, pure treatment arms allow us to check for potential spillover effects. One might worry that a respondent's reaction to the first fact pattern may affect their impression of later ones. By comparing the average level of perceived legitimacy for case variants that appear in pure treatment arms and those that appear in the individually randomized arm (arm D), we can test whether individual fact patterns have spillover effects. We find that they do not.

4.2.4. Measurement. Our key outcome variables are respondents' perceived legitimacy of the enforcement action (specific support) and their level of trust in the fictional regime (diffused support), both measured on a 0–3 Likert scale, that is, “extremely trustworthy/extremely reasonable,” “quite trustworthy/quite reasonable,” “quite untrustworthy/quite unreasonable,” “extremely untrustworthy/extremely unreasonable.” The wording and scale follow standard practices in survey experiments on public trust and political legitimacy.

After showing respondents each fact pattern, we also asked them to recall, on a fresh screen, the topic mentioned in the story. In some regression models, we include only those observations for which the attention check question was answered correctly. We also include demographic controls such as gender, education, income, and pretreatment political dispositions in some other models.

4.3. Hypotheses

This survey design allows us to test the following hypotheses.

Hypothesis 1: Law's Desirability. People view government action as more legitimate when relevant laws and rules are formally issued, compared with when no formal laws and rules are issued.

We test this hypothesis by comparing the specific support responses in arm B with those in arm A.

Hypothesis 2: Strengthening Predictability through Legality. Assuming the existence of relevant formal laws and rules, people view government action as more legitimate when those laws and rules are consistently enforced and their contents are publicly disclosed, compared with when they are only circulated internally among law enforcement officials.

We test this hypothesis by isolating the specific support responses to combinations of the training and publication treatments within variations of arm D.

Hypothesis 3: Legality for Its Inherent Qualities. Assuming the existence of relevant formal laws and rules, people view government action as more legitimate when law enforcement officials receive professional training, compared with when no such training is provided—even and especially when the legal rules are not published.

We test this hypothesis by isolating the specific support responses to the training treatment within variations of arm D, focusing in particular on those that do not contain the publication treatment.

Hypothesis 4: Procedural Justice. People view government action as more legitimate when the government responds to private requests for explanation of those actions, compared with when no explanation is provided.

We test this hypothesis by isolating the specific support responses to the responsiveness treatment within variations of arm D.

Hypothesis 5: Diffused Trust. People consistently exposed to fact patterns with a richer set of legal characteristics (issuance, publication, training, and responsiveness) will place greater trust in the regime as a whole, compared with those consistently exposed to fact patterns with thinner elements of law.

Table 2. Treatment Conditions for Fact Patterns in the Supplementary Survey

Condition	Law	Response
1	No	No
2	Yes	No
3	No	Yes
4	Yes	Yes

We test this hypothesis by comparing the diffuse support responses in arm C with those in arms A, B, and D.

4.4. Supplementary Survey

Results from our main survey show, as discussed in Section 5, that responsiveness has a large legitimizing effect on government action. However, because the responsiveness treatment in our main survey was assigned conditional on there being formal issuance of law, we could not isolate the effect of responsiveness from that of issuance. In a follow-up survey, we tried to separate these two concepts by showing a new set of 420 respondents four fact patterns that vary along only these two dimensions. We used the same sampling method and design as in our main survey. But rather than having nine variations of each fact pattern, we showed respondents fact patterns randomly belonging to one of four combinations, as displayed in Table 2: no issuance of law and no responsiveness, issuance of law but no responsiveness, responsiveness but no issuance of law, and issuance of law and responsiveness.⁷

5. DATA AND RESULTS

In this section, we present results of our survey experiments, which illustrate the legitimacy-enhancing effects of various elements of law both at the fact-pattern level (specific support) and at the regime level (diffused support). We also discuss the statistical and the political significance of our results and explore heterogeneous treatment effects.

