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Deliberative Autocracy: Managing the Risks and Reaping the Rewards of Partial
Liberalization in Vietnam

A dissertation submitted in partial satisfaction of the requirements for the degree of
Doctor of Philosophy

in

Political Science

by

Paul Schuler

Committee in Charge:

Professor Edmund Malesky, Co-Chair
Professor Philip Roeder, Co-Chair
Professor Stephan Haggard
Professor Krislert Samphantharak
Professor Susan Shirk

The dissertation of Paul Joseph Schuler is approved, and it is acceptable in quality and form for publication on microfilm and electronically

Co-Chair

Co-Chair

University of California, San Diego

2014

DEDICATION

This dissertation is dedicated to Mary who helped me see it through from beginning to end and Martin who inspired me to finish it.

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VITA

- 2005 Bachelor of Arts, University of Maryland-College Park –
Journalism/Government & Politics
- 2008: Master of Pacific International Affairs, UC-San Diego Graduate School of
International Relations and Pacific Studies
- 2014 Doctor of Philosophy with distinction, University of California, San
Diego, Political Science

PUBLICATIONS:

“Star Search: Do Elections Help Nondemocratic Regimes Identify New Leaders?” 2013. *Journal of East Asian Studies*. 13. 35-68. (with Edmund Malesky)

“The Adverse Effects of Sunshine: A Field Experiment on Legislative Accountability in an Authoritarian Assembly.” 2012. *American Political Science Review*. 106:4. 752-786. (with Edmund Malesky and Tran Ngoc Anh)

“The Single-Party Dictator's Dilemma – Information in Elections Without Opposition.” 2011. *Legislative Studies Quarterly*. 36:4. 491—530. (with Edmund Malesky)

“Nodding or Needling: Measuring Delegate Responsiveness in an Authoritarian Parliament.” 2010. *American Political Science Review*. 104:3. 482—502. (With Edmund Malesky)

“Paint-by-Numbers Democracy: The Stakes, Structure, and Results of the Vietnamese National Assembly Election,” *Journal of Vietnamese Studies*. 4:1. 1–48. (With Edmund Malesky)

ABSTRACT OF THE DISSERTATION

Deliberative Autocracy: Managing the Risks and Reaping the Rewards of Partial
Liberalization in Vietnam

by

Paul Schuler

Doctor of Philosophy in Political Science

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Professor Edmund Malesky, Co-Chair
Professor Philip Roeder, Co-Chair

Most authoritarian regimes have legislatures. Are these institutions risky or beneficial for the regimes that establish them? Some argue that partial liberalization is dangerous because it gives opponents an opportunity to attack the regime. However, more recent work finds that partially liberalized regimes last longer and grow faster because these legislatures help neutralize opponents and stabilize power sharing arrangements. Unfortunately, these studies largely rely on cross-national evidence to

support their claims, which prevents confirmation of the mechanisms linking legislatures to different outcomes. This project looks at speeches made in the Vietnam National Assembly between 2007 and 2013 to assess the risks regimes face when they allow delegates the opportunity to speak publicly. It shows that regime does not appear to invite robust criticism, as all genuine opponents are vetted during the election process. Instead, delegates mostly provide technocratic information on laws. However, despite the lack of true opposition figures, some delegates are nonetheless willing to challenge the regime on sensitive issues. These findings challenge the notion that critical behavior in a legislature is a sign of a co-opted opposition. Instead, this dissertation argues that in a single-party regime, such behavior is the unintended byproduct of an attempt to professionalize the legislature. Therefore, legislatures can provide benefits, but not without some unintended risks.

Chapter 1: Introduction

In 2010, Vietnam National Assembly (VNA) delegate Nguyen Minh Thuyet stood before a live television audience and proposed a vote of confidence in a sitting member of the Politburo. Although his proposal was eventually defeated, he instantly gained the attention of the nation and the international media. His face graced the cover of the popular *Tuoi Tre* (Youth) newspaper, while the *Associated Press* reported Thuyet's "bold move", suggesting that the VNA has become "increasingly vocal about the government's performance."¹ Thuyet's outspokenness highlights two deceptively simple questions addressed in this dissertation – was his behavior intended by the Vietnam Communist Party (VCP)? If so, to what end?

The central argument of this dissertation is that the content of his speech – criticizing the government over corruption – was encouraged, but challenging a member of the Politburo to a vote of confidence was neither expected nor intended by the party. The party wants government oversight by technocrats from its legislature, but it does not want to renegotiate appointments, which are the prerogative of the party. Therefore, while his speech may have benefited some factions of the party, Thuyet's speech was not what the party leadership had in mind when it expanded the role of the assembly in the late 1980s. Instead, it represents a risk rather than a reward of partial liberalization. This dissertation is about the intentions of authoritarian regimes vis-à-vis legislatures and why legislatures do not always conform to those intentions.

¹ See *Associated Press*. "Vietnam Lawmaker Calls for Investigation of Gov't." November 2, 2010.

Developing a theory of how legislators behave in nondemocratic conditions and regime intentions regarding such behavior is critical to answering a basic question regarding authoritarian regimes: is partial liberalization risky for autocrats? While there has been a great deal of work on the impact of semi-competitive elections, less research has looked at how legislators behave once they are elected.² Furthermore, the literature on authoritarian legislatures has largely focused on why legislatures are created rather than what those legislatures actually do.

The example of Nguyen Minh Thuyet highlights the importance of addressing this oversight and developing a theory of authoritarian legislative behavior. While Vietnam may have liberalized the assembly in order to encourage some participation, this does not mean the regime wanted him to propose the dismissal of a high ranking party member. It is possible that he took advantage of political reforms to launch attacks on the regime either to boost his own profile, advance his personal policy agenda, or assist a factional rival of the prime minister. Measuring the frequency of such critical behavior and determining whether or not it is intended is critical to assessing the net benefits regimes derive from partial liberalization.

This puzzle is also important to the burgeoning interest in authoritarian legislatures. Most recent work acknowledges that legislatures have a role to play in regime survival and policymaking. However, differences persist as to whether they are helpful or harmful. Huntington argues that while strong single parties can be beneficial in

² The literature on authoritarian elections is voluminous, but vexed. Many argue that partially free elections can either benefit the regime or at least do not pose long-term risks (Lust-Okar 2006, Magaloni 2006, Zakaria 1997). Others suggest they will eventually lead to collapse or democratic transition (Huntington 1991, Kaminsky 1999, Howard and Roessler 2006). Still others suggest that while they could prevent authoritarian cycling, they can hasten democratic transitions (Brownlee 2009).

channeling social demands in modernizing societies (Huntington 1968, Huntington 1970), partial liberalization of elections and legislatures is dangerous because opponents will use these institutions to attack the regime (Huntington 1991). On the other hand, other scholars suggest that legislatures with limited power and representation can stabilize authoritarian rule. A wide range of potential benefits regimes can derive from legislatures have been proposed including neutralizing the opposition, providing economic security for elites, and generating information on policy proposals.

Existing empirical evidence does not conclusively support either perspective. In terms of cross-national evidence, the fact that the most economically successful authoritarian regimes have legislatures supports the notion that they are useful. However, cross-national data does not allow assessment of whether or not it is legislatures that actually have the impact and if so, what the causal mechanism is.

Furthermore, observations from actual authoritarian legislatures suggest that management of these institutions presents a challenge. Authoritarian leaders are often reluctant to empower legislatures too greatly and in many cases face challenges from delegates, who gain increased personal profiles through their legislative roles. Former legislators such as Morgan Tsvangirai in Zimbabwe and Anwar Ibrahim in Malaysia continue to pose long-term challenges to their respective regimes.

The behavior of autocrats towards their legislatures also suggest that they do not always value delegate input. Even after setting up legislatures, autocrats will often look for ways to dismantle, weaken, or circumvent them in order to avoid scrutiny or pass policies without having to make concessions. Brazil's military rulers in the 1960s periodically had to expel certain delegates from the legislature after voting against

regime-backed policies (Desposato 2001). In Vietnam, state officials eager to allow work on a massive bauxite mine divided the project into small pieces in order to avoid scrutiny by the single-party legislature (Marston 2012).

All this suggests that while some delegates may be willing to perform their duties in ways that satisfy the wishes of the regime, in other important cases, delegates can directly challenge the regime in ways they do not intend. In order to assess whether or not legislatures serve their purpose, we need to understand the goals regimes have for their legislatures and whether or not such behavior accords with these wishes.

Argument

The argument of this dissertation is that while legislatures can provide benefits, they also generate risks that must be managed. Delegates, as independent actors, will not always limit their activities to the functions intended for them. Dividing delegates into three types – critics, professionals, and yes-men – this dissertation first argues that no matter what role the regime hopes the legislature to play, none want critics who routinely challenge their policies publicly. This is because criticism simultaneously weakens the image of the leader and boosts the profile of the delegate. With their increased profile, these delegates can demand greater concessions.

Given that they do not want critics, dictators will rely on vetting and the threat of punishment to manage debate. However, despite their desire to limit such behavior, public criticism may emerge for two reasons. First, dictators only imperfectly observe delegate preferences during vetting. Second, leaders within the ruling party vying for power may use proxies in the legislature to attack opponents during power struggles. All

this suggests that even in tightly constrained legislatures, regimes must lean on other strategies such as agenda control to manage dissent.

It is important to note that the possibility of critics existing is contingent on certain factors that do not apply in all assemblies. The most important is that legislatures must actually meet for long enough periods of time for delegate to have the opportunity to participate meaningfully. This is not true in all assemblies. In China, for example, the assembly meets less than two weeks a year.³ Until 1989, the same was true in Vietnam. However, where regimes expand the channels through which delegates can directly appeal to the public delegates, legislative leaders, and even individual party leaders can use the legislature to boost their own personal profile.

The Case

The argument will be supported through a historical account of the development of the Vietnam National Assembly (VNA), a systematic examination of delegate speeches from 2007-2013, and an analysis of the agenda. The historical analysis will be used to assess the regime's intentions in partially liberalizing the VNA. The examination of speeches will show the role the VNA actually plays. The analysis of the agenda will highlight a key mechanism the party uses to control the behavior of the assembly.

The historical analysis in chapter 3 supports the conclusion that Vietnam's intention in liberalizing the VNA was largely to improve the quality of legislation and government oversight, not to co-opt opponents or stabilize power sharing. Therefore, the

³ The standing committee of China's National People's Congress meets more regularly.

regime wanted professionals in the assembly that would limit their contributions to perfecting policies and ensuring that the government abided by these laws. At the same time, they did not want critics that would challenge the regime on sensitive issues. The data from the speeches in chapter 4 shows that critics can emerge, even in the single-party context of the VNA. However, from the perspective of the regime, they are largely unaware of the identity of these critics before they win seats. The only thing the regime can say for certain during the vetting process, is that contrary to predictions from the power sharing theory, the critics will not be high ranking members of the party.

In terms of the generalizability of the Vietnamese case, it can be thought of as a hard test for finding critical behavior. Unlike hybrid regimes, such as Malaysia, Singapore, or Zimbabwe, multiple parties are not allowed. Therefore, known critics are largely vetted out during the election process rather than co-opted into the assembly.

At the same time, even though only one party exists, there is some possibility of dissent. Unlike other single-party regimes, such as China and Cuba, Vietnam has competitive elections for seats, which generates a modicum of downward accountability. Furthermore, unlike China, the VNA has granted delegates the opportunity to speak publicly on policies by holding extended plenary sessions, many of which are televised live. This affords delegates the opportunity to challenge the regime if they desire. In China, while the number of experts selected to take leadership positions has risen (Dowdle 1997), the ability of delegates to provide public input remains sharply constrained by the short period of time the assembly is actually in session.

The VNA has other features that allow a good test of the arguments presented above. First, the legislature features variation in the types of delegates that win seats such

as party elites, party rank-and-file, and non-party members. Vietnam also features variation in the level of delegate professionalism, with about 30 percent participating in the assembly on a fulltime basis. Most importantly, as later chapters will show, Vietnam also features variation in the roles delegates play. As chapter 4 shows, while most delegates fulfill the roles of professional and yes-men, there are a small subset of delegates like Nguyen Minh Thuyet, who take the role of critic. Identifying these delegates and examining why they are included in the assembly is the purpose of this project.

Organization of the Dissertation

The dissertation is organized in the following manner. Chapter 2 describes the puzzle of delegate behavior in an authoritarian assembly while introducing the three types of delegates that exist in such settings – critics, professionals, and yes-men. It then reviews the literature on the roles authoritarian legislatures play before pointing out several weaknesses in the existing body of work that could be improved through an analysis of delegate behavior. The chapter concludes with a theory for the types of behavior regimes desire in authoritarian legislatures and why behavior may not align with such wishes.

Chapter 3 presents a historical analysis of the evolution of the VNA showing the roles the Vietnam Communist Party has intended for the legislature. The central argument of this chapter is that the VNA has not always played the same role in Vietnam's political system. Prior to 1986, it was largely a rubber stamp that simply mobilized citizens to support policies developed by the party. However, after 1986 the

party leadership expanded the number of fulltime delegates on the assembly as well as the number of days the VNA was in session in order to improve its ability to consider and pass legislation. This expansion in the importance of the VNA paved the way for VNA delegates to play a higher profile role in Vietnamese politics.

Chapter 4 provides an analysis of speeches in the VNA. It shows that while the party has improved the quality of participation by adding fulltime delegates, it is less able to predict who the regime critics will be. Furthermore, it suggests that contrary to the power sharing theory, party elites are discouraged from participation in the VNA. This chapter then considers the likely explanation for the criticism that exists, presenting evidence that the criticism was in some cases accidental and in other cases may have been the result of factional attacks by proxy.

Chapter 5 presents an analysis of the agenda for query sessions and debates on legislation in the VNA from 2007-2013. It shows that one lever the party uses to limit the behavior in the VNA is agenda control. Evidence from this chapter supports the argument that the regime diverts attention from issues where the party has delegated less control to the government such as security and foreign policy. However, on economic matters where the party has delegated greater authority, the party encourages greater delegate participation.

The final chapter concludes with a review of the findings, a reflection on the importance of the research for other work, and suggestions for future research.

The material used in this chapter is being prepared for a book manuscript.

Chapter 2: Theory and Literature Review: Critics, Professionals and Yes-Men in Authoritarian Assemblies

This chapter presents a theory of behavior in authoritarian legislatures. The central argument is that regimes do not design legislative institutions to deliver criticism that challenges the legitimacy of the regime. At the same time, this does not mean such criticism will not occur. In any partially liberalized assembly such behavior is possible. As the theory below argues, such behavior will likely result occur either as the unintended byproduct of an attempt professionalize the legislature or of factional struggles for leadership positions spilling into the assembly.

This chapter prefaces the argument with an explanation of the different types of behavior in an authoritarian parliament. It continues with a review of the literature on authoritarian legislatures, showing that existing theory cannot adequately explain this variation in behavior. The only theories that would predict that regimes would intentionally allow critics into an assembly would be power sharing and co-optation. However, these theories cannot completely explain critical behavior for two reasons. First, even where co-optation and power sharing is the purpose the regime has in mind for establishing an assembly, regimes would still prefer to quell dissent. Second, as the theory section elaborates, single-party regimes are not likely to use legislatures for these purposes anyway. Allowing opponents or elites to criticize the regime publicly would weaken the regime and expose leadership splits publicly. Therefore, single party regimes are more likely to use party institutions for these roles.

Critics, Professionals, and Yes-men: Variation in Delegate Behavior

To illustrate variation in the different types of behavior that exist in an authoritarian legislature, consider three delegates in the Vietnam National Assembly (VNA). Party member Bui Hoang Danh represents the stereotypical delegate in rubber stamp authoritarian parliament. A judge in the Ho Chi Minh City People's Court, he never once spoke in the VNA during his tenure as a delegate from 2007-2011. Although data is not available on his voting record, his complete silence suggests that he was pliant to the wishes of the government and party.

More active was lawyer and party member Nguyen Van Luat. A fulltime member of the VNA Justice Committee, he spoke often during debates on bills, offering technical suggestions on how to improve legislation. Despite his relatively high level of activity, he remained largely unknown to the Vietnamese public. This is not surprising given the type of comments he typically made on the floor of the VNA. While he was willing to provide input on government-backed legislation, he never once challenged the government in a VNA hearing or during the query sessions of government ministers. More importantly, he never raised a sensitive issue salient at the national level.

Nguyen Minh Thuyet represents a third type of delegate. A linguistics professor and party member, he was nominated by the Office of the National Assembly in 2007 with the expectation that he would win election and serve as fulltime member of the VNA Committee on Science, Technology, and the Environment.⁴ However, in the 2010 session he made national headlines by calling for a vote of no confidence in Prime

⁴ Malesky and Schuler (2013) show that although some preferred candidates lose election, leadership positions in the VNA are determined when the delegates are nominated not after the elections.

Minister Nguyen Tan Dung in a nationally-televised session of the VNA. He based his calls on the revelation that Vinashin, a major state-owned shipping company, was \$4.4 billion in debt.

Despite the fact that Vietnam is a single-party legislature, the variation in delegate behavior shows that even in Vietnam, which is typically coded a “closed” authoritarian regime, not all delegates are subservient to government officials.⁵ Vietnam, however, is not an isolated case of an authoritarian regime forced to contend with rowdy delegates. Other authoritarian legislatures have also featured gadflies that have periodically challenged high ranking officials. In Syria, despite the overall servility of the parliament, parliamentarian Riad Seif repeatedly criticized the government for corruption (Alvarez-Ossorio 2012). Under Mussolini’s reign, legislator Giacomo Matteotti was killed days after challenging the legality of recent parliamentary elections (Lewis 2002). Boris Yeltsin (Soviet Union), Sam Rainsy (Cambodia), Morgan Tsvangirai (Zimbabwe), and Anwar Ibrahim (Malaysia) are all examples of politicians who used parliamentary positions to attack the ruling hierarchy.

Furthermore, the fame of these delegates highlights their importance. Despite the fact that they all remained in the minority, opposition leaders such as Rainsy, Tsvangirai, and Anwar have persisted as thorns in the side of their respective regimes. Even in the single-party context of Syria, President Bashar al-Asad was eventually forced to deal with Riad Seif by jailing him even though he commanded no organized opposition. For

⁵ As an example of how Vietnam is typically coded, Howard and Roessler (2006) deem Vietnam “closed” due to its Freedom House Political Rights score.

the remainder of this dissertation, I refer to these three different types of delegates as *yes-men, professionals, and critics*. I define these delegates as follows.

Critics

Nguyen Minh Thuyet, Riad Seif, and Giacomo Matteotti are all examples of “critics.” A critic is a delegate who *is willing to oppose regime policy on issues that are salient to the public or the regime rank-and-file*. Issue salience is important because it is a necessary condition for a speech to impose costs on the regime, which is what makes a speech sensitive. Like King, Pan, and Roberts (2013) my interpretation of sensitive speech also includes issues that have collective action potential. However, it is also somewhat broader. I also include as sensitive speeches that are in opposition to the regime on salient issues even if those issues have not mobilized organized protest in the past.

Professionals

Nguyen Van Luat represents the second type of delegate – the professional. Professionals are legislators who are willing to exert effort to improve legislation, but who will not challenge the regime on salient issues. They are willing to critique in order to modify policy, but not reject it. Furthermore, they are unwilling to raise an issue not on the agenda, particularly if it is of a sensitive nature. Attracting these types of delegates is the stated desire of many authoritarian regimes. One of the explanations for the addition of non-Baath Party delegates to the Syrian parliament was to increase the technical capacity of the legislature (Alvarez-Ossorio 2012). In another example, Singapore in

1989 introduced the role of the Nominated Member of Parliament, which had a clear technocratic mandate. They were supposed to be non-partisans whose qualification is that “they have distinguished themselves or... have special knowledge and practical experience in the professions, commerce, industry, social service or people from an under-represented group of the population.”⁶

Yes-Men

Bui Hoang Danh represents the final type of delegate – the yes-man. Yes-men are delegates who exhibit little activity whatsoever – critical or otherwise. These delegates are the archetypal delegates in a rubber stamp parliament. They offer few comments and no resistance to regime-backed policies.

Review of Literature: The Role of Legislatures in Authoritarian Regimes⁷

How do we explain variation in the types of delegates that fill authoritarian assemblies? As this section shows, despite the increased interest in authoritarian institutions, we still lack a convincing answer. This section reviews existing work on authoritarian assemblies.

The last decade has seen a resurgence in interest in the role of institutions such as legislatures under authoritarian rule. Part of the reason for the increased interest in authoritarian legislatures, elections, and parties is that almost all authoritarian regimes have them. Regarding legislatures, from 1946-2008, more than 80 percent of country-

⁶ Singapore Deputy Prime Minister Goh Chok Tong quoted in Mutalib (2002)

⁷ Much of this section comes from a forthcoming chapter in the Oxford Handbook of Legislative Studies (Schuler and Malesky Forthcoming)

years for authoritarian regimes featured legislatures. This figure jumps to 98 percent when considering only country-years after the end of the Cold War (Svolik 2012, 36).

In considering the role these legislatures play, where recent work conceives of multiple functions authoritarian legislatures can serve, much of the classic work on authoritarianism dismisses the notion that legislatures play a constraining role on regime leaders. Instead, older work suggests that legislatures serve either symbolic or mobilizational functions (Hough and Fainsod 1979, Sartori 1976, Friedrich and Brzezinski 1965). Criticism is rarely mentioned in any of this work. Indeed, in many of these assemblies, delegates are not afforded the opportunity to speak even if they wanted to challenge the regime.

To some extent, the difference between recent work and more classic studies is driven by the evolution of authoritarianism “in an age of democratization.” (Brownlee 2007). Previous studies largely focused on Stalin’s Soviet Union or Hitler’s Nazi Party, which were much more akin to the totalitarian ideal type where regimes attempted to control all aspects of state and society. However, as the number of totalitarian regimes has fallen (Linz and Stepan 1996, 40-41), so too has the reliance on total domination over society and political institutions by autocratic rulers. Therefore, while it is not entirely inaccurate to say that classic work did not consider legislatures important, one must also note that these works considered regimes that were quite different from contemporary forms of authoritarian rule.

More recent work suggests that legislatures play far more involved and important roles in regime maintenance. One proposed role that legislatures and legislators are theorized to serve is information provision. This argument is based on the premise that

the need for information is especially pronounced in authoritarian regimes due to the “dictator’s dilemma,” where regimes have difficulty accessing accurate information due to their inability to credibly commit to protecting the messenger (Wintrobe 1998). Consequently, public opinion surveys or reliance on key spokespeople from the citizenry are ineffective, as nobody will feel comfortable sharing their true opinions and will instead parrot the views that regimes want to hear (Kuran 1991). Scholars suggest that assemblies can resolve this problem by providing a policy space for delegates to safely provide criticism or describe the needs of their constituencies in ways that do not threaten the stability of the regime (Gandhi 2008).

A regime might desire several types of information. It may need information on its own popularity or the popularity of the opposition. A lack of credible information about the balance of power can be calamitous for authoritarian regimes and lead to “stunning” outcomes, where dictators lose even rigged elections (Huntington 1991). For instance, the Poland’s Communist-era government was unable to produce credible polling results that accurately showed their true level of popularity, which led them not only to lose the parliamentary election in 1989, but also design the electoral system in such a way that they denied themselves *any* of the elected seats (Kaminsky 1999). Other pieces of information the regime might value are the quality of their subordinates tasked with implementing regime policy (Geddes 2006) or the feasibility of specific policies proposals (Truex 2013).

Another set of arguments see the parliament as a tool to divide the opposition. This explanation aligns with Slater’s (2003) overall conception of institutions as weapons of the dictator to consolidate power rather than instruments to accommodate and reassure

opponents. Magaloni (2006) argued that the Mexican PRI systematically manipulated the election laws to divide opposition parties. In this way, they were better able to sustain their long-lasting domination of Mexican politics.

One of the most prominent theories of the role legislative institutions play is cooptation theory. Proponents of this theory argue that dictators want to both stay in power and generate a profit: “That dictators are concerned with remaining in power goes without saying. Yet maintaining power is a means to an end. While in power, dictators may have substantive goals they seek to fulfill.” (Gandhi 2008, 82). This aligns with McGuire and Olson’s (1996) notion that dictators are “stationary bandits” that have some concern for the productivity of society in order to generate more extractable rents. The crux of the cooptation argument is that dictators, in order to generate productivity, need to induce cooperation from the opposition. To induce cooperation, the dictator must bait them with policy concessions or resource rents, which Gandhi argues are best distributed or negotiated in an assembly.

This model generates some testable hypotheses in terms of which types of regimes are more likely to establish assemblies. First, where assets in society are mobile, dictators are likely to require assemblies because, when a regime can rely on natural resources, they do not require cooperation from society. This means that they are not required to make as many concessions to the opposition, and thus, do not require a parliament. This argument is similar to the theory proposed in Boix’s (2003) sweeping theoretical model linking economic redistribution and the propensity for democratization. In that work, he also argues that as capital generated by society is increasingly mobile,

dictators will be forced to cede power to elites in order to prevent these productive sectors of society from moving their capital outside of the country.

In terms of achieving the goals of inducing cooperation from potential or existing opponents, how does the assembly do this? Gandhi argues that assemblies help in three ways: 1) they help the dictator identify the relevant partners, 2) they allow both the opposition and the dictator to reveal information, and finally, 3) they do so in a way that prevents popular mobilization. Similar to the power sharing theory discussed below, these causal mechanisms linking assemblies to the leader's desired outcome do not flow from the formal model, but instead enter into the model as an assumption.

An alternative to cooptation theory is the power sharing argument. This theory starts from a different puzzle about the nature of an authoritarian regime. The puzzle is how authoritarian regimes maintain power-sharing arrangements and avoid descending into tyrannies. In exploring this puzzle, Svoblik (2012) distinguishes between "established autocracies" and "contested autocracies," with the former being related to the tyrannical outcome embodied by Stalin. In the power sharing model, dictators may or may not attempt to seize additional power at the expense of the allies he relies on to buttress his rule. The more he reneges on their authoritarian power sharing arrangement, the more difficult it will be for the elites to oppose him in future rounds. This leads to an unstable equilibrium where the only power the allies have to prevent the dictator from becoming a Stalin or Saddam Hussein is the threat of organized, collective action against the regime. Under this arrangement, institutions reduce the likelihood that the elites will actually have to rebel against the regime. Therefore, when elites are strong enough, they may press for institutions which will facilitate power sharing.

Unlike cooptation theory, the assembly is not a forum for regime opponents, but instead an arena for hashing out compromise with regime allies: “By contrast [with Gandhi and Przeworski], I argue that the primary function of these institutions in authoritarian governance is to reduce commitment and monitoring problems in *authoritarian power-sharing*, whether it is among those who already support the dictator or between the dictator and the newly recruited supporters.” (Svolik 2012, 88, emphasis in original). The assembly facilitates this through two mechanisms, which like Gandhi’s model, enter the model as assumptions. He argues that assemblies facilitate repeated interactions that will enable elites to signal the credibility of their collective threat to rebel. Similarly, the dictator can more credibly signal that he is not reneging on the power sharing arrangement.

Gehlbach and Keefer (2011; 2012) offer a twist on the power sharing arrangement by including the dictator’s desire for investment into the utility function. They argue that authoritarian assemblies are meant to provide transparency within a circle of investors handpicked by the regime. Through their participation in the assembly, they gain reassurance that their property rights will be protected and therefore they will be willing to invest. The key for their model is the assumption that within the assembly, any expropriation of another elite within the assembly is immediately common knowledge to all elites. However, elites outside the assembly are atomized in the sense that they can only observe a dictator’s expropriation of their property, but not of others. The assembly serves to increase the likelihood that elites can act collectively to oppose the dictator if he expropriates an unfair share of the rents, which gives them some incentive to invest effort and resources in productive activity.

An important counterpoint to the co-optation and power sharing arguments, which stress the importance of legislatures in protecting elites from government expropriation, comes from Jensen, Malesky, and Weymouth (2013). They suggest that authoritarian legislatures are not so much built to protect investors from the government, but rather protect private investors from themselves. The biggest advantage, according to this argument, is that legislatures allow investors to develop a code of laws that protect investors from expropriation from other private actors.

Finally, while most of the theories suggested above propose the benefits authoritarian regimes can derive from legislatures, Huntington (1991) paints a more pessimistic picture of the functions they serve. He argues that partial liberalization, defined as empowering an elected legislature with greater responsibility, is a desperate strategy by authoritarian regimes to maintain power. Therefore, even when they are kept in the minority, empowered opposition forces can use a presence in an authoritarian assembly to bolster their credibility and challenge the regime.

Indeed, evidence from some hegemonic authoritarian regimes supports the notion that opposition groups will not meekly accept the concessionary scraps granted to them by autocrats through seats in a legislature. Documenting the activity of the Muslim Brotherhood in the Egyptian parliament after their initial inclusion in 2000, Mecham and Loidolt show how the Brotherhood used their position to enhance their knowledge of legislative procedure and press for greater democratization. By doing so, they forced Mubarak to “behave in an autocratic manner, casting doubts on his claims of democratic legitimacy.” (2013, 5)

Cross National Empirical Evidence

Most cross-national studies testing the impact of legislatures rely either on a binary measure of regimes with and without legislatures or a three-point scale that combines the existence of a legislature with the number of parties the legislature has.⁸ Both the power sharing and co-optation theories suggest that regimes that require more cooperation from elites or where the dictator has fewer resources at his disposal, regime leaders will be required to set up legislatures or establish parties. The observable implication of this is that in countries with fewer natural resource rents or where exports are diversified across a wider range of industries the leverage of the dictator is weakened and they will be more likely create legislatures and allow more parties to participate in them (Gandhi and Przeworski 2007, Boix and Svolik 2013, Folch 2003). Wright (2008) argues much the same thing, but shows that this is more likely to apply in single-party and military regimes than personalistic regimes or monarchies. The cross-national regressions do show an inverse correlation between resource rents and the likelihood of institutionalization.

In terms of downstream effects, the same measures of legislative institutions are used to predict a variety of outcomes. Looking first at regime duration, the findings are mixed. Boix and Svolik (2013) find that that autocrats governing institutionalized regimes are more likely to exit power regularly than through coups or revolts.⁹ Gandhi (2008), on the other hand, does not find a robust relationship between her three-point

⁸ For research using the scale see (Gandhi 2008, Jensen, Malesky and Weymouth 2013, Gandhi and Przeworski 2006, Gandhi and Przeworski 2007), for those relying on a binary measure see (Boix 2003, Svolik 2012, Boix and Svolik 2013, Wright 2008)

⁹ This finding is consistent with the empirical results found in Boix (2003) and Svolik (2012)

measure of legislative institutions and regime survival. Part of the difficulty in making sense of these contrasting findings is that in addition to using different measures of institutionalization, these two sets of authors use slightly different operationalizations of regime failure. Gandhi uses the duration of the individual leader, while Svobik uses the end of the ruling coalition as the failure.

Finding a definitive link between institutions and regime failure is further complicated when the outcome of regimes is disaggregated into democratic transitions or authoritarian cycles. Wright and Escobar-Folch (2012) suggest that regimes with legislatures are less likely to suffer an authoritarian cycle. This is consistent with work on authoritarian elections, which suggests that regimes with multi-party elections are more likely to transition to democracy and not another authoritarian regime (Brownlee 2009)

Authors also consider the impact of institutionalization on other factors such as economic growth (Boix 2003, Wright 2008, Gandhi 2008), domestic investment (Wright 2008, Gehlbach and Keefer 2012), protection for private investment (Jensen, Malesky and Weymouth 2013), and the protection of civil liberties (Boix 2003, Gandhi 2008). In terms of growth, Wright (2008) finds that single-party regimes and military regimes exhibit growth when they have assemblies while personalistic regimes and monarchies with assemblies actually grow less when they have assemblies. Gandhi (2008) finds, even after addressing non-exogenous selection into the different levels of institutionalization, that regimes with multiple parties grow faster than single-party regimes or those without

assemblies.¹⁰ Both authors attribute the relationship between parliaments and economic growth to the better protection of property rights.

Boix (2003) shows evidence that dictators with assemblies are less corrupt and have lower levels of state-expropriation. However, this evidence is quite preliminary, as it is simply based on cross-tabs and does not account for controls or robustness checks. Jensen, Malesky and Weymouth (2013) probe the causal pathway between institutions and economic growth and find that the strength of authoritarian legislatures is associated with corporate governance rules and not expropriation risk, as measured by international political risk figures.

To sum up this empirical work, there is a weak correlation between institutionalization and regime longevity. However, when disaggregating different types of regime failure, there is stronger evidence that institutions can lead to democratization but prevent authoritarian cycles. In terms of downstream effects, there is a correlation between institutions, economic growth and protection for civil liberties. Legislatures also appear well suited to produce laws that protect investors from expropriation from other private actors. However, the evidence that legislatures protect against government expropriation remains contested.

Testing Causal Mechanisms through Single-Country Studies

¹⁰ Pepinsky (2013) takes issue with Gandhi's instruments in her two-stage Heckman selection model, arguing that the instruments for both the growth model and the selection of institutions violate the exclusion criterion in that they are plausibly correlated with both growth and the strength of opposition. For instance, Gandhi uses leadership changes and purges (in addition to inherited parties) to model the strength of opposition (the selection equation). But political instability has been shown to be strongly associated with economic growth. Consequently, Pepinsky argues that it is not clear that Gandhi has solved the selection problem and identified a plausible causal pathway between institutions and growth.

One of the problems with the cross-national studies is that they are ill-suited for differentiating between the micro-logic of theoretical arguments. The fact that the proponents of the co-optation and power sharing theories use largely the same data and empirical strategies to support different theoretical logics highlights this problem. These authors are not unaware of the issue, but acknowledge that limitations on data availability hamper the ability to test mechanisms. As Boix and Svolik note: "... large-N data provide only a crude measure of the extent to which regular interaction with any institution actually reduces asymmetries of information between the ruler and his allies." (2013, 308).

As such, they follow the approach taken by other authors seeking to explain the micro-level causal explanations linking authoritarian legislatures to desirable outcomes, which is to rely on qualitative and quantitative case studies. In Boix and Svolik's piece, they use the example of Mexico's institutionalization of power sharing under Plutarco Calles in 1927 (2013, 311). With a relative balance of power between Calles and Mexican notables, he was able to push through a series of measures to stabilize power sharing, which included establishing the National Revolutionary Party (PRI). Proponents of the power sharing theories also use examples from the Chinese and Soviet Union communist party central committees to show institutions checking dictators from centralizing power (Gehlbach and Keefer 2011, Svolik 2012).

However, even with these case studies there is little systematic analysis of delegate behavior in authoritarian legislatures to confirm whether or not the dynamics of the arguments presented above are in play. Do co-opted delegates act as loyal opponents as co-optation theory would suggest? Do elites allowed into the legislature protect their

resources through periodic collective action against the dictator as power sharing would predict? Do delegates provide meaningful information on policies as the information theories argue? Finally, could Huntington be right that such institutions are risky because delegates do not behave in the ways that the theories predict they should? Because of the lack of systematic attention to these questions using micro-level data, we are not yet certain.

Some within-country research designs provide suggestive evidence on the plausibility of different theories. In a largely forgotten piece in the *American Political Science Review*, Hopkins (1970) shows that some delegates in the single-party Tanzanian legislature in the 1960s were willing to challenge President Julius Nyerere.¹¹ In another overlooked piece, Desposato (2001) looks at patterns of opposition and repression in the Brazilian legislature during authoritarian rule in the 1960 and finds that opposition and repression came in waves.¹² He shows that delegates that were new to the assembly or who had weak electoral support were more willing to rebel against the regime than more politically secure delegates. Furthermore, those from urban areas were also more willing to rebel. These findings provide suggestive evidence for each of the different theories presented above. While legislatures are potentially risky, they also appear to co-opt opponents and could potentially stabilize power sharing arrangements.

However, these works were published before the surge in interest in authoritarian institutions. As such, their findings are not explicitly linked to the theoretical arguments

¹¹ Of this article's 43 citations according to Google Scholar, only 10 have come since 2000. Contrast this with Gandhi and Przeworski (2007), which has been cited more than 300 times since its publication and Boix and Svolik (2013) which already has more than 100 cites according to a search on Google Scholar on April 20, 2014.