7. All fact patterns in this supplementary survey were randomized in the same way as in arm D of the main survey.

Table 3. Summary Statistics: Main Sample

	Mean	SD	Max	Min
Age	37.44	12.12	61	19
Female	.51	.50	1	0
High school	.14	.34	1	0
Junior college	.24	.43	1	0
College or above	.20	.40	1	0
Income category	3.77	1.85	8	0
Self-reported social class	1.26	.70	3	0
Political knowledge	2.62	1.90	5	0
Ethnic minority	.04	.19	1	0
Chinese Communist Party member	.10	.30	1	0

Note. $N = 1,040$.

5.1. Main Survey Data

In March and April 2021, we recruited online a sample of 1,040 urban respondents from 26 provinces around China. The sample was not nationally representative, but we used quota sampling strategy to target age, gender, education, and province of residence marginals. Table 3 reports the summary statistics of the sample. Overall, 51 percent of our sample were women; 20 percent had bachelor's degrees or more education; 10 percent were party members. The median age was 37, and the median monthly income was CNY 5,001–8,000 (USD 777–1,243). The median level of trust in China's central government was 8 of 10, and trust in the respondents' local government was 7 of 10, consistent with other online surveys involving Chinese participants.

We follow the same sampling procedure in our supplementary survey and report the summary statistics in Table OA10. In addition, Tables OA1 and OA2 report the covariate balance between different treatment arms and treatment conditions, respectively. We report the covariate balance of the supplementary survey in Table OA11. The results show that the randomizations were successful.

5.2. Main Survey Results: Specific Support

Figure 2 shows that, of the four legal treatments—the issuance of law, the publication of law, training of enforcement officials, and responsiveness—both training and responsiveness increased the perceived legitimacy of enforcement action by a statistically significant amount, consistent with hypotheses 3 and 4. Measured on a 0–3 scale, government training

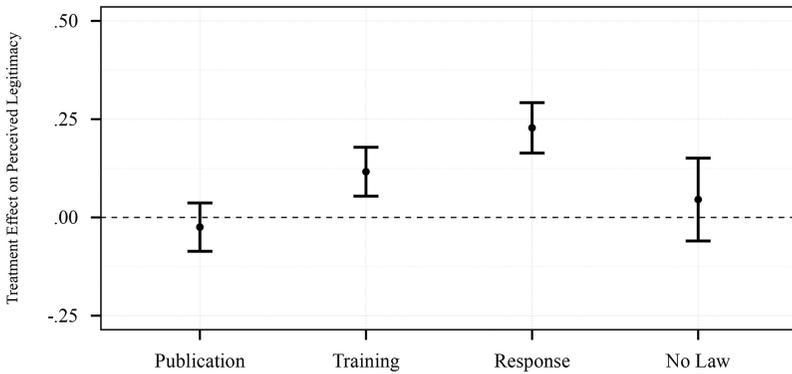


Figure 2. Treatment effects on specific support

of enforcement officials boosted legitimacy by .1 points (or .15 standard deviations) on average, and response to affected citizens boosted legitimacy by .2 points (or .3 standard deviations) on average. In contrast, neither the issuance of formal laws and rules nor their publication had any significant effect, contrary to hypotheses 1 and 2 (for the full regression results, see Table OA4).

The findings of a null effect for issuance and publication and a statistically significant effect for training and response largely hold across all four fact patterns. Figure 3 shows that in all four fact patterns, neither the issuance nor the publication of law had any effect on perceived legitimacy, whereas training and responsiveness, with the exception of training in the web series fact pattern, both increased legitimacy—the latter by about twice as much as the former.⁸

We ran additional ordinary least squares models with interaction terms but found that the four treatments had no interactive effects (see Table OA6). The treatments operated independently of each other. The results are robust to including covariates and applying attention filters. See Figure OA1 for the average outcome under each treatment condition in all four arms.

Taken together, our results show that, in line with hypothesis 3, survey respondents rewarded investments in pure legality—as captured by

8. We cannot provide any conclusive explanation for why the web series fact pattern had survey outcomes different from the other three. One plausible possibility is that respondents simply did not believe that media censorship could be handled in a truly legalistic fashion, no matter the amount of training provided to censors. For the full regression results, see Table OA4.