¹² According to a Google Scholar check on April 20, 2014, Desposato (2001) was cited 21 times.

advanced by more recent work. One article that uses a similar approach to these authors while engaging recent theoretical work is Malesky and Schuler (2010). They use data collected from query session in the Vietnam National Assembly (VNA) to test micro-level arguments related to co-optation theory. In short, they argue that for co-optation theory to hold, delegates must be willing to challenge the dictator and represent their constituencies. Finding that some delegates are willing to challenge authoritarian leaders, they suggest that evidence from the VNA supports the plausibility of co-optation theory in the Vietnamese context. Reuter and Robertson (2013) provide further support for the logic of co-optation, showing that co-optation also has the predicted downstream effects in neutralizing protests. They find that Russian regions where members of the opposition hold leadership positions in regional legislatures are less likely to see protests.

Unanswered Questions

Returning to the original puzzle of this book, how do we interpret critical behavior in an authoritarian assembly, and more broadly, are these legislatures risky? As the review above suggests, recent literature has made exciting advances that provide potential clues. However, some weaknesses in existing work preclude a full understanding of these questions.

The most important issue with existing work is the implicit or explicit functionalism of many of the arguments. In their critique of work on authoritarian parties, Magaloni and Kricheli argue: “The mere fact that single parties improve dictators’ survival prospects does not necessarily entail that dictators will opt to create such parties. Nor does it entail that parties emerge because they serve this function.” (2010, 130).

Although they make their point in terms of parties, it applies equally to the literature surrounding the creation of legislatures. Simply observing that legislatures provide information, quell protests, or deliver strident criticism does not mean that they were originally intended to play these roles. This is particularly important for understanding how to interpret behavior in an authoritarian parliament. Without knowledge of the regime's intentions vis-à-vis the legislature, one cannot know if the behavior of delegates such as Nguyen Minh Thuyet, Riad Seif, or Giacomo Matteotti operates in accordance with regime design.

The second issue is the conflation of the role of the party and the legislature. In a critique of the literature on authoritarian institutions, Art suggests that more needs to be done to differentiate the roles served by parties and legislatures: "The decision to classify regimes on the basis of whether they have multiple, single, or no institutions does not allow us to pick up institutional variation among dictatorships, much less how institutions shape behavior at the micro level." (2012, 364). Indeed, in the cross-national measures of institutionalization, parties and legislatures are either included in the same index or are considered as interchangeable.

The conflation of party and legislative institutions also prevents an understanding of how to interpret behavior within legislatures. For instance, while regimes may want to co-opt organized opponents or stabilize power sharing, they may prefer to do so within party institutions rather than legislative institutions. Indeed, the analytical narratives used to support power sharing all discuss party institutions. Gehlbach and Keefer (2011) and Svulik (2012) discuss how power sharing arrangements are stabilized in party central committees in China and the Soviet Union, while Boix and Svulik (2013) use the

example of the institutionalization of the PRI to show how intra-regime conflict was managed in Mexico. In neither case do the authors discuss the creation or empowerment of legislative institutions.

A final issue with the existing literature is that most arguments consider either the benefits or the risks of institutionalization in isolation. In particular, the formal models supporting power sharing and co-optation present a picture of legislative institutions existing in stable equilibrium. However, as anecdotal evidence from other work and more systematic evidence presented in this dissertation show, liberalized legislatures demand far greater management than these models would suggest. This is not to say that the models are incorrect, but rather in proposing stable equilibria they downplay the significant resources regimes have to expend in order to manage them. Furthermore, in some cases, despite the regime's best efforts, legislatures may nonetheless exhibit behavior that is not in accordance with the designs regimes initially had for them.

Theory: Explaining Variation in Authoritarian Legislative Behavior

This dissertation redirects the focus from why legislatures are created to what roles regimes expect legislators to play. In doing so, it proposes a theory of behavior within authoritarian parliaments. ***The first argument of this dissertation is that regimes do not want critics to emerge in the legislature regardless of the role they see for the assembly.*** Rather, from the perspective of the regime, they would seek to derive the benefits of liberalization, which would include neutralized opponents in the case of the co-optation argument, peace between elites and the dictator in the case of power sharing, or information on predetermined policies if the goal is information provision. However, if

possible, the regime would prefer to derive these benefits without having to face delegates publicly challenging the legitimacy of the regime. As Gandhi and Przeworski argue, legislatures should ideally be settings where “demands can be revealed without appearing as acts of resistance... and where the resulting agreements can be dressed in a legalistic form and publicized as such.” (2007, 1282) The struggle for the ruler in a partially liberalized regime is how to garner these benefits without exposing themselves to public criticism.

This flows into the second core argument of the dissertation. Where genuine opponents are allowed to win seats in the legislature or where legislatures are the sole venue for elites to press their claims on dictators, critics will emerge. As this dissertation will show, genuine opposition parties are not allowed under single-party regimes. Therefore, contrary to the work of Malesky and Schuler (2010), co-optation is a less convincing explanation of behavior in these contexts. However, where opponents are allowed into the legislature, opposition party members often do not moderate their criticism. Rather, as Mecham and Loidolt (2013) show in the context of Egypt, inclusion into the parliament did not cause the Muslim Brotherhood to drop their demands for further democratization.

This leads to the third core argument of the dissertation, which is that where strong party institutions exist and all organized opposition is neutralized – as is the case in single party regimes – regime leaders would prefer to use party institutions rather than legislative institutions to coopt opponents and stabilize power sharing. This is due to an important difference between party and legislative institutions – the transparency of the proceedings. In party institutions, the public – and often even lower

level party members – are typically not aware of the debates surrounding different policy proposals or government appointments. However, in most countries, legislatures in theory are meant to be representative of the public, and therefore, the proceedings should be transparent. Allowing the logic of power sharing and co-optation to play out in these public venues is dangerous because it contravenes another central tenet of managing an authoritarian regime, which is to avoid public leadership splits (Shirk 2007).

The fourth key argument of this dissertation is that even when regimes only intend for legislatures to provide government oversight or information on legislation, where legislative proceedings are made public critics can emerge nonetheless. The emergence of regime critics can appear in tightly controlled authoritarian legislatures either as the unintended byproduct of an attempt to professionalize or due to factional disputes within the regime spilling into the assembly.

The following section takes up each of these arguments in greater detail. Through this discussion, several hypothesis will be specified that will be tested later in this dissertation.

Proposition 1: Dictators Will Always Prefer to Avoid Public Criticism

With or without legislatures, dictators want to avoid public criticism, which includes any a speech challenging the regime on any issue where the regimes has settled on a policy and the issue is salient. An obvious example in a single-party regime would be to promote multi-party democracy. The issue is both highly salient and the regime has settled that multiple parties are not allowed. However, wide range of other issues could also fall under this category. For example, in Vietnam, the issue of the South China Sea is

a salient issue where the regime carefully calibrates its official rhetoric in order to prevent unofficial protests from spilling out of control. Similarly, in China, the issue of Tibet is a sensitive topics that can merit censorship. As the jailing of Riad Seif suggests, corruption can also be a sensitive issue under certain contexts.

Under no conditions do authoritarian regimes want public opposition on these policies in the legislature. For the co-optation and power sharing models of authoritarian legislatures, it is not the criticism the regime wants but rather the cooperation from elites. The role of the institution is to induce elites to be more willing to cooperate with the dictator by giving them some policy concessions, rents, or reassuring them that their assets will not be expropriated. However, from the perspective of the dictator, with or without the institution in place, the optimal outcome remains to secure this cooperation while making as few concessions as possible.

The theory that regimes will not want to face public criticism from these institutions also flows directly from the formal models used to support the theories of power sharing and co-optation. In both the Gandhi (2008) and Svolik (2012) models, the stronger elites are vis-à-vis the dictator the more concessions the regime must offer. For the co-optation model, Gandhi argues that the stronger the elites are (or conversely the weaker the dictator is) the more likely that the dictator will have to concede rents as well as policy. Similarly, for Svolik, the goal of the dictator is to centralize power and establish a tyranny. The stronger elites are the more likely it is that dictators will be forced to share power. Having sensitive issues raised that challenge the regime will on one hand reduce the popularity of the leader and on the other hand raise the profile of the delegate willing to raise the issue.

Once such attacks are launched publicly, several outcomes are likely. First, the dictator is weakened as a result of the attack on a sensitive issue. Second, the delegate may gain more power for themselves as a result of the increased notoriety. This can tip the balance of power between the two groups and necessitate a renegotiation of the institutions governing the interactions between the two groups. To prevent the delegate from continuing to engage in such behavior, the regime may be forced to punish the delegate, which could decrease the legitimacy and consequently the leverage enjoyed by the regime. To illustrate this dynamic, consider co-opted opponents in other contexts. As described above, in Egypt the co-opted Muslim Brotherhood used their position in the assembly to attack Mubarak's regime (Mecham and Loidolt 2013). Similarly, the oppositions in other hybrid regimes such as Malaysia, Cambodia, and Mexico under the PRI were also vociferous in using the legislature as a venue to attack the ruling party.

So far, this section has only discussed the regime's preference to limit critical behavior where the logic of liberalization is power sharing or co-optation. However, even where information provision is the primary goal, the regime should still not desire public attacks. This is where the distinction between a professional and a critic is important. The goal of information provision is to improve the feasibility of policy and provide oversight of government performance. Under this logic, the regime does not wish to renegotiate policy or change policy. Instead, the regime hopes implement predetermined policies in a way that achieve its overall objectives, but needs assistance in ensuring that the policy is feasible and consistent with other legislation. In terms of oversight, the regime hopes to ensure that the government executes the legislation. To do this, the regime needs experts

that are willing to provide input into policy, but who will restrain themselves from challenging the party on policies that have already been decided.

Proposition 2: Institutions Designed to Constrain the Dictator will Feature Critics

Despite the desire for the regime to limit critical behavior in legislatures, any legislature designed to co-opt opponents or stabilize power sharing is nonetheless likely to feature critical behavior. The first reason is that where delegates are given an opportunity to make claims to the public, they have an incentive to do so in order to increase their leverage vis-à-vis the dictator. A key underlying assumption in both models is that relative balance of power between elites and the dictator are exogenous to the creation of a liberalized assembly. However, institutions, particularly legislative institutions, can endogenously impact the relative balance of power between elites and the dictator. In the models, the party or legislative institutions are created at time t , when there is a certain balance of power between the dictator, elites, or the opposition groups. However, after time t , the newly empowered delegates now have an additional weapon to use against the dictator. They can use the forum of the legislature of the party institutions to either garner attention support for themselves, or challenge the dictator on issues where he is weak. The more power delegates gain, first through an assembly, and later by demanding greater powers for the assembly, the more the balance of power tips in their favor and the more concessions they can demand. For this reason, absent punishment or other controls, delegates will continue to press the regime for greater powers.

In addition to this, contestation is built in to the models. For co-optation, opposition delegates use their positions in the legislature to make demands on the regime

for policy or rent concessions. To the extent that regime proposals do not align with the preferences of the opposition, they will be required to challenge those proposals.

Similarly, for power sharing, it is assumed that the goal of the dictator is to amass greater power at the expense of the ruling elite. Therefore, even where such institutions exist, the regime may nonetheless attempt to circumvent the legislature in order to centralize power. When this occurs, the legislature must chasten the dictator.

It is tempting to say that in equilibrium, dictators will be aware of the risks of conceding too little and will therefore restrain themselves. The threat of such a response from the legislature should induce the dictator to propose policies acceptable to elites. Therefore, in equilibrium, criticism should never occur. However, anecdotal evidence suggests that a lack of information about the relative strength of the dictator and the elites, even where institutions exist, is still not sufficient to prevent either dictators or elites from overestimating their true level of support.

For example, in the cases Gandhi uses to illustrate co-optation theory, even where dictators stood to benefit from legislatures, they still resisted creating legislatures and when possible, chose to disband them. In Kuwait, when the elites proposed a legislature “[t]he Emir’s initial reaction to the political activity was repression.” (Gandhi 2008, 49). Similarly, in the case of Morocco, kings Mohammad V and later Hassan II both attempted to shut down or reduce the power of the nascent legislative institutions. This is likely because the nationalists made a nuisance of themselves when they were granted seats in the legislature. For example, even in the early stages of institutionalization when Mohammad created the weak National Consultative Assembly, the nationalist opposition groups still challenged the government. As Gandhi writes: “The one useful power the

Assembly did have, however, was its right question ministers... Indeed, the Assembly was sometimes able to go beyond its 'fire alarm' function and inject itself into the policy-making process." (2008, 58)

The same holds true for the party institutions used to stabilize power sharing arrangements. Svolik uses Khrushchev's successful appeal to the Central Committee to overturn a Politburo decision to unseat him as an example of a narrow group attempting to centralize power being thwarted by a broader party institution (2012, 98). A similar story played out in Vietnam, where the Vietnam Communist Party Central Committee voted General Secretary Le Kha Phieu out of power in 2001, at least partially due to suspicions that he was attempting to centralize power (Abuza 2002). However, in both cases, members of the party elite were required to take action to check a leader or small group of leaders that made a gambit to seize power. In the case of the anti-Party plot in the Soviet Union, "[t]he 'anti-Party plot' ultimately failed because the anti-Khrushchev group failed to appreciate how significantly power had dissipated after Stalin's death..." (Svolik 2012, 98). Similarly, in Vietnam after reports surfaced that Le Kha Phieu was attempting to seize the position of president and general secretary "[e]fforts were then made to thwart Phieu's unpopular attempt to consolidate power. As the VCP has always prided itself on collective leadership, any attempt by one individual to overtly consolidate power is seen as 'anti-democratic' behavior and eschewed." (Abuza 2002, 134). Therefore, in both cases maintaining equilibrium demanded assertive behavior from members of the institutions.

The fact that institutions designed to co-opt opponents and generate power sharing will feature critics provides a useful observable implication of these arguments

that will be tested in later chapters. If co-optation is the goal of the legislature, members of the opposition group should be among those most willing to take the role of critic. Furthermore, if power sharing is another goal of a legislative institution, the members of the ruling elite should also be willing to take the role of critic.

Co-optation Hypothesis: If a regime uses a legislature for co-optation, non-party member delegates should behave more critically than delegates from the ruling party.

Power Sharing Hypothesis: If a regime uses a legislature power sharing, delegates who are members of regime elite should speak more critically than other delegates.

Proposition 3: Party Institutions are more likely to Check Dictators than Legislatures

One of the key arguments of this dissertation is that contrary to the two hypotheses specified above, where strong party institutions exist, rulers will not design legislatures to co-opt opponents or stabilize power sharing. This is because of a crucial difference between party institutions and legislatures. While party proceedings are generally private, legislatures tend to hold their meetings in public. The difference in transparency results from the different roles served by parties and legislatures. While parties are generally seen as representing a political movement, legislatures are intended to be representative of the citizenry and therefore the norm is for the proceedings to be held publicly.

This difference in the level of transparency is evident in the case of single-party regimes such as Vietnam. Proceedings from the VNA are reported in the media, with some sessions actually broadcast on live television. Furthermore, the transcripts of almost

all plenary sessions are made available on the VNA website. In contrast, debates in party meetings such as the Central Committee and Politburo are almost never made public. Even the directives produced from party meetings, such as from the Politburo, are only intermittently made public. In most cases, the intended audience for party directives are lower level party members or members of the ruling elite.

The difference in transparency between party and legislative institutions has important implications for the roles authoritarian leaders will delegate to party and legislative institutions. As the previous section notes, for power sharing or co-optation to work, regime elites or opponents will periodically challenge the ruler. However, if the proceedings of these challenges are made public, this will contravene a basic precept of authoritarian rule, which is to avoid public leadership splits. Authoritarian regimes are keen to avoid public leadership splits because apparent division within the regime could signal to opponents that the regime is weak. Furthermore, the fractures could form the basis for a division that could be mobilized. For this reason, one of the main lessons learned by the Chinese Communist Party after the Tiananmen Square crisis was to avoid public leadership splits (Shirk 2007).

Because of a desire to keep rifts between different members of the ruling elite in-house, regimes with strong single parties will use party institutions such as central committees or leadership councils to stabilize power sharing roles and where possible co-opt potential opponents. Only where opponents are organized, too powerful to eliminate, and unwilling to merge with the ruling party will regimes use legislatures to co-opt these groups. However, in single-party regimes, this is not the case. Therefore, we should not see these types of regimes intentionally use legislatures to manage power sharing or co-

opt opponents. In fact, we should be more likely to see regimes *discourage* regime elites from challenging each other in an assembly. This leads to the following hypothesis:

Power Split Hypothesis: Contrary to the Power Sharing Hypothesis, if dictators hope to hide leadership splits, delegates who are members of regime elite should behave less critically than other delegates.

Proposition 4: Critical Behavior can appear within Partially Liberalized Assemblies

Based on the arguments presented above, this chapter predicts that single-party regimes will not intentionally use legislatures to co-opt opponents or stabilize power sharing. Consequently, they will not intentionally design an assembly that will deliver critical behavior. Given this, how do we explain critical behavior where it emerges? This dissertation proposes two mechanisms.

The first explanation is that criticism is the *unintentional byproduct* of an attempt to professionalize the parliament. One of the goals theorized for authoritarian legislatures is the provision of information (van Rooij 2006). Regimes may desire two forms of information. First, they may desire information on policies to ensure that the implementation of proposed laws is feasible. In this instance, the goal of debate is not to challenge the necessity of the law, but rather to ensure that it will have the desired effects. Second, they may desire information on how well officials abide by these laws. In this respect, professional delegates with the ability and time to assess the performance of bureaucrats are necessary.

If a regime desires for the legislature to provide these forms of information, it should seat a certain number of professionals with the capacity and resources to assess

policy. The difference between a delegate serving a professional role and one acting as a critic can be summed up by President Nyerere's aim for the Tanzanian parliament in the 1960s: "... according to 'official' views, although a legislator may express criticism, it must be constructive, and not in opposition to policies already decided by the [National Executive Committee]" (Hopkins 1970, 755). The basic distinction is that a professional will improve legislation while critics may reject it and potentially challenge regime leaders.

The problem for the regime is ensuring that delegates will provide only "constructive" criticism. One way to achieve this optimal level of behavior is through *ex post* punishment. Through the threat of jailing, demoting, or killing critics, delegates will be dissuaded from criticizing the regime, regardless of their preferences. This can certainly be a deterrent, but it requires that the regime be prepared to follow through for it to be credible.

However, regimes will want to limit the number of times they are required to mete out punishment. First, in order to administer punishment one must empower a repressive apparatus such as a secret police that could be turned against the regime itself (Haber 2006). Second, legislators are public figures with access to a megaphone. Punishing a delegate after a critical speech carries a great risk of turning the delegate into a martyr or at least creating a focal point for collective action. This dilemma constrained the Myanmar military regime's ability to punish Aung Sang Suu Kyi.

Given these issues, if possible the regime would prefer to limit criticism through selection and vetting, where likely critics are weeded out while those with technical expertise but no known agenda are seated. Anecdotal evidence suggests that they do just

that. In the 2007 elections, despite allowing some non-Party members to compete for seats, known dissidents Cu Huy Ha Vu and Le Cong Dinh were prevented from running. Even outspoken party members such as Dang Hung Vo were vetted.¹³ At the same time, while the Vietnam Communist Party was restricting access to the ballot to limit criticism, it also steadily increased the level of education and professionalism of the membership in apparent hopes of improving the quality of the membership. **Figure 2.1** shows that the number of fulltime delegates in the VNA has increased every year since 1992.

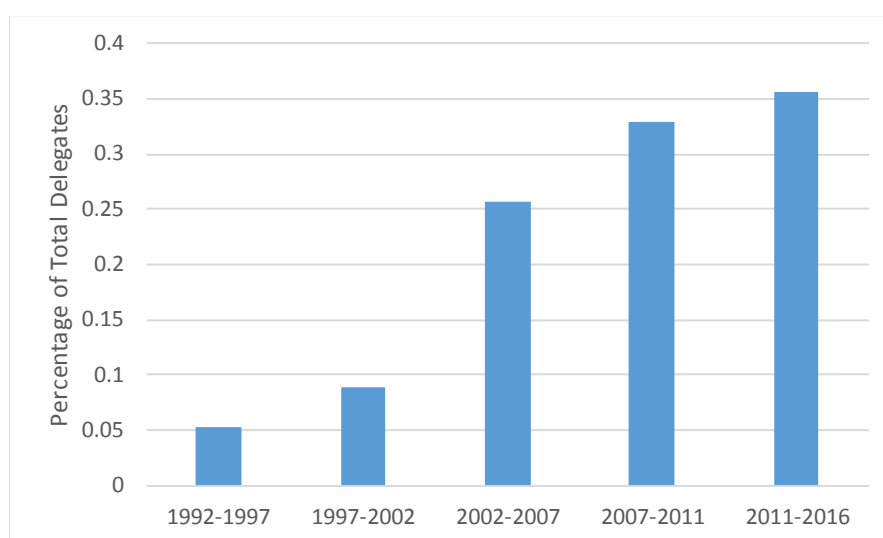


Figure 2.1: Fulltime Delegates in the VNA: These figures are from a private essay written by former Office of the VNA Chairman Vu Mao. The totals for the 12th and 13th VNA differ slightly from the numbers found in Table 4.1, which uses data collected from the Office of the VNA website. I rely on Mao's numbers because he has figures from 1992 to 2007, which are not available on the VNA web site

¹³ See Nguyen Tien Trung. "Bầu cử Quốc hội, thực trạng và giải pháp." *BBCVietnamese.com*. May 7, 2007. http://www.bbc.co.uk/vietnamese/forum/story/2007/05/070507_na_nguyentientrung.shtml. Accessed April 24, 2014.

Despite the attempts to limit criticism through vetting, a desire to use the legislature to deliver information on policy through professionalization could nonetheless lead to unintended critical behavior. By encouraging professionals to sit on the assembly, if the regime has imperfect information on the preferences of these delegates, some of these delegates may act as critics despite regime attempts to weed them out.

Regimes may fail to observe critics because, similar to candidates for the US Supreme Court, aspiring delegates planning to challenge the regime may withhold their true views in order to first win a seat. After winning, they could take advantage of their public platform to challenge the regime with the hope that their public profile will make the regime unwilling to punish them.

Alternately, winning a seat in the assembly changes the preferences of the delegate. After election, a delegate may change their preferences on policies for a variety of reasons not observable to the regime during the vetting process. Perhaps they have greater access to information through the resources granted to a delegate. With the increased information, they gain new perspectives on issues. Additionally, perhaps through interactions with other delegates, their views on issues change. Finally, gaining access to a national audience afforded to a delegate may induce them to take an interest in issues that are salient nationally. Given that many delegates nominated locally may not have had the opportunity or reason to publicly express opinions on national issues prior to winning election, the regime will only be able to imperfectly gauge their views on these issues during the vetting process.

If this *unintentional byproduct* explanation holds, what patterns should criticism take in the assembly? In fact, there should be no discernable pattern. If the regime was

able to predict who would act as critically, it would prevent them from running in the first place. Therefore, if the *unintentional byproduct* explanation holds, we would expect the following to be true:

Unintentional Byproduct Hypothesis: If criticism is the unintended consequence of professionalization, no variables observable to the regime predict critical behavior in the legislature.

Another possible explanation for unintended criticism is that it is a result of internal factional struggles within the regime spilling out into the public forum. Despite norms against attacking each other on the floor of the legislature, individuals within the regime hoping to gain power have an incentive to attack their rivals through any means possible. Therefore, they may use proxies or feed information to sympathetic legislators to attack rivals, particularly during periods when leadership positions are decided. If this theory holds, we should see critics as more likely to emerge prior to a leadership transition.

This explanation is similar to the power sharing theory, but different in important ways. The power sharing theory argues that delegates will use councils or assemblies to protect themselves from an over-centralization of power through regularized interaction between the dictator and the elites. This theory suggests that the regularized interaction between elites should reduce information problems and decrease the need for conflict. If, however, criticism is leveled through proxies with murky ties to regime leaders, such a routinized exchange of information would not occur. Routinized, clear interactions requires that each side knows the true identity of the party making the criticism.

More importantly, due to a desire to avoid public leadership splits, regimes might adopt norms that elites should not attack each other on the floor of an assembly.

Therefore, elites might be reluctant to challenge each other directly in a parliament because enforcing power sharing through a public forum such as the VNA would require public exposure of fissures within the ruling elite. For this reason, *although individual members of the ruling elite might have an incentive to attack others publicly, such criticism will be collectively detrimental for the regime.*

Despite norms against elites attacking each other publicly, a rival for power may nonetheless attempt to attack an opponent through a proxy with no obvious ties to the leader. The dilemma is how to attack an opponent from the parliament without signaling a leadership split to the public. Doing so requires that criticism against an opponent comes either from delegates with no ties to the leader or with ties that are not observed by the public. If the regime can either float sensitive information that is taken up independently by willing critics, or secretly feed information directly to a critic with ties not observed by the public, opponents can attack rivals without signaling leadership splits.

If this theory obtains, what pattern of criticism should we see in an authoritarian legislature? Given the desire to keep the true source of the criticism obscured, the biographical information related to the delegate should not predict critics in this case either. However, an observable implication of this logic could be found in the proximity of the assembly session to leadership transitions. If criticism in the assembly is the result of factional conflict spilling into the public, then such behavior should be most prevalent

when these conflicts are the most intense – during leadership transitions. This leads to the final hypothesis.

Power Struggle Hypothesis: If criticism results from delegates acting on behalf of contenders for power in internal party struggles, critical behavior will be more prevalent immediately prior to negotiations for leadership transitions.

Unfortunately, due to limitations in the existing data, testing of this hypothesis is reserved for future work. However, chapter 4 does provide some anecdotal evidence in support of this theory.

Conclusion:

This chapter explores the puzzle of how to explain the presence of critics in an authoritarian assembly. Are delegates like Nguyen Minh Thuyet intentionally included in legislatures or not? While existing literature provides some clues, the functionalism of existing theories, a lack of clarity about the different roles played by parties and legislatures, and the tendency to focus on the benefits of institutions has obscured an answer to this question. This chapter then presents a theory suggesting that in strong single party systems, dictators would prefer not to use legislatures to co-opt opponents or stabilize power sharing, which are the two possible explanations for intentionally seating critics. Instead, authoritarian regimes with strong parties will likely use party institutions for these roles. As an alternative explanation, critical behavior is predicted to result from imperfect vetting and contenders for leadership positions using legislative proxies to attack opponents. This theory presents an important addition to existing theoretical work

in that it highlights the contested and unpredictable nature of authoritarian institutions. In short, where leaders allow unscripted comments to appear in public, while they may derive benefits they also expose themselves to risks.

The material used in this chapter is being prepared for a book manuscript.

Chapter 3: The Role of the VNA in Policymaking

Assessing whether or not behavior in the VNA aligns with regime intentions requires an explanation of what the party's intentions are relative to the VNA. According to the measures used in cross-national studies of authoritarian legislatures, the role of the Vietnam National Assembly (VNA) in policymaking would appear static. The datasets used to support different theories of authoritarian assemblies code Vietnam as unchanged throughout its 60 year tenure.¹⁴ Vietnam, as opposed to hybrid regimes, has barred all parties save the Communist Party from competing in elections since independence. Therefore, while it is not included among the group of regimes that have no legislature, it is also not among the regimes with multiple parties. Such consistency suggests that the VNA has served a similar role in policymaking since its inception.

This chapter shows that the role the VCP has intended for the VNA has not remained static. The original goals for the regime regarding the VNA were to simply have it rubber stamp laws, project unity, and demonstrate the legitimacy of the regime. This changed in the late 1980s, when Vietnam Communist Party General Secretary Nguyen Van Linh increased the capacity of delegates and the number of days the VNA was in session. Using evidence gathered from party documents and institutional changes, this chapter shows that his primary goal was to increase the technical capacity of the body to pass legislation and oversee the government. At the same time, there is little evidence that the increased activity of the VNA was intended to either act as a safety

¹⁴ Boix (2003), Gandhi (2008), Wright (2008), and Svobik (2012) all use variants of the same typology where countries are graded according to three categories. Regimes either have no legislature, single-party legislatures, or legislatures with multiple parties.

valve for societal pressure, co-opt organized opposition groups, or provide a mechanism for elites to protect their resources.

This exploration of the evolution of the VNA helps situate the institution within the broader Vietnamese policymaking environment. The first section of the chapter shows the different stages of the VNA. Using content analysis of the *Far Eastern Economic Review's* coverage of the VNA and an analysis of the number of laws passed and number of days the VNA was in session, the history of the VNA can be divided into two periods – the rubber stamp period and the technocratic period. The second section examines the changes implemented during the transitional period to examine how the VNA took on these new roles and what the intentions of these leaders were regarding the changes. This section relies on speeches made by party officials during the late 1980s, when the main changes were instituted.

The Evolution of the VNA:

As Malesky notes, observers of Vietnamese politics frequently note that the assembly has become “increasingly assertive” when discussing an aggressive speech in the VNA, a dismissal of an official, or a rare reversal of a party-proposed law (Malesky 2014). However, using these instances as signs that the assembly has become increasingly assertive risks selecting on the dependent variable, where a rare case of assertive behavior can mistakenly lead to the impression that such behavior is on the rise.

A brief look at journalistic accounts suggests that this characterization of the VNA has been used since at least the late 1980s. In describing the opening of the June session in 2011, *Bloomberg News* reported that “Vietnam’s National Assembly opens

today after a series of actions last year that suggest the top legislative body is growing more assertive and willing to criticize the government.”¹⁵ This account looks similar to an article in the *Far Eastern Economic Review* in 1989. After robust criticism of the Minister of Finance, the paper wrote that “[m]embers of the National Assembly, which until recently was little more than a rubber stamp for Vietnam’s Communist Party, were surprisingly harsh in their criticism of government officials and state economic policies.”¹⁶ Was the VNA more assertive in 2011 than it was in 1989? Alternately, was the VNA in 1989 substantially different than it was in 1979 or earlier?

Assessing when the VNA took on new roles is challenging. Most histories are official accounts that focus heavily on the formal institutions but fail to address how those institutions work in practice. These formal accounts also do not deal with the debates that led to the creation of those institutions. Huy Duc, a former journalist for the Vietnamese newspaper *Tuoi Tre*, is one of the few able to combine access to Vietnamese officials with an independent analysis of post-unification politics (Duc 2012). Fortunately for this study, his book also includes a section describing the evolution of the VNA and some of the political struggles that allowed the VNA to assume a larger role in policymaking. For these reasons, and also because his work has yet to be translated into English, this section considers his treatment of the VNA at some length.

Duc’s account divides the VNA into two eras. The first, he suggests, was prior to the late 1980s. During this period, he writes that the VNA was largely a “decoration”

¹⁵ See Jason Folkmanis. “Vietnam National Assembly May Get More Critical of Government After Start.” *Bloomberg News*. July 20, 2011. <http://www.bloomberg.com/news/2011-07-21/vietnam-national-assembly-may-get-more-critical-of-government-after-start.html>

¹⁶ See Murray Hiebert. “ECONOMIC RELATIONS: Reforms have yet to Halt the Downward Spiral: Vietnam’s Rocky Road.” *Far Eastern Economic Review*. January 12, 1989.

(*trang trí*), where the primary responsibilities were to “[i]nstitutionalize or legitimacy the leading role of the party – a responsibility the Constitution called ‘lawmaking’; demonstrate the support for the party and government in the name of the people; and demonstrate the unity of the people.” (Duc 2012, 228)¹⁷ It was not until the late 1980s, he suggests, that the VNA turned into what he calls a “forum” (*diễn đàn*).

According to this account, the earliest sign of assertiveness was in 1985, when VNA delegate Dao Thi Bieu dramatically threw out her prepared speech in a 1985 VNA meeting and directly criticized the government over its handling of the disastrous salary and price reforms that precipitated hyperinflation in the mid-1980s. Other news reports at the time confirm this account and suggest that Bieu was not alone.¹⁸ Her speech was significant because previously delegates always read speeches that were preapproved by the VNA Standing Committee.¹⁹

The increased level of activity continued in the late 1980s under the chairmanship of Le Quang Dao. In 1988, 33 provincial delegations of the VNA – mostly from the south – introduced an alternative candidate for the position of prime minister. Although that candidate, Vo Van Kiet, lost to Do Muoi, it was a sign that “delegates were no longer coming to the hall in Ba Dinh simply to raise their hands like before.” (Duc 2012, 231)²⁰

¹⁷ “Thể chế hóa hay nói chính xác hơn là hợp thức hóa đường lối chủ trương của Đảng – chức năng mà Hiến pháp gọi là “lập pháp”; trình diễn sự ủng hộ nhân danh “của dân” đối với Đảng và Chính phủ; trình diễn khối đại đoàn kết toàn dân.”

¹⁸ See Murray Hiebert. “Vietnam: Elections with a Difference: Voters are Allowed to Speak out on Problems during Assembly Polls.” *Far Eastern Economic Review*. May 7, 1987.

¹⁹ During the 1980s the VNA Standing Committee was known as the State Council. Despite some key differences, the role of the two bodies in managing the VNA sessions was similar.

²⁰ “... dù không trở thành một tiền lệ vẫn cho thấy các đại biểu đã không còn đến Hội trường Ba Đình để chỉ giờ tay như trước.”

It was also during this period from the late 1980s to the early 1990s that query sessions became more meaningful. Although the power to query officials in the VNA had always been in the constitution, Duc writes that delegates first began using this power when on December 21, 1991 Dao refused to let Minister of Finance Hoang Quy to return to this seat after delivering a report on the performance of his ministry. According to Duc, the entire VNA was “stunned” [xôn xao] when he did so. (Duc 2012, 234)

While Duc’s account is unique in terms of his direct access to Vietnamese officials, some commentary from foreign observers supports Duc’s general division of the VNA into two periods. In a report on strengthening the VNA from the Swedish International Development Cooperation Agency, they suggest:

[w]hen Doi Moi was proclaimed in Vietnam in 1986, Vietnam, first North Vietnam and later the united Vietnam, had for 40 years been developing according to the classical model of a People’s Republic. The political power was vested with the Communist Party, decision-making was centralized, and the ‘Parliament’ only met some days a year to formally endorse decisions that were made elsewhere.” (Andersson, et al. 2003, 8-9)

Regarding its evolution into a more robust forum, veteran Vietnam-watcher Carlyle Thayer argues that “probably the most important manifestation of the democratization process in Vietnam in Vietnam has been the changing role of the National Assembly deputy.” Among several pieces of evidence for this changing role, he notes that the VNA was engaging in greater oversight over government officials: “... in late June 1988 some of the most vocal criticism of the government’s performance came from newly elected deputies. Government ministers were accused by name of mishandling a food crisis...” (Thayer 1992, 13) Furthermore, in terms of legislation,

committees were more active in vetting legislation, leading to delays and changes to drafts.

Evidence of Changing Roles:

While these accounts are useful, they are incomplete for several reasons. First, these accounts largely rely on anecdotes that cannot account for whether or not there was a marked increase in assertive behavior or whether they were isolated instances. Second, they focus primarily on assertive behavior, but do not account for other types of activity that VNA may engage in that would also signify a changing role. That is, while delegates may not have become overly critical, the parliament may have become more active in lawmaking, even without drawing attention to itself for begin overly critical or raising sensitive issues. Third, they provide an incomplete picture of *why* and *how* the VNA assumed its new roles.

This section addresses the question of when the VNA changed roles. The following sections will address why and how it changed. To assess the plausibility of the argument that the role of the VNA changed in the late 1980s, I use three different dimensions that would indicate a change in role and activity during the late 1980s. These measure include:

1. the number of days the VNA meets;
2. the number of laws passed;
3. the number of articles mentioning the VNA and delegate activity in the *Far*

Eastern Economic Review

These measures have the benefit of being systematic and objective. Furthermore, they can help establish with greater precision the exact time when the changes took place. In terms of the validity of the measures in assessing the increased role of the VNA in lawmaking and oversight, the first two measures are straightforward. While the numbers of days in session cannot tell what exact purpose the VNA is serving, it can indicate whether or not the role has increased. The second measure – the number of laws passed per session – provides a better indicator about a specific role the VNA is serving. The assumption is that the more laws it passes, the greater role the VNA has in passing legislation.

The third measure relies on a content analysis of articles mentioning the VNA in the *Far Eastern Economic Review (FEER)*. By reading these articles and assessing when the media began noticing assertive behavior, this measure helps provide a timeline of when the behavior began. The *FEER* was chosen because it was one of the few outlets not controlled by the Vietnamese government to regularly cover Vietnamese politics after the Vietnam War. Currently, I only have access to the archives from 1975-1997, but this is sufficient to cover the period of transition under consideration here.