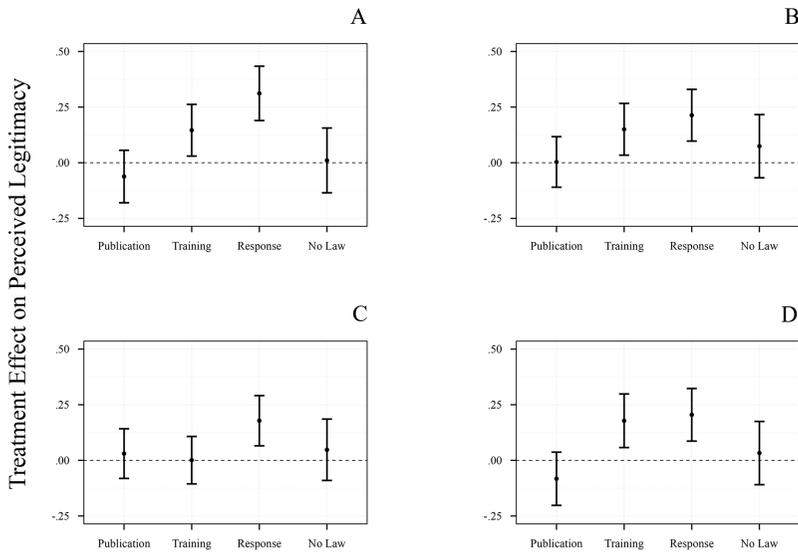


Figure 3. Treatment effects on specific support. *A*, Street vendors (mean = 1.69); *B*, fireworks sales (mean = 1.95); *C*, web series (mean = 1.96); *D*, forum posting (mean = 1.97).

the professional training treatment—with higher levels of perceived legitimacy even when, as in all four patterns, it was employed to reduce private rights and freedoms against the state and even when it did not constrain the regime’s aggregate exercise of political power. The magnitude of this legitimacy boost (.15 standard deviations) was only around half of what investments in procedural justice—captured by the responsiveness treatment—produced (.3 standard deviations), but it was nonetheless statistically significant and politically meaningful.⁹

Second, insofar as survey respondents valued pure legality, they seemed to do so because they valued legality for its inherent normative qualities, independently of whether they valued the greater predictability of government action that legality supplied. Contrary to hypothesis 2, respondents had no statistically significant reaction to the publication of laws and rules, regardless of whether such publication was paired with

9. Note that, even if taken at face value, our results suggest that investments in pure legality can boost public support for government action by about 3–4 percentage points (.12 on a 0–3 scale), which could easily make the difference between being narrowly unpopular and comfortably popular. Given that our survey results clumped within a relatively narrow range of between 1.5 and 2.5 on a 0–3 scale, the magnitude of any qualitatively similar boost in real life may very well be higher.

professional training. This result suggests, as discussed above, that respondents did not believe that the publication of laws, even when paired with professional training, would render government action significantly more predictable—perhaps because they had insufficient confidence in their own ability to acquire the necessary legal knowledge.

In contrast, respondents rewarded the training treatment with greater perceived legitimacy, regardless of whether it was paired with the publication treatment. In light of the lack of positive responses to publication, this strongly suggests that, to the extent they perceived professional training as legitimacy enhancing, they did so because they valued accurate rule enforcement for its inherent qualities, not just because it boosted predictability.¹⁰

Third, contrary to hypothesis 1, the mere issuance of formal laws and rules did not, by itself, produce any increase in perceived legitimacy. This was perhaps because respondents did not believe that the issuance of formal rules could produce true legality unless it was paired with professional training. If such training was provided, however, perceived legitimacy increased.

Fourth, consistent with hypothesis 4, investments in responsiveness did indeed provide a large boost to perceived legitimacy, larger than the boost provided by investments in pure legality. However, the two increases were fully independent of each other.

5.3. Main Survey Results: Diffused Trust

Besides enhancing the legitimacy of specific government actions, investments in the various aspects of law also boosted the legitimacy of the fictional regime as a whole. Figure 4 shows the treatment effect on respondents' level of trust in Country W.¹¹ Compared with the opaque law in arm B, those randomized into the no law condition in arm A had similar

10. Given that there was no positive response to publication in our data, we initially contemplated giving a stronger interpretation of these results: that the positive response to training was only because respondents valued accurate rule enforcement for its inherent normative qualities, and not because it boosted predictability. However, given the considerable complexity of the interaction between publication and training in the predictability mechanism, we decided to weaken our claims, leaving some potential room for unspecified conceptual entanglements in the minds of respondents. Nonetheless, these results are plainly much more consistent with hypothesis 3 being true (whether on its own or alongside some weakened version of hypothesis 2) than with hypothesis 2 being the only true hypothesis.

11. For the full regression results, see Table OA7. The baseline group is arm B ($N = 175$); for arm A, $N = 158$; for arm C, $N = 187$; for arm D, $N = 520$.

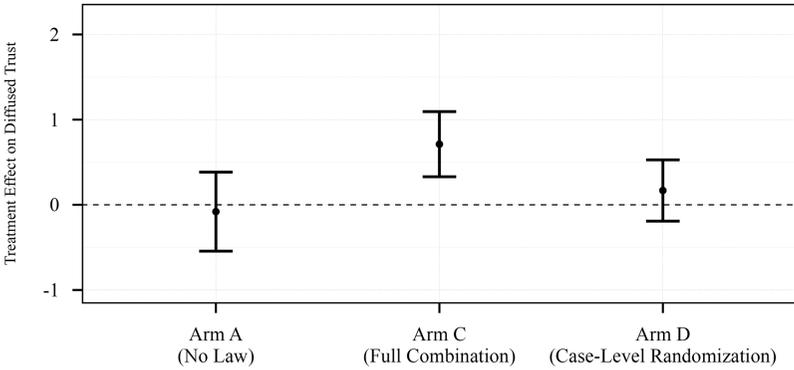


Figure 4. Treatment effects on diffused trust

levels of trust in Country W. Those in the individually randomized arm D (that is, those randomly shown variants 0–8 for each fact pattern), on average, had a slightly higher level of trust than those in arm B, but the difference is statistically insignificant. In contrast, consistent with hypothesis 5, those randomized into the fully saturated arm C, who received variant 8 for all four fact patterns, rated the fictional regime as .7 points more trustworthy, a .4-standard-deviation increase relative to the opaque law baseline (arm B). This shows that a systemically more legalistic, responsive/ procedurally just regime was, as a whole, perceived as more legitimate than a regime that did not invest in legality and procedural justice or did so only inconsistently.

5.4. Main Survey Results: Heterogeneity of Treatment Effects

As described in our preregistration statement,¹² we explore heterogeneous treatment effects by respondent characteristics such as income, education, and pretreatment levels of regime support and support for the rule of law. Figure 5 shows that professional training and government response consistently enhanced legitimacy among almost all subgroups of participants and that the size of the effect did not meaningfully differ across the subgroups (for the full regression results, see Table OA8). The effects on diffused trust are similar across different subgroups, too, as shown in Figure 6 (for the full regression results, see Table OA9). The robustness of our results speaks to the generalizability of our findings beyond urban Chinese Internet users.