Starting first with the number of days the VNA met, **Figure 3.1** shows the number of days per year the VNA was in session with the line representing the weighted running mean. I restricted the observations to the post-unification period after 1975 because the war might have artificially lowered the number of days the VNA was in session. The figure clearly shows that prior to 1989, the assembly met only briefly. Given that the assembly meets at least twice a year, almost all sessions were less than ten days. It was not until 1989 that the sessions lasted on average more than 10 days. After that point, the

assembly never met fewer than 20 days per year and after 1992, never fewer than 40 days a year. This represented a more than 400 percent increase in the average number of days the assembly was in session in a little more than five years.

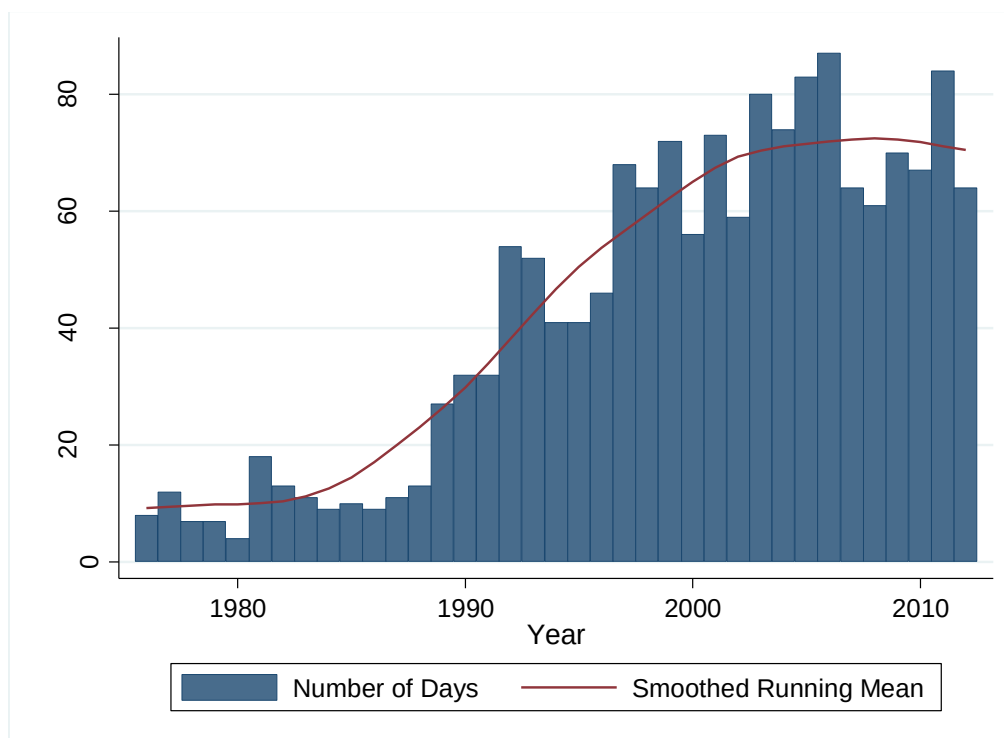


Figure 3.1: VNA Days in Session

Moving to laws, **Figure 3.2** shows the total number of laws passed per year. It shows a substantial increase in activity after 1987. From 1976 to 1986 only 11 total laws were passed, and most of these were in 1981 after the passage of the Constitution in 1980. These laws, which included the Law on the Organization of the VNA, the Law on the State Inspectorate, the Law on the Courts, and the Law on the State Council, are

required to allow the operation of these agencies to adhere with the stipulations of the new constitution. With those laws aside, between 1976 and 1986, only seven laws were passed.

However, starting in 1987, after the 6th Party Congress where the leadership instituted the policy of *Doi moi* [Renovation], the party's goal to have the VNA become more active in lawmaking is evident. After 1987, with the exception of 2002, the VNA never passed fewer than four laws per year. This burst in legislation clarifies the suggestion by Thayer that the VNA became more active in debating legislation in the late 1980s (Thayer 1992). Rather than becoming active in debating legislation, the political system for the first time began *producing* legislation. Prior to 1986, policy was largely set by the party, manifested in ministerial directives. **Figure 3.2** clearly shows the shift toward relying on laws rather than edicts to set policy.

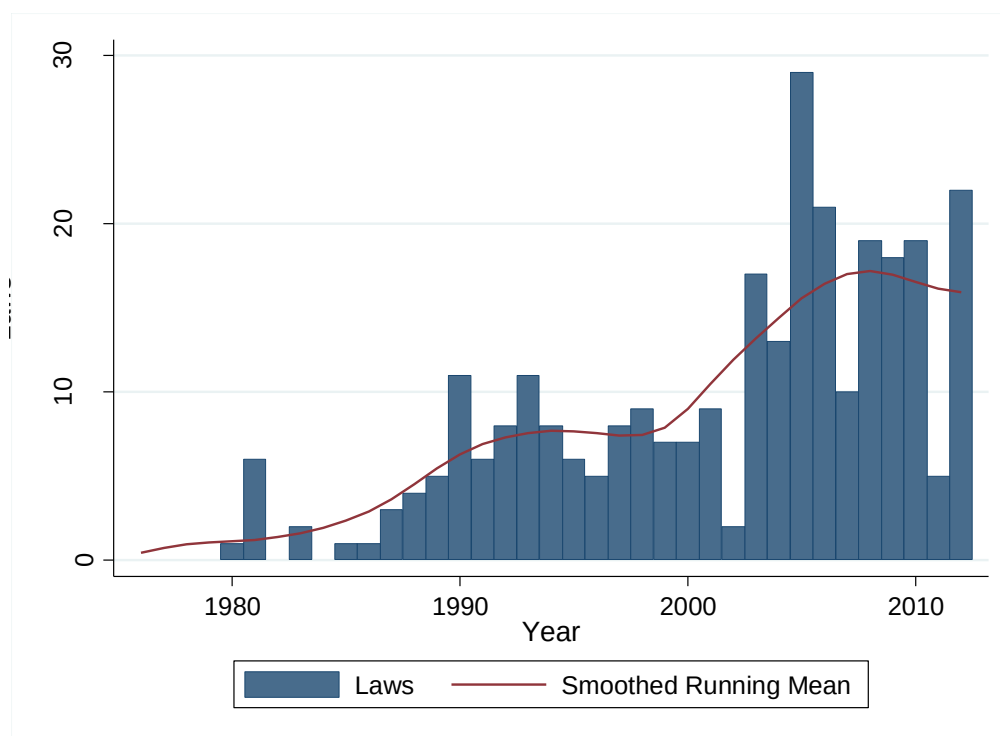


Figure 3.2: Laws Per Year

Finally, the assertiveness of the assembly can signal an increased willingness to provide robust oversight of government officials. Later chapters deal with assertiveness in the form of critical comments more systematically. However, because systematic data is not available until 2007, I have to rely on other sources to measure the change in behavior during the late 1980s. Therefore, I calculate a simple measure of assertiveness using a content analysis of articles on the Vietnam National Assembly in the *Far Eastern Economic Review*. For each year, I searched the total number of articles mentioning the words “Vietnam” and the “National Assembly.” After collecting all the articles, I divided the articles into two types. If the article simply mentioned a speech made by a government or party official in the VNA, I coded it only as a VNA article. However, if

the article mentioned a speech or critical comment made by a delegate regarding a law or government report, I noted that the article as have “active delegates”, in that a delegate was mentioned in the article.

Figure 3.3 shows the total number articles mentioning the VNA in blue while the proportion of those articles mentioning a delegate actually criticizing an official or debating a law is shown in red. The lines show the weighted running average of the total number of articles mentioning the VNA and the number of articles mentioning delegate activity. What the figure shows is that the level of attention paid to speeches in the VNA is relatively consistent. Where the increase in the number of articles about the VNA came from is in the attention paid to the activity of the VNA delegates themselves. That is, more articles mentioned the role of the VNA in passing laws and criticizing government ministers.

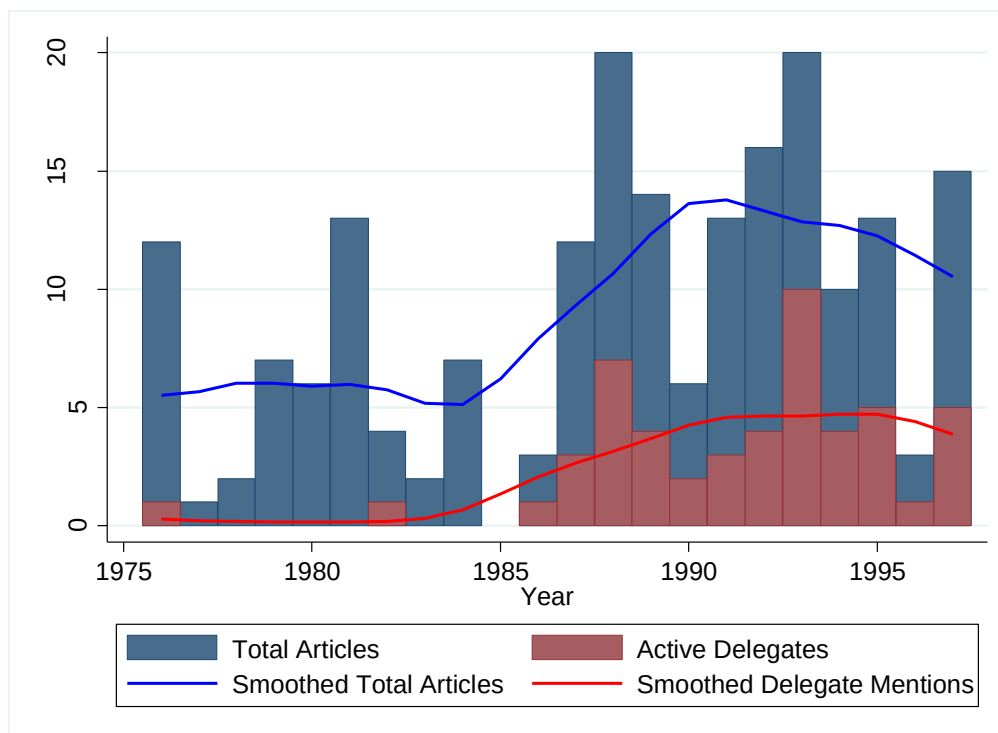


Figure 3.3: VNA Articles in the *Far Eastern Economic Review*

One of the first articles to mention an assertive VNA was published in 1986, when VNA delegates from southern Vietnam challenged the Party leadership and the government over a disastrous scheme to simultaneously reform wages, prices, and the currency. Regarding this episode, the *FEER*'s Nayan Chanda writes: "... it was not until the national assembly met in December that the leadership got a real earful... provincial delegates, especially from the south, bitterly accused senior leaders of attempting to 'sabotage' the eighth plenum resolution and demanded punishment for those responsible."²¹ This was the first instance in the *FEER*, dating back to independence in 1954, where a journalist mentioned the VNA as the locus of critical, assertive behavior.

²¹ See Nayan Chanda. "Vietnam: The South Leads the Country Away from Subsidized Socialism: The New Revolution." *Far Eastern Economic Review*. April 10, 1986.

How the VNA was Strengthened

The evidence from the previous section shows that the late 1980s were critical for the evolution of the VNA. It became a body endowed with greater responsibility and authority. How did this happen? Answering this question is difficult because there were no major changes to the VNA in the Constitution or the Law on the Organization of the VNA until 1992. Furthermore, the first Law on The National Assembly Oversight Activities, which stipulated the procedures for query sessions, was not passed until 2001.

Because these laws were not passed until the new Constitution was codified in 1992, some have suggested that VNA did not transition from a rubber stamp until 1992. The report on the evolution of the VNA by the Swedish International Development Agency makes this argument as the 1992 Constitution gave the VNA the power to “enact laws, approve the state budget and exercise control of the executive and judiciary system.” (Andersson, et al. 2003, 6). Abuza argues that “[i]nstitutionally, its role has been strengthened by the promulgation of the country’s fourth constitution in 1992.” (2001, 98) Yet, as the previous section shows, the VNA was already beginning to meet for longer sessions, consider more laws, and grill ministers much before 1992. How did this occur despite the lack of changes to the rules governing the VNA?

An examination of how the VNA increased its role is instructive for our understanding of how institutions change under authoritarian rule. In democracies, conflict over institutional changes lead to immediate policy changes. However, under authoritarian rule, in many cases leaders can use discretion built into preexisting laws to make substantial changes to institutions prior to codifying those changes in law. Therefore, leaders can test changes before institutionalizing the new rules. This is not to

say that laws do not matter. Undoing a law increases the difficulty of changing the status quo. However, laws in authoritarian regimes generally grant party leaders and government officials wide discretion in interpreting key components impacting how laws are implemented in practice.

An important example of this approach to institutional change is the decision to televise query sessions live nationally in 1994. According to a personal document from former Office of the VNA chairman Vu Mao, the idea to televise query sessions was taken up in a meeting of the VNA Standing Committee in April 1994.²² The party cell of the VNA had to work with the leading government party cell to figure out how to implement the policy and whether or not there should be an official directive to implement the policy. Eventually, they decided that they “already had the policy so there was no need to discuss it further, rather they should explore more fully how to implement it.”²³

This point is instructive for how major changes can be debated and implemented, even without major changes to the laws or directives. At this point, there is still no official directive or law establishing that the query sessions should be televised. The legal basis underlying the institution of televising query sessions still rests on the tacit approval of the Politburo in 1994 and the discretion of the Office of the VNA. It could be reversed without any changes to existing legislation.

²² The VNA Standing Committee is the leadership of the VNA, which at that time, met at least every three months. This committee consists of 10-20 members, almost all of whom are concurrently members of the Communist Party Central Committee.

²³ This is taken from a letter written by Vu Mao written on November 24, 2004 “Chất vấn và trả lời chất vấn phát thanh truyền hình trực tiếp – quãng đường mười năm.”

Similarly, *the increased lawmaking activity and increased number of days the VNA was in session resulted from the discretion of the leadership rather than any legal institutional change*. In terms of meeting more frequently, during the late 1980s the VNA was still operating under the 1981 Law on the Organization of the VNA and the 1980 Constitution, neither of which stipulated how long the VNA should meet. The only requirement was that the VNA should meet twice a year. The task of setting up the meetings was, and remains, up to the discretion of the Standing Committee of the VNA, which at that time was referred to as the State Council.

Therefore, officially speaking, the decision to allow the VNA to meet a greater number of days rested with the chairman of the State Council Vo Chi Cong and the VNA Chairman Le Quang Dao. Most likely, neither of these actors changed policy without the approval of Party General Secretary Nguyen Van Linh. Furthermore, because the State Council was in charge of setting the schedule for each session, the decision to consider a greater number of laws also rested with the leadership.

Despite the discretionary nature of the decision to expand the activities of the VNA, some small institutional changes were necessary. For instance, if the VNA was to meet for a longer period of time, more resources needed to be allocated for delegates that were spending a longer period of time away from their home provinces and fulltime positions. Therefore, between 1988 and 1990, the State Council issued a flurry of directives increasing the per diem account for delegates and the salary for overtime work.

24

²⁴ See State Council decisions 109/December 10, 1988; 158/June 16, 1989; 265/May 24, 1990; 510/December 2, 1991

In terms of involving the VNA more in lawmaking, this required increasing the number of staff in the Office of the VNA as well as the quality of the staff. Therefore, the State Council also issued a series of directives increasing the number of fulltime staff working in the Office of the VNA.²⁵ Regarding increasing the quality of the staff, the National Assembly in 1990 for the first time passed regulations governing the activities of the VNA's permanent committees. These regulations stipulated that some portion of the committee should work for the committee on a fulltime basis and the committee leadership should meet at least once every three months.

Nonetheless, these smaller changes in the quality of the VNA and amount of resources allocated to it were secondary to the larger decision to involve the VNA more in lawmaking and oversight. These decisions, rather than resulting from any institutional change, resulted from a change in the views of the Party leadership at the time.

Why the VNA was Strengthened

This final section addresses the question of why the VCP leadership, led by Party General Secretary Nguyen Van Linh, pushed to increase the role of the VNA in policymaking and government oversight. The theoretical literature presents a menu of possible reasons for why an authoritarian would want to enhance the role of an elected assembly, including:

- Providing a *safety valve* for social unrest (Sartori 1976);

²⁵ See State Council decisions 53/January 16, 1988; 76/June 6, 1988.

- Increased *legitimacy* for the ruling party (Alagappa 1995, Thayer 2009);
- *Co-optation* of organized opposition groups (Gandhi 2008);
- Creating a *power sharing* venue for elites to collectively act to protect resources (North and Weingast 1989, Boix 2003, Gehlbach and Keefer 2012) or the emergence of a tyrannical regime (Svolik 2012);
- Improving *protections for contracts between private actors* (Jensen, Malesky and Weymouth 2013)
- Providing *information* on proposed legislation to improve the quality of laws (van Rooij 2006)
- In addition to the theories found in the existing literature, this dissertation also considers the additional possibility that a legislature might be empowered to provide *government oversight*.

In terms of the literature on the evolution of the VNA, several possibilities are raised for the expansion of its role in the late 1980s. One argument was that Party General Secretary Nguyen Van Linh wanted to circumvent the bureaucracy, which was resisting his economic reforms (Abuza 2001, 77, Thayer 1992, 11). Abuza also raises the possibility that an increased role for the VNA was necessary to act as a pressure valve for societal discontent (2001). As support for this view, both Tran Xuan Bach, who was expelled from the Politburo in 1990 for his controversial views on democratizing the party, and chairman of the VNA Le Quang Dao argued that increased democratization was necessary to quell “unrest among the people” (2001, 81)

Thayer and Abuza also suggest that the VNA was necessary to improve the technical quality of legislation (2001, 1992). According to Abuza, Nguyen Van Linh in 1986 felt that "...democratic centralism was not being practiced, it having been eviscerated in the 1967 purge. All decisions were made by a handful of top leaders who had unchallenged authority but little understanding of details or local circumstances that caused economic stagnation." (2001, 77) Similarly, Thayer argued that the "rule of law has been given priority in Vietnam's process of *doi moi*" which has led to increased activity within the VNA (1992, 13). For both, the primary purpose of the VNA was to generate a coherent body of legislation and to ensure that the government abided by those regulations.

After reviewing the primary documents from speeches by leading party officials during the period, this last explanation best accounts for the change in policy in the late 1980s. To restate, *the intentions of those most responsible for the increased role of the VNA were to improve the coherence and quality of laws and to increase oversight of the government bureaucracy*. This argument is supported by the changes that were made in the 1992 Constitution and 1992 Law on the Organization of the National Assembly, which strengthened the role of committees and called for more fulltime members with technical expertise.

In terms of other arguments, there is limited support for the idea that the VNA was intended to act as a safety valve or generate greater legitimacy. At the same time, there is little evidence that the VNA was changed in a way to give opposition groups in society greater input into policymaking, empower elites to check the power of the party, or to protect private contracts. To the extent that the legislature began to fulfill these roles

later on is largely the result of a process of endogenous liberalization, where the VNA leadership, empowered in the late 1980s, had an incentive to push for greater power in order to bolster their bargaining power internally.

Nguyen Van Linh and VNA Reform

The leader most responsible for the changes in the VNA was Party General Secretary Nguyen Van Linh. When Linh was selected as general secretary in 1986, the foreign media generally described him as a reformer given his past performance as party leader in Ho Chi Minh City. His reformist credentials were cemented when he was removed from the Politburo in 1982 due to differences of opinion over the pace of economic reforms. The *Far Eastern Economic Review* writes that it “was certainly no accident when Nguyen Van Linh – one of the leaders most closely identified with the reforms in the south – was unprecedentedly reinstated as a member of the politburo in June 1985. He was dropped in 1982, ostensibly for health reasons, but in fact for his unconventional economic approach.”²⁶

The reason for Linh’s selection to the party leadership, despite previously running afoul of the party line, was the abject failure of a last-ditch attempt to save central planning in the mid-1980s. In 1985, the country was gripped by rampant inflation after the botched “Price-Wage-Money” reforms, where the State Bank introduced a new currency. Inflation was more than 50 percent for every year between 1981 and 1985 and rose to more than 300 percent in 1986, 1987, and 1988 (Fforde and de Vylder 1996, 115)

²⁶ See Nayan Chanda. “VIETNAM: The south leads the country away from subsidised socialism: The new revolution”. *The Far Eastern Economic Review*. April 10, 1986.

Therefore, there was consensus within the party that change was necessary. According to one news account, “Vietnamese sources insist that the country's leadership is united on the need for reform, but they admit individual leaders differ on the pace of change.”²⁷

In addition to stressing economic reform, Linh was also committed to limited political reform. Most importantly for this discussion of the VNA, he was committed to using the VNA as a way of strengthening the rule of law and improving government oversight. He expressed these views perhaps most clearly and forcefully in 1987 during a speech to the VNA. In that speech, he argued for the need to develop more laws and ensure that lower level cadres abided by those laws:

... in our country today, we have a lack of laws to govern the country. Regarding the laws that we already have, many people do not understand them. The work of issuing laws is also not taken up seriously... Those are some among many reasons that have led to an increase in scandals, crimes not decreasing, and discipline not being maintained, and the security of the society not adequately protected.²⁸

Furthermore, later in the speech, he stressed why the VNA was important not just in terms of passing laws, but ensuring that the government abided by those laws. Invoking Lenin, he suggested:

Long ago, V.I. Lenin raised the question of why Russia had so many laws but there were so many crimes. He answered: ‘Only when individual citizens help, will the struggle be complete. Of course, citizens understanding laws will help them have an additional powerful tool to fight this disadvantageous situation.’²⁹

²⁷ See Murray Hiebert. “VIETNAM: Socialist stagnation: Vietnam faces deepening economic and political problems.” *Far Eastern Economic Review*. July 28, 1988.

²⁸ Nguyen Van Linh’s speech to the VNA on June 17, 1987

²⁹ Ibid.

The actions taken by Linh and the VNA leadership in the following years suggest that the views presented in this speech reflected his genuine opinion. Aside from the evidence presented above regarding the increase in the number of laws passed and the number of days the assembly was in session following his selection as General Secretary, other key events support the idea that improved lawmaking and oversight were his main goals.

One of the first important actions that allowed the VNA to assume greater lawmaking responsibilities was the selection of two former advisers to South Vietnam into the VNA. Lawyer and legal expert Ngo Ba Thanh, who was elected to the VNA in 1976, was selected to chair the Law Committee of the VNA. According to Duc, this selection “surprised more than a few delegates.” (2012, 236). Furthermore, Duc suggests her selection was due to Linh’s *direct intervention*. Duc quotes VNA delegate Le Van Triet as saying:

When General Secretary Nguyen Van Linh met with the Ho Chi Minh City VNA delegation, Thanh started to cry [because she was not selected to a leadership position]. Linh sat with her and the next day Ngo Ba Thanh was selected as chair of the Law Committee. (2012, 231 fn362)

The other delegate selected was Nguyen Xuan Oanh, a former Deputy Prime Minister for South Vietnam who had a Ph.D in economic from Harvard. Oanh was instrumental in developing the foreign investment law.

The inclusion of these two former officials in the South Vietnam regime as National Assembly delegates, with the clear approval of General Secretary Nguyen Van Linh, is further evidence that improving the quality of legislation and oversight were his key goals. Given that the Republic of Vietnam had been defeated, there was no need to

co-opt these individuals. Outside of the assembly, they posed no direct threat to the regime. Furthermore, given that they were not given elite positions in the party, they did not secure the positions for themselves as a way of defending their personal capital or resources. Rather, the best explanation is that the General Secretary was interested in developing a coherent foreign investment law, and needed competent technocrats with experience to create those laws.

Other evidence also points to the same explanation for the strengthening of the VNA. The key changes to the 1992 Constitution and the Law on the Organization of the VNA were not to expand the level of competition for elections or allow additional parties to compete. Rather, the major changes were first to strengthen the role of the committees by requiring them to meet more often and giving them staff. Second, and more importantly, the party leadership committed to increasing the number of fulltime delegates in the VNA.

Again, as with the inclusion of legal and economic experts in the 1986 election, the goal of increasing the number of fulltime delegates was done explicitly to improve the technical capacity of the VNA. The increase in the number of fulltime delegates was supported by Nguyen Van Linh and continued to be supported by subsequent General Secretary Do Muoi. In speech at the 7th Vietnam Communist Party Central Committee meeting in 1991, Muoi said it was the long-term goal of the party to have the VNA operate on a permanent basis.

Although codifying this into law proved to be contentious, it was nonetheless included in article 37 of the 1992 Law on the Organization of the VNA that “some of the National Assembly deputies shall work in accordance with the specialized duty system

and some with the non-specialized duty system.”³⁰ The goal of these “specialized” delegates was clearly to increase the technical capacity of the VNA in order to help it pass coherent legislation and provide oversight. Because he most clearly states this objective, an interview response by VNA Chairman Le Quang Dao is worth quoting at length:

The National Assembly should have a legislative agenda and regard legislation as a scientific undertaking to be put in the charge of really knowledgeable people. These people should be paid and their work presented to the National Assembly only after it has been ‘tested’ and proven to be satisfactory. If necessary, foreign specialists may be invited to help. We sorely lack information about the changes in word laws. The National Assembly library should have been well-stocked with all the laws of nations, but, at present, it is just a small book collection. In our country, state management is still being administered according to resolutions and directives, not totally in accordance with the law. This is a practice that must be corrected.³¹

This quote confirms forcefully that the increased role of the VNA was most intended to increase the technical quality of legislation and to ensure that the government abided by those laws.

³⁰ According to an interview with Lawyer Nguyen Huy Thuc by Huy Duc for *Tuoi Tre* newspaper: “The revised points that have drawn the most public attention are probably those revolving around the state apparatus. Here are some examples... The first draft stipulated that the chairman, vice chairmen, secretary and at least one-third of the members of the Nationalities Council should work under a system of specialized responsibilities. The chairmen, vice chairmen, secretaries, and at least one-half of the members of the permanent committees of the National Assembly should work under a system of specialized responsibilities. The third draft leaves the number of members of the National Assembly Nationalities Council and permanent committees who should work under the specialized committees to be determined by law.” The interview was carried out January 11, 1992 and republished in translated form by the JRPS-SEA-92-005.

³¹ This interview was conducted by Minh Duc on April 18, 1992 for *Tuoi Tre* newspaper. It was translated by the JRPS-92-012 in June 1992.

Conclusion:

This chapter shows that the role of the VNA in Vietnamese policymaking has not remained static. Rather, in the 1980s it evolved from a rubber stamp into a body that actively debated legislation and conducted oversight. This was the result of a concerted effort by Party General Secretary Nguyen Van Linh to subject the government to the rule of law and ensure that they abided by those laws. In order to achieve this, the VNA needed to meet longer and contain more competent, technical qualified delegates. This was achieved by allowing more fulltime members into the VNA.

At the same time, it was also clear that the VNA was not strengthened in order to co-opt outside groups or act as protection for the property of leading societal elites. The election procedures were not substantially liberalized and no anti-state actors were allowed to compete for seats. Furthermore, the major debates about rent distribution still occurred within the Central Committee and not the floor of the VNA. To the extent that the VNA would raise sensitive issues years later is largely the result of the unintended side effect of these changes.

The material used in this chapter is being prepared for a book manuscript.

Chapter 4: The Roots of Criticism in the VNA

The previous chapter argued that the main objective of increasing the role of the VNA after *Doi moi* in 1986 was to improve the quality of legislation and oversight of government officials. To achieve this, they increased the number of fulltime delegates and expanded the number of days the VNA was in session. Despite these intentions, as chapter 2 suggests, some delegate have proven willing to step beyond these roles. Since 2007, where systematic data on delegate speeches exists, several delegates have challenged party leaders on sensitive issues. Some of the issues include calling for votes of confidence in the prime minister, raising the issue of the South China Sea, and challenging the party over its agreement to allow a Chinese state-run company build a bauxite mine in Vietnam's Central Highlands region.

Critical Comments in the VNA

The most notable example of critical behavior was Nguyen Minh Thuyet challenging Prime Minister Nguyen Tan Dung over his role in allowing state-run shipbuilding conglomerate Vinashin to incur USD 4 billion in debt. In a televised hearing in November 2010 meant to review the country's economic performance, he reminded the country and the assembly of a USD 3 million embezzlement case of 2003 which led to the death sentence of former minister La Thi Kim Oanh, suggesting that the scale of Vinashin's mismanagement was "in the style of La Thi Kim Oanh times 1000." He argued that a failure of the VNA to hold anyone accountable would be a dereliction of duty. He then concluded:

Therefore... I respectfully propose that the Standing Committee of the VNA work with the National Assembly to set up a temporary committee to investigate the responsibility of the members of government over this issue. On this basis, after conclusion of the meeting we should have a vote of confidence in the Prime Minister...

The Standing Committee of the VNA, the 18-member body that controls all legislation and must approve all proposals, ultimately rejected Thuyet and the group. Although the prime minister survived in office, in November 2012, Duong Trung Quoc once again on national television called for the prime minister to resign due to his mismanagement of the country's state-owned enterprises.

The issue of sovereignty over the South China Sea is another sensitive topic that received widespread attention in Vietnam. It has been particularly salient since June 2011 when an incident occurred between an oil exploration ship operating off the coast of southern Vietnam and a Chinese fishing boat. This incident touched off a series of protests in Hanoi near the Chinese embassy protesting what was seen as Chinese efforts to exert hegemony in the region.³² Of particular concern is the sovereignty of the Spratly Islands, an archipelago of mostly uninhabitable rocks. While possession of the islands is not critical, what is important is the fishing resources and potential oil and natural gas reserves in the nearby waters that would go to whoever possesses them.

The Vietnam Communist Party is in a complicated position regarding this issue. While many in the regime share the public's resentment of Chinese activities in the sea, because of China's size and its economic importance the regime leaders as a whole are careful not to confront them. As a Japanese security studies paper noted: "in view of the

³² See *BBC.com*. "South China Sea: Vietnamese Hold anti-Chinese Protest." June 5, 2011. <http://www.bbc.com/news/world-asia-pacific-13661779>. Accessed April 23, 2014.

clear disparity in their national strength, the history and continuation of political and party relations as two socialist countries, and their rapidly deepening economic relations, simply confronting China on the South China Sea issue is not one of the options of Vietnam's China policy." (Shoji 2011, 8).

Despite a reluctance among top party officials to raise the issue publicly, a handful of delegates were willing to do so. An example was Pham Trong Nhan who during a debate on the constitutional revisions on November 16, 2012 suggested that Vietnamese sovereignty over the Spratly and Paracel Islands should be included in the constitution:

According to me we should also research in a careful manner a way to announce our sovereignty over the Paracel Islands and Spratly Islands in the Constitution. I know that this is a sensitive issue and a long-standing conflict, but I think this is a perfect opportunity to try diligently to express ourselves strongly about the sovereignty with all our clear historical evidence and support from the international community.³³

Although Pham Trong Nhan is not a particularly well-known delegate, this speech did earn brief attention in the media. *VietnamNet*, one of Vietnam's most widely read news outlets, led a story on the debate the next day with his statement.³⁴

Finally, bauxite mining is another example of a controversial cause taken up by some members of the VNA. It became a hot topic in 2008 when the news media began

³³ Theo tôi chúng ta cũng cần nghiên cứu một cách cẩn trọng để đưa tuyên bố chủ quyền của Hoàng Sa và Trường Sa vào trong Hiến pháp. Biết rằng đây là một nội dung nhạy cảm và một cuộc tranh đấu khó khăn lâu dài, nhưng tôi nghĩ đây là cơ hội chín muồi và hết sức cần thiết để chúng ta thể hiện tuyên bố mạnh mẽ về chủ quyền với những chứng cứ lịch sử rõ ràng và sự ủng hộ của phần đông dư luận thế giới.

³⁴ See *VietnamNet*. "Đề xuất đưa tuyên bố chủ quyền vào Hiến pháp." November 16, 2012. <http://vietnamnet.vn/vn/chinh-tri/97203/de-xuat-dua-tuyen-bo-chu-quyen-vao-hien-phap.html> Accessed April 23, 2014.

reporting on a proposal to allow a Chinese company to exploit a massive bauxite mine in Vietnam's Central Highlands. This controversy touched on several sensitivities within Vietnam. First, there were environmental concerns that the bauxite mine would spill toxic red sludge into the waterways, similar to what occurred in Hungary in 2010. Vietnam had recently undergone its own scandal regarding its rivers when it was exposed that a Taiwanese MSG producer named Vedan had been secretly pumping untreated waste into a river in southern Vietnam, rendering a river devoid of life. The other reason for the controversy over the mine regards historic sensitivities to Chinese influence in Vietnam. The proposal would allow a Chinese company to run the mine and allow Chinese laborers to work it.

While many within the Politburo resisted the project for several years, in 2006 support from the prime minister allowed it to move forward. Despite some lingering internal opposition, the Politburo was publicly unified behind the project. Vuving notes "President Nguyen Minh Triet, Vice Prime Minister Truong Vinh Trong, and Party Standing Secretary Truong Tan Sang.... were reportedly among those who disagreed with the bauxite deal, though publicly they had to support the government position and thus throw their weight behind the project." (Vuving 2010, 379) However, once this proposal came to light, it immediately sparked outrage, most notably from war hero Vo Nguyen Giap, who wrote a letter to the Politburo opposing the measure. Some within the VNA also took up the issue, most notably Duong Trung Quoc, who on five occasions railed against the proposal on environmental and national security grounds. The VNA was also incensed that the project had been started without VNA approval. Ultimately, the project was implemented, but on a smaller scale.

Who are the Critics?

These anecdotes suggest that delegates willing to raise critical issues exist in the VNA. In each case, the issue was nationally salient. Additionally, in each case delegates were opposing a decision by the party or exposing a party split. In the case of requesting the resignation of Nguyen Tan Dung, Nguyen Minh Thuyet's concern about the management of Vinashin was in accordance with the VNA's intended oversight function. However, the element that made the speech elevate from professional commentary to that of a critic was challenging the party's prerogative in selecting high ranking government officials. Indeed, aside from holding the highest position in the government, the prime minister is also officially the third highest ranking member of the communist party behind the president and general secretary. Proposing a vote of confidence without the assent of the party contravened this understanding. In the case of the South China Sea, the delegate was pushing the party to a different course of action on an issue great sensitivity. On the bauxite mine issue, once more delegates were willing to force the government to ultimately amend a decision that had already been made by the Politburo.

The central puzzle of this dissertation is whether or not the regime desired such comments. Did the Vietnam Communist Party expect and plan for the delegates to make these comments? Were these speeches valued? The previous two chapters argues that the party does not intend for the VNA to raise these types of issues. Furthermore, the goal of the VCP related to the VNA was not to co-opt opponents or stabilize power sharing. Therefore, criticism should largely be seen as the unintentional byproduct of attempts to use the VNA to gather input into legislation and oversight of government officials. This leads to the following hypotheses:

Co-optation Hypothesis: If a regime uses a legislature for co-optation, non-party member delegates should behave more critically than delegates from the ruling party. .

Power Sharing Hypothesis: If a regime uses a legislature power sharing, delegates who are members of regime elite should speak more critically than other delegates.

Power Split Hypothesis: Contrary to the Power Sharing Hypothesis, if dictators hope to hide leadership splits, delegates who are members of regime elite should behave less critically than other delegates.

Unintentional Byproduct Hypothesis: If criticism is the unintended consequence of professionalization, no variables observable to the regime predict critical behavior in the legislature.

The empirical analysis below shows that the strongest evidence supports the final conclusion: the identity of the critics was largely unexpected. Furthermore, high ranking officials were discouraged from making critical comments.

Before proceeding, it is also important to note that this chapter does not provide a definitive test between the hypothesis that criticism was entirely unintended and the hypothesis that it resulted from factional attacks. Currently, I lack the over-time variation in the nature of criticism to address this question. However, future work will look into this question. For the purposes of this chapter, the final section provides a discussion of the plausibility of the two theories. While I cannot rule out the idea that criticism as entirely unintended, there is some evidence that perhaps the main critics had ties to important contenders for power within the party.

The Data:

The VNA has certain features that allow a good test of the arguments presented above. First, the legislature features a clear distinction between three types of delegates – party elites, party rank-and-file, and non-party members. The party elites are members of the Politburo and Central Committee, which are the two most powerful decision-making bodies in the country (Abrami, Malesky and Zheng 2010).

The presence of Central Committee members in the assembly allows for a particularly good test of the argument because the VNA includes some of the top party elites who would be most interested in checking any attempts by another to centralize power. Members of the Central Committee have occasionally had to assert themselves to protect against attempts by the VCP General Secretary or Politburo to centralize power (Abuza 2002). Important for the test of the power sharing and power split hypotheses, these members, as opposed to local-level party members, have more to lose if one leader amasses too much power. Therefore, three variables will be key in testing the co-optation, power-sharing, and power-split theories. Those variables are whether or not the delegate is a *party member*, member of the Communist Party *Central Committee*, or the *Politburo*.

Table 4.1 shows the percentage of delegates falling into each of these categories. In the 12th and 13th VNAs, about 90 percent of the delegates were party members. Furthermore, many members of the Politburo, in addition to holding high ranking party positions, are also on the VNA. Regarding the Central Committee, more than a third of

the 10th Central Committee, which overlapped the 12th VNA, and the 11th Central Committee, which overlaps the 13th VNA are on the VNA.³⁵

Table 4.1: Descriptive Statistics - Independent Variables:

1. This table includes the percentages of delegates from the 12th VNA (2007-2011) and the 13th VNA (2011-2015) falling in each of the categories mentioned

2. Because they were continuous variables, I left age and vote percentage from the table. However, for the 12th VNA the average age was 49.7 years old and for the 13th 50.1. For the both periods it was 49.9 years old. In terms of vote percentage, the average winning percentage was 73.4 percent for the 12th VNA, 72.3 percent for the 13th VNA, and 72.8 percent for both combined.

	12th VNA		13th VNA		12th/13th Combined	
	Count	Percent	Count	Percent	Count	Percent
Party Members	450	91%	460	92%	910	92%
Politburo	10	2%	14	3%	24	2%
Central Committee	73	15%	88	18%	161	16%
Fulltime	140	28%	147	29%	287	29%
Centrally Nominated	153	31%	168	34%	321	32%
Career - Party or Government	290	59%	305	61%	595	60%
Career - Military	36	7%	50	10%	86	9%
Career - Mass Organizations	88	18%	66	13%	154	16%
Career - Business	71	14%	68	14%	139	14%
Incumbent	149	30%	166	33%	315	32%
Retirement	71	14%	79	16%	150	15%
Female	138	28%	122	24%	260	26%
Post-Graduate Degree	169	34%	228	46%	397	40%
Ethnic Minority	87	18%	78	16%	165	17%
Total Delegates	493		500		993	

Section 4: Introducing the Data

The data consists of 6,546 speeches collected in the VNA from 2007 to 2013.

This dataset expands on the speeches collected by Malesky and Schuler (2010) to include speeches on laws and hearings as well as query sessions. It also adds speeches from a

³⁵ The 10th Central Committee had 161 members while the 11th has 175.

newly elected legislature in 2011, thus providing more robustness for findings by being able to compare across two different sets of delegates. It also introduces new measures for sensitive speech. For a speech to represent behavior consistent with a critic, the speech must present views at variance with the views of at least some regime leaders and the issue must be salient to the public or regime rank-and-file. Identifying such speeches requires categorizing some speeches as sensitive, which necessitates some form of automated content analysis.

Operationalizing “Critical Behavior” – Dictionary Method

In this project I use the **dictionary method** to measure the sensitive speeches. The dictionary method involves the researcher predetermining words that indicate whether or not a speech falls in a given category and simply searches for the speeches that raise those issues (Grimmer and Stewart 2013).³⁶ Using this method, I generate the variable **sensitive speeches**. As salience is the necessary condition for a speech to qualify as sensitive, to make this measure as objective as possible, I constructed a list of salient issues between 2007 and 2013 using three sources that regularly review political events in Vietnam. Two of the three sources were academic journals *Asian Survey* and *Southeast Asian Affairs*, which each publish annual reviews of salient political events in Vietnam by different authors. In addition, I also used *The Economist Intelligence Unit*, which publishes monthly reports on Vietnamese political events (see **Appendix 1** for the full list of issues).

³⁶ For other studies using this approach, see Burden and Sanberg (2003), Kellstedt (2000), and Young and Soroka (2012)

To determine whether or not a speech related to these issues, I searched for the keyword for that issue. For example, if the issue was bauxite mine, I scanned the documents for the word “bauxite.” Once I identified the speeches, I assess whether or not the speech was in support of the regime’s position. If it is was not, it was coded as a sensitive speech. If the speech supported regime policy, it was not. In general, there was little ambiguity as to whether or not the speech was supportive. **Table 4.2** shows that using this measure, only 3 percent of the speeches are classified as sensitive.

Table 4.2: Descriptive Statistics - Dependent Variables: This table includes total number of speeches from the 12th VNA (2007-2011) and the 13th VNA (2011-2015) and the percentage of those deemed critical as measured using word searches for the issues found in Appendix 1.

	12th VNA		13th VNA		12th & 13th Combined	
	Total	Percentage	Total	Percentage	Total	Percentage
Sensitive Speeches	136	4.00%	106	3.37%	242	3.70%
Total Speeches	3403		3143		6546	

Operationalizing “Professional Behavior”

To operationalize the distinction between “constructive” criticism and more critical commentary, the measure of “constructive” criticism is simply the **total speeches per session**. This variable simply counts the number of speeches made by a delegate in the 12th (2007-2010) and 13th (2010-2013) sittings of the VNA and divides it by the number of sessions in each of those assemblies. Over the time considered in this study, the 12th VNA had eight sessions and the 13th VNA had six.

Control Variables

Several factor that may also impact behavior and correlate with the independent variables of interested must be controlled for. Other demographic variables that could impact both critical and professional behavior are ethnicity, age and gender. As such, I include the variables *ethnic minority*, *age*, and *female* to control for these factors. **Table 4.1** shows these variables.

In addition to nomination background, regional factors that could impact behavior in the VNA are whether or not the province is in the north or south and the level of fiscal transfers the province receives from the central government. Therefore I include the dummy variable *South* and the continuous *Transfer Revenue* variable, which measure the percentage of the province's total income is derived from central transfers.

Related to this, the level of nomination might matter. The nomination system reserves spaces for some delegates nominated by central institutions and a majority to be nominated by provincial offices. Malesky and Schuler (2010) have shown this to be an important variable explaining behavior in the VNA. Therefore, I include a dummy variable *Centrally Nominated* to account for the nomination level.

Other institutional factors could matter, such as how many terms the delegate has served in office. The more experienced the delegate is in the parliament, the more likely they might be to participate. Therefore, I include *incumbent*, which is a dummy variable indicating whether or not the delegate served in the previous VNA. I also include *retirement*, which is a dummy variable indicating whether the delegate must retire before the next session. Impending retirement could induce delegates to speak more freely as they will not be concerned about punishment. In Vietnam, state employees are forced to

retire at 60, therefore this variable is coded 1 if the delegate will be 60 or over by the time of the next election.

Results

The first set of analyses tests whether or not co-optation or power sharing provide an explanation for the presence of legislative critics in the VNA. For the co-optation theory to provide an explanation, party members should be less likely to raise sensitive issues than party members. For the power sharing theory to provide an explanation, regime elites within the Central Committee and Politburo should be more assertive in the VNA. Conversely, if the power split theory holds, we should see members of the Central Committee and Politburo being *less* likely to raise sensitive issues than other delegates.

Table 4.3 presents the results of the model using the measure based on the dictionary method of measuring sensitive speeches. For models 1-4, the dependent variable is a log transformed measure of the percentage of each delegates' speech that is considered sensitive. For model 5, the dependent variable is a log transformed measure of the total number of sensitive speeches made by a delegate. Model 1 is the base result with all the control variables. Model 2 follows Malesky and Schuler (2010) in interacting whether or not a delegate was nominated by a central organization and their fulltime status. Models 3 and 4 break the results out by session, where model 3 is the 12th VNA from 2007-2010 and model 4 covers speeches made in the 13th VNA from 2011-2013.

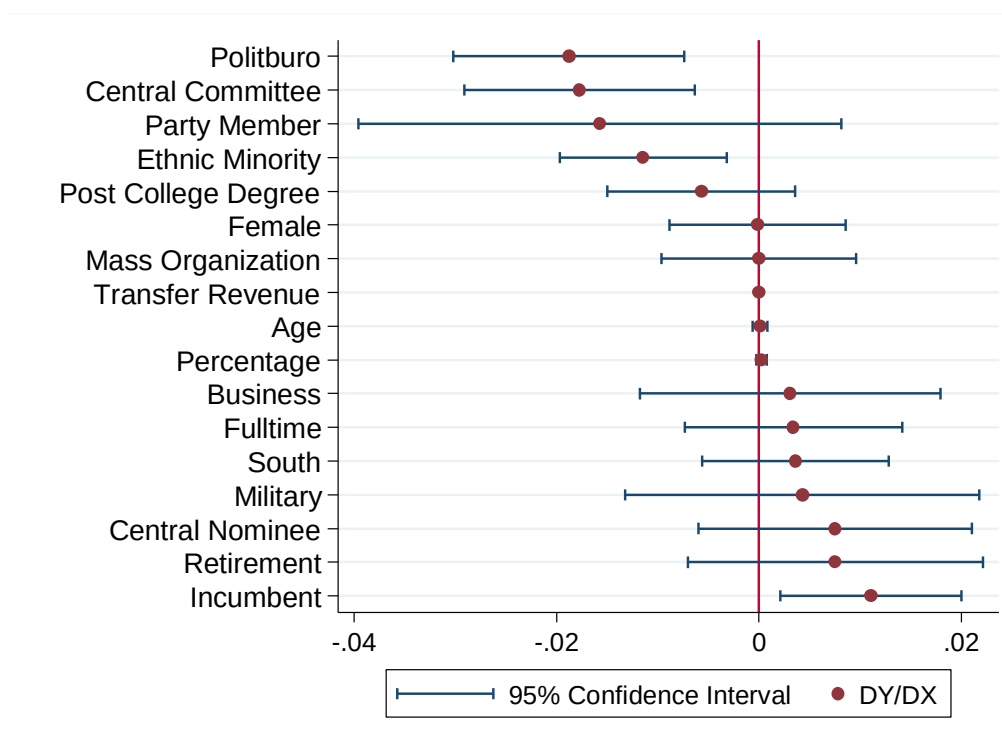
Table 4.3: Determinants of Sensitive Speeches:

1. Robust standard errors in parentheses
2. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$
3. Dependent variable for models 1-4 are a log transformed percentage of sensitive speeches compared to total number of speeches by a delegate.
4. Dependent variable for model 5 is a log transformed count of the total number of sensitive speeches by the delegate

VARIABLES	Base	Interaction	12th VNA	13th VNA	Count
	1	2	3	4	5
Party	-0.0158 (0.0122)	-0.0158 (0.0121)	-0.00425 (0.0127)	-0.0273 (0.0209)	-0.0350 (0.0252)
Central Committee	-0.0177*** (0.00580)	-0.0198*** (0.00610)	-0.0165* (0.00952)	-0.0222*** (0.00803)	-0.0380*** (0.00895)
Politburo	-0.0188*** (0.00582)	-0.0215*** (0.00647)	-0.0291** (0.0122)	-0.0173** (0.00805)	-0.0307*** (0.0109)
Fulltime	0.00340 (0.00547)	0.0128** (0.00553)	0.0209** (0.00823)	0.00336 (0.00722)	0.0371*** (0.0107)
Centrally Nominated	0.00751 (0.00689)	0.0181* (0.00968)	0.0240 (0.0177)	0.0108 (0.00904)	0.0164 (0.0129)
Fulltime*Centrally Nominated		-0.0244** (0.0107)	-0.0411** (0.0178)	-0.00608 (0.0124)	-0.0352* (0.0192)
Military	0.00426 (0.00892)	0.00289 (0.00897)	-0.000174 (0.0139)	0.00374 (0.0116)	0.00197 (0.00877)
Mass Organization	-4.19e-05 (0.00490)	-0.00122 (0.00482)	0.000299 (0.00661)	-0.00579 (0.00722)	0.00565 (0.0105)
Business	0.00306 (0.00757)	0.00194 (0.00750)	0.00431 (0.00992)	-0.00322 (0.0109)	-0.00579 (0.0124)
Retiring	0.00753 (0.00743)	0.00677 (0.00745)	0.00277 (0.0112)	0.0149 (0.0106)	0.0315** (0.0160)
Age	7.45e-05 (0.000378)	-3.22e-05 (0.000377)	0.000256 (0.000327)	-0.000469 (0.000733)	0.000324 (0.000602)
Ethnic Minority	-0.0114*** (0.00420)	-0.0105** (0.00418)	-0.0122*** (0.00423)	-0.00860 (0.00731)	-0.0134* (0.00691)
Female	-0.000152 (0.00443)	1.45e-05 (0.00442)	0.00253 (0.00540)	-0.00301 (0.00715)	0.00278 (0.00959)
Post-Graduate Degree	-0.00570 (0.00473)	-0.00467 (0.00465)	0.000166 (0.00665)	-0.0108 (0.00677)	0.00602 (0.00773)
Provincial Transfer Revenues	-2.33e-05 (1.92e-05)	-2.66e-05 (1.91e-05)	-8.10e-06 (2.21e-05)	-5.33e-05 (3.24e-05)	-5.42e-05* (3.27e-05)
Southern Province	0.00361 (0.00471)	0.00416 (0.00482)	0.00982 (0.00751)	-0.00225 (0.00659)	0.00458 (0.00817)
Vote Percentage	0.000234 (0.000255)	0.000234 (0.000254)	0.000334 (0.000308)	0.000130 (0.000411)	-0.000394 (0.000359)
Incumbent	0.0110** (0.00457)	0.0110** (0.00455)	0.00486 (0.00654)	0.0173*** (0.00630)	0.0310*** (0.00875)
Constant	0.0111 (0.0282)	0.0148 (0.0279)	-0.0264 (0.0239)	0.0670 (0.0509)	0.0619* (0.0354)
Observations	992	992	492	500	992
R-squared	0.041	0.047	0.058	0.064	0.089

The results do not support the logic of co-optation within the VNA. Non-party members are no more likely to raise sensitive issues than party members. Across all models the marginal impact of party membership is not significantly different from zero.

Moving to the next set of hypotheses, the results consistently disconfirm the power sharing logic of critical behavior but instead provide strong support for the power split logic of suppressing critical behavior. That is, members of the Politburo and Central Committee are *less* likely to raise sensitive issues in the VNA than other rank-and-file members of the VNA. Because the dependent variable is a log transformed percent, the results should be interpreted as Central Committee member and Politburo members having about a 1-3 percent decreased likelihood of raising a sensitive issue per legislative session. **Figure 4.1** shows the marginal effects of party membership as well as membership in the Central Committee and Politburo. The effects are from Model 1 in **Table 4.3**.



Note: This graph includes the marginal effects from model 1 of Table 4.3

Figure 4.1: Marginal Effects on Critical Speeches

Explaining Criticism

These results strongly suggest that the VNA is neither used as a forum for cooptation nor elite power sharing. Rather, consistent with the power-split argument, elites appear reluctant to criticize each other in the public forum of the VNA for fear that such displays of dissent will signal leadership splits to the public. This raises the question of what *does* explain criticism in the VNA. This section explores one possible explanation. Criticism, rather than flowing from regime design, is an unintentional byproduct of an attempt to liberalize the legislature for other ends.

Alternative Explanation

To confirm the plausibility of the theory that criticism in the VNA is largely unintentional, we must rule out an important potential source of information the regime has to predict criticism – past behavior. Perhaps even though party label and elite status do not predict criticism, past behavior might. Therefore, if the regime wanted to intentionally seat critics, it could use past behavior as an indicator. However, looking at the nomination of delegates to the 13th VNA, with an important exception, it does not appear likely that the regime knowingly looked for delegates who were likely to raise sensitive issues.

Of the 493 delegates in the 12th VNA, only 180 were nominated to compete for the 13th VNA. Of those, 166 won seats. Therefore, of those elected to the 13th VNA, the regime only had information on how 33 percent of them had performed previously on the national stage. **Figure 4.2** provides a picture of the activity of the delegates in the 12th VNA, disaggregated as to whether or not they were renominated. It shows that of the six delegates that were critical in at least one speech every two session of the VNA, only Duong Trung Quoc and Nguyen Dang Trung were renominated. Of those, only Duong Trung Quoc successfully won reelection to the 13th VNA. This already suggests that for the delegates that were renominated, there was not much of a track record of critical behavior.

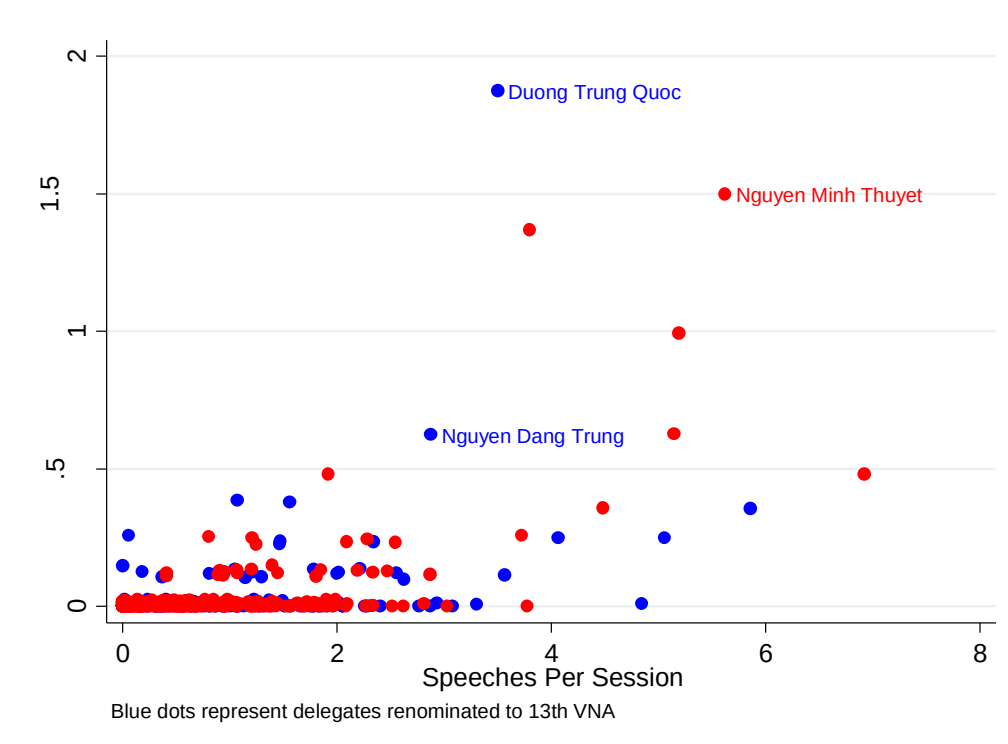


Figure 4.2: Activity in the 12th VNA (2007-2011)

Figure 4.3 examines the performance of the 166 delegates who were reelected, testing to see whether previous performance predicted performance in the 13th VNA and whether the regime knowingly selected likely critics. The weighted scatter plot shows that previous behavior does indeed accord with behavior in the 13th VNA. However, almost none of the incumbents were assertive in the previous assembly. Only one notable exception, Duong Trung Quoc, was highly critical in the 12th and was renominated in the 13th.

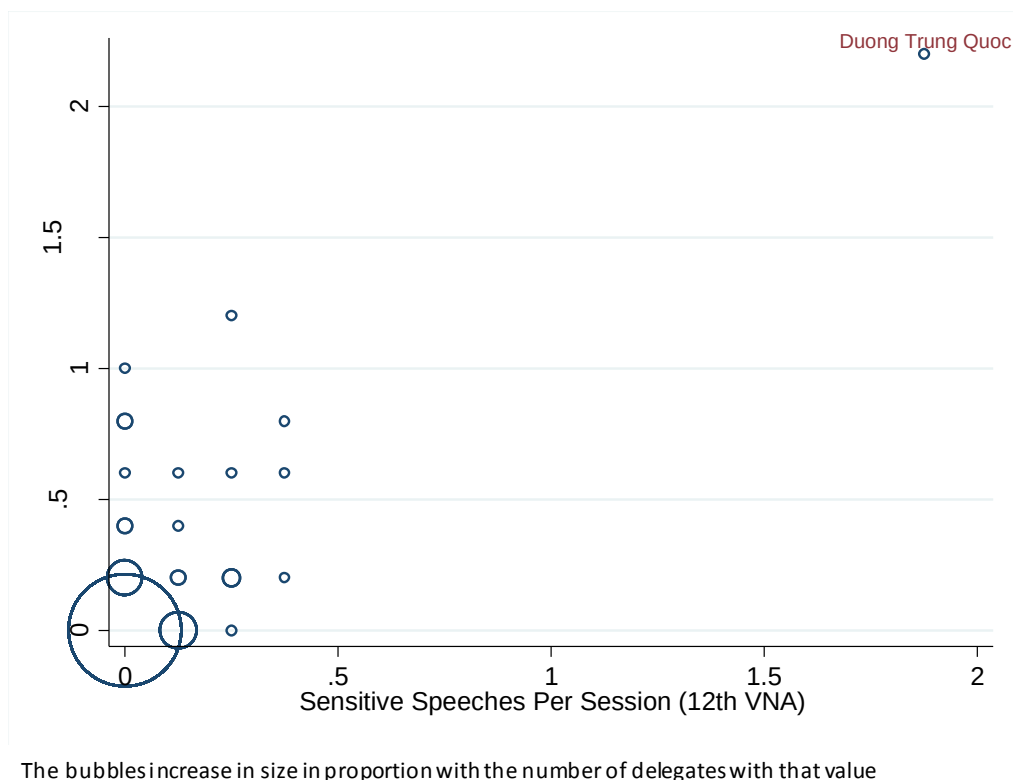


Figure 4.3: Sensitive Speeches for Incumbents in the 13th VNA

What about Duong Trung Quoc?

This leaves us with the final puzzle, which is how to explain the criticism of Duong Trung Quoc. He is a puzzle because his behavior in the 13th VNA was predictable, but at the same time, at odds with the apparent intentions of the VNA vetting system. He was the *only delegate* the regime could predict would be critical in the 13th VNA who was renominated. Why? As a nominee from the weak Fatherland Front, he does not represent an important constituency that needing co-optation or inclusion in a power sharing arrangement. Why, then, was he included?

One possibility explored in this section is that authoritarian assemblies with partial liberalization could unintentionally serve another role, which is to proxy for

internal disputes. For Duong Trung Quoc to fit this theory, his presence in the VNA must have been valued as a way to attack a high-ranking official, in this case the Prime Minister. For this theory to obtain, either the General Secretary or President, both of whom have influence over the election board, would have intervened to protect his renomination. This could imply factional ties or perhaps a partnership of convenience. Factional ties have been explored systematically in some contexts (Shih, Adolph and Liu 2012), but in absence of detailed information about school or village ties, using factions as an explanation will rely on a great deal of speculation.

In the case of Duong Trung Quoc, while there is no empirical evidence of ties to either Nguyen Phu Trong or Truong Tan Sang, a strange public episode lends weight to the idea that he had the powerful support of opponents of the prime minister. As the empirics show, Duong Trung Quoc has a history of making critical comments within the VNA. Therefore, the public knows him as a relatively open-minded delegate. Vietnamese blogs and message boards laud his independence. Google Trends data, which measures searches for different terms, confirms his notoriety. **Figure 4.4** shows that on several occasions, Duong Trung Quoc actually attracted more searches than the VCP General Secretary Nguyen Phu Trong and the VNA Chairman Nguyen Sinh Hung.

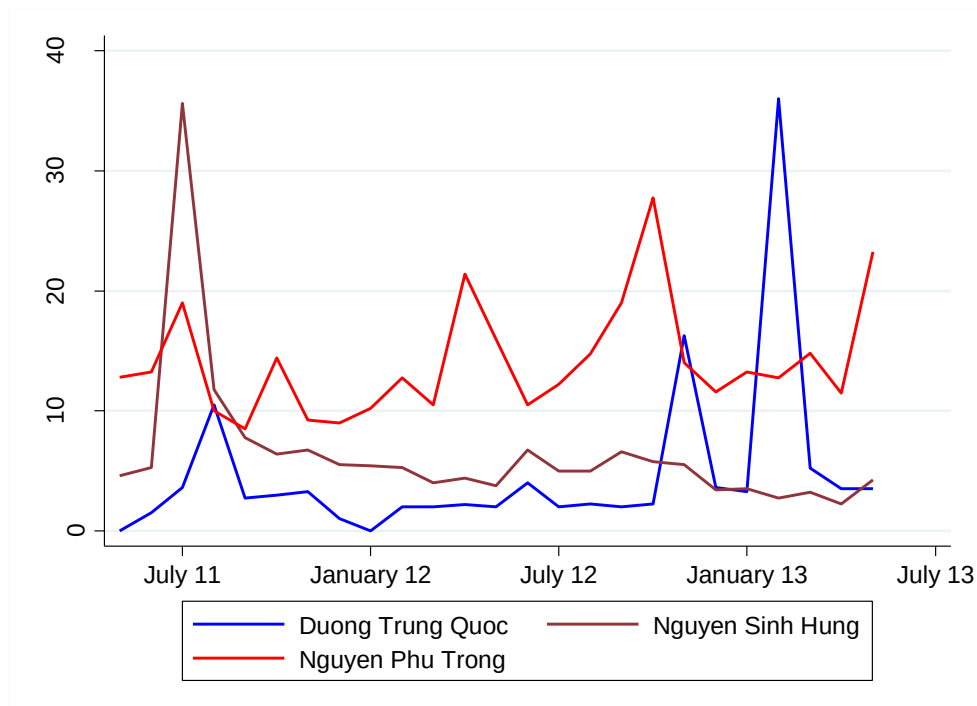


Figure 4.4: Google Searches for Duong Trung Quoc: The Google Trends score gives a relative index of interest in Vietnam. Therefore, the values are comparable to each other, but do not represent the absolute number of searches

His most noteworthy speech in the 13th VNA coincides with the spike in interest in November 2012. The surge resulted from a speech within the VNA on November 14 when he said on the floor of the VNA that “it’s time to take real responsibility, not just apologize” before urging the prime minister to resign.³⁷ His actions, coming only a month after the Politburo unsuccessfully attempted to oust the prime minister in October, certainly could have worked to the advantage of the prime minister’s rivals.

Although there is no publicly available proof of a connection between Duong Trung Quoc and any regime insiders, an incident in February 2013 involving a dispute

³⁷ See *Agence France Presse*. “Vietnam PM Faces Unprecedented Call to Quit.” November 14, 2012. Accessed Using Lexis-Nexis on August 15, 2013.

with another delegate, Hoang Huu Phuoc showed the depth of the party's support for Duong Trung Quoc. In February 2013, Hoang Huu Phuoc in his personal blog called Duong Trung Quoc one of the "four great idiots" in the VNA and suggested that he "shut his mouth" so that others could speak. However, rather than supporting Hoang Huu Phuoc, the Ho Chi Minh National Assembly Committee forced him to apologize to Duong Trung Quoc both in a speech and by letter. While it is unclear whether or not the party was endorsing Duong Trung Quoc's activity within the VNA or simply protecting the decorum of the VNA, what is clear is that the Ho Chi Minh City delegation was either forced to or voluntarily came to his defense.

The case of Duong Trung Quoc, therefore, fits none of the theories presented above. Nor does it follow the null hypothesis that the criticism was part of a random process. Instead, it raises the need for a potential additional explanation, which is that authoritarian assemblies may also serve as a venue for factional attacks, *despite institutions designed to limit such behavior*. Again, this reinforces the main contention of this paper that linking behavior to regime intentions is critical to understanding the roles a regime intends for an assembly and the roles it may actually play.

Whither Cooptation and Power Sharing? Within Party Institutions

Given the inapplicability of the co-optation and power sharing theories to explain behavior in the VNA, does this mean these theories have no traction in explaining dynamics of authoritarian rule in Vietnam? In fact, evidence from Vietnam shows that they likely do play a role. However, the institution responsible for cooptation and power sharing is the party and not the VNA. This does not directly contradict the theoretical

models underpinning these models. Both suggest that these theories can apply to party as well legislative institutions. Instead, this chapter offers a refinement. In single-party regimes, where organized opposition outside the ruling party is not allowed to exist, co-optation and power sharing are likely to occur within the private confines of the party rather than the public forum of a legislature.

Unfortunately, due to inability to systematically access party documents, this proposition cannot be tested empirically. However, anecdotal evidence shows that Vietnam has historically co-opted outside groups through party institutions first. One notable example comes from the Club of Former Resistance Fighters. Founded in the late 1980s, it was a group former revolutionaries from the South dissatisfied with how the imposition of collectivization in southern Vietnam was handled as well as the marginalization of former fighters from that region (Abuza 2001). Once the organization began starting a letter writing campaign, the party removed some of the most charismatic leaders of the group, but also set up a parallel institution within the party called the Vietnam Veterans Organization, which absorbed many of the former opponents (Abuza 2001, 173, Thayer 2009).

In terms of power sharing, party institutions also appear to play the most prominent role in ensuring that no dictator over-centralizes power. The most prominent case of a party official attempting to subvert institutions to centralize power was Le Kha Phieu, who in 2001 was denied an opportunity by the Communist Party Central Committee to serve another term in power. Although there were many factors that led to his demise, one concern was that he was attempting to consolidate power by concurrently assuming the posts of president and party general secretary, as is the case in China. Amid

this attempt, once again, it was the party institution of the Central Committee that threw Phieu out and not the VNA (Abuza 2002). A similar dynamic played out in 2013 when the party leadership tried and failed to oust the prime minister. Again, rather than using the National Assembly, the party general secretary attempted unseat him in a Central Committee meeting.

While these anecdotes do not constitute systematic evidence, no comparable anecdotal evidence can be found to support power sharing or co-optation in the VNA. Therefore, what this shows is that while there is strong evidence that the party is the venue for power sharing and cooptation, this requires further research. What we can say with more confidence, is that the VNA does not play such a role.

Conclusion

This chapter explored the source of legislative criticism under authoritarian rule. In doing so, it tested the observable implications of the co-optation and power sharing theories of authoritarian legislatures. The central argument is that single-party legislatures are not used to co-opt opponents or stabilize power sharing arrangements. This is because single-party regimes are loathe to air their dirty laundry in public. Instead, these functions are filled by the party. To the extent that legislatures are used in single-party regimes, they are used to provide information on policies. The examination of the determinants of critical behavior supported these arguments. Neither the non-party members nor regime elites were willing to use legislature to raise sensitive issues. On the contrary, the high ranking party members were *less* likely to raise sensitive issues, lending support to the

notion that single-parties use party rather than legislative institutions to stabilize power sharing.

The chapter then explored how to explain the presence of critics in the VNA. It showed that these critics are largely the unintended byproduct of an intent to professionalize. In drawing this conclusion, this chapter raises an important corrective to the theories explaining the presence of legislatures under authoritarian rule. Recent theories largely highlight the benefits such institutions deliver for authoritarian regimes, while downplaying the significant risks that can impose. This chapter shows that any form of partial liberalization opens the regime up to criticism, even with relatively strict vetting procedures.

The material used in this chapter is being prepared for a book manuscript.

Chapter 5: Agenda Control within Authoritarian Legislatures

The previous chapter shows that a subset of “critics” and “professionals” in the Vietnam VNA are willing to challenge the government on issues relating to corruption and public works projects. This criticism is largely the unintended byproduct of an attempt to professionalize the assembly. Therefore, from the perspective of the regime, even with vetting the assembly can be unpredictable. Unmanaged, delegates can shift their criticism from the government to issues that challenge the basic legitimacy of the party. This chapter asks first, which issues should the VCP want discussed publicly? Second, how does the VCP shape debate to ensure that only these issues are discussed?

The difference between how the VNA handled a major corruption scandal versus how they addressed issues related to foreign affairs illustrates the puzzle. While some delegates were willing to criticize the government over the US\$4.4 billion Vinashin corruption scandal, they were virtually silent on the government’s handling of the territorial disputes with China in the South China Sea. What explains this divergence? The difference is puzzling for three reasons. First, the issue of the South China Sea has been one of the most salient issues in Vietnam since at least 2007. Second, by opening up electoral competition, at least some delegates have an incentive to champion issues important to the public (Malesky and Schuler 2010). Finally, the VCP does not appear to use punishment – or even the threat of punishment – to sanction unruly delegates.

How does the regime ensure that debate on oversight is limited to these issue areas? The core argument is that authoritarian regimes can use *agenda control* to manage debate. Agenda control helps channel debate in two ways. First, it frames the debate so

that delegates and the public are primed to discuss only certain topics. Second, even when controversial topics are already in the public realm, it also allows the regime to send a nuanced and dynamic signal to potential critics about which topics are up for discussion and which are not.

To test the theory that the VCP uses agenda control to limit oversight of the ministries it dominates, the dependent variable is the number of times ministries undergo public oversight hearings within the VNA. To construct the key independent variable – party control of these ministries – I use plausible assumptions about the relationship between speeches on legislation pertaining to different ministries and level of control the party exerts over these ministries. These assumptions are used to create an index of party control for each ministry. The resulting index accurately captures the observation from some Vietnam scholars that the VCP has delegated economic management to the government, but retains control over personnel and defense portfolios.³⁸ Using this index, the chapter then shows that controlling for public interest in the different ministries, ministers that have been delegated greater independence from the party are placed on the VNA schedule more often than ministers more tightly controlled by the party, such as defense and foreign policy.

This chapter proceeds as follows. The first section presents a theory of how authoritarian regimes should structure debate on government oversight. The second section presents the core theoretical proposition of this chapter, which is that similar to democratic countries, authoritarian leaders can use agenda control to manage debate. The

³⁸ See for example: David Koh. “Reforming Vietnam’s Political System.” *The Straits Times*. January 10, 2013. Accessed using Lexis Nexis.

third section explores the agenda control procedures in the VNA and introduces the hypothesis. The fourth section presents the data and the results. The fifth section discusses how the quantitative findings accord with evidence from debates on the Vinashin corruption scandal and the South China Sea. The final section concludes with the broader implications of the empirical analysis and arguments presented in this chapter.

The Risks and Rewards of Debate – A Theory of Legislative Oversight

Limited debate is important under authoritarian rule, because unmanaged debate can be costly in several ways. It could force the regime to make concessions. An example from Vietnam is the debate on the income tax. In 2008, the VNA debated a Law on the Personal Income Tax, and as the debate proceeded delegates began to publicly challenge the regime regarding the minimum level of taxable income. Initially, the level was set at VND 4 million (US\$200) per month, but it was later raised to VND 5 million (\$250).

Another risk is that new policy coalitions might form that could threaten entrenched interests within the regime. As Baumgartner and Jones (1993) argue in the US, iron triangles are not necessarily dissolved as a result of new information, but rather due to a reframing of issues that leads to the creation of new alliances. By reframing issues, new coalitions are formed that have the power to dislodge the policy status quo.

A third risk is that public criticism could act as a focal point for collective action against the regime. In the same way that fraudulent elections have been shown to act as focal points for collective action among discontented regime opponents (Tucker 2007), so too could dissent within the assembly act as a way to galvanize regime opponents.

A final risk is that even if criticism does not mobilize an anti-regime coalition in the short term, it could at least stretch the limits of what is permissible for public debate. In the case of Vietnam, if debate over the desirability of a multi-party system is allowed in the VNA, then citizens might assume that it is an acceptable topic for public debate.

Given these risks, which issues should authoritarian regimes want debated? As suggested above, the types of issues the regime wants debated depends first on the types of debates being considered. Most legislatures feature two distinct forms of public deliberation – monitoring and lawmaking. Monitoring takes the form of hearings, interpellations, and query sessions. Debate surrounding law making involves discussion over possible amendments to legislation. This chapter presents a theory and a generalizable hypothesis for debate on legislative monitoring.

Legislative Monitoring Under Authoritarian Rule:

As suggested in the previous chapters, the VCP does not want delegates to raise sensitive issues. At the same time, the regime does want oversight. However, the logic and execution of monitoring may be different than predicted under the pure power sharing argument. Rather than the elites directly challenging each other, the VNA is set up to use rank-and-file party members and policy experts to manage agency loss on portfolios that the party has delegated to the government. Since 1992, the