12. See note 1.

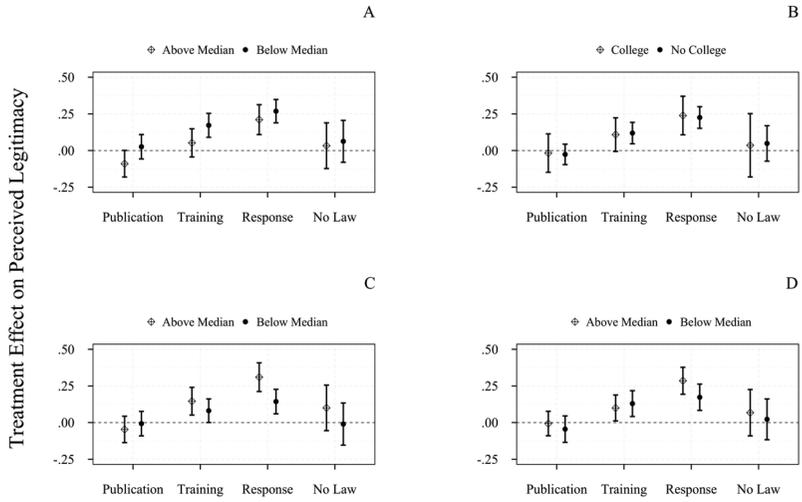


Figure 5. Treatment effects by pretreatment characteristics on specific support. *A*, By income; *B*, by education; *C*, by regime support; *D*, by legality.

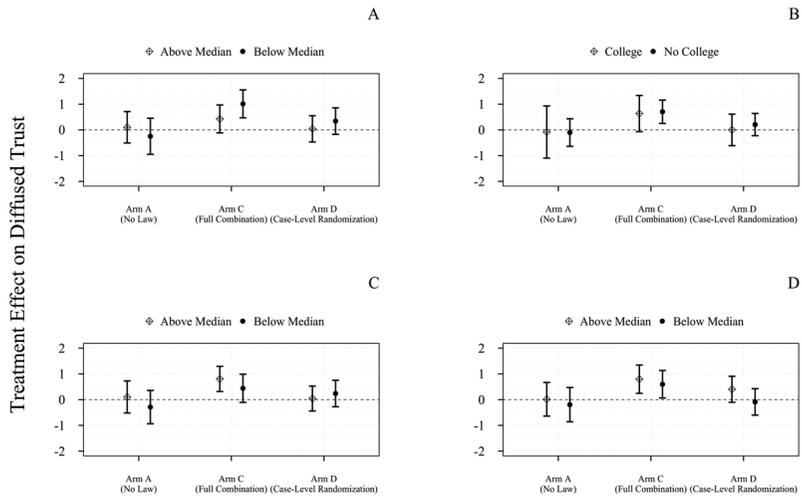


Figure 6. Treatment effects by pretreatment characteristics on diffused trust. *A*, By income; *B*, by education; *C*, by regime support; *D*, by legality.

5.5. Supplementary Survey Results

It remains unclear whether the legitimacy-enhancing effects of procedural justice operate independently from the existence of law altogether. In our follow-up survey, described in Section 4.4, we found that government responsiveness increased perceived legitimacy by .2 points, or .3 standard deviations, on a 0–3 scale (see Table OA12). But neither the coefficient of the issuance treatment itself nor its interaction with responsiveness was significantly different from zero. This indicates that responsiveness boosted legitimacy separately from the existence of formal law.

6. CONCLUSION

This article has provided empirical evidence for the proposition that, under the sociopolitical conditions currently prevalent in urban China, pure legality can be an independent source of perceived political legitimacy, even when it fails to meaningfully constrain the regime's political power and is employed to limit substantive rights and freedoms. We find that this effect is driven primarily by professional training that leads to consistent implementation of laws. Perhaps most surprisingly, investment in legality can enhance perceived legitimacy even when it is not paired with the publication of legal rules. Our findings suggest, therefore, that the party-state's current posture toward legal reform is politically well conceived.

Any study that employs a survey experiment method in a single country begs the broader question of geographical generalizability. There are good reasons to suspect that a similar connection between pure legality and perceived legitimacy does not exist in the United States (Tyler 2017, p. 1977; Meares, Tyler, and Gardener 2015). Recent empirical scholarship suggests that social trust in judicial institutions depends significantly more on the public's substantive moral agreement with court decisions in the United States than it does in China (Bartels and Johnston 2013, pp. 184–85; Ding and Javed 2021). Nonetheless, one might wonder whether these are observations of Chinese exceptionalism or of American exceptionalism and whether democratic societies that have traditionally taken a more positive view of state authority—such as continental European regimes (Damaška 1986)—might take a more positive view of pure legality. In any case, the question of geographical generalizability is an open one that we hope will receive more academic attention in the years to come.

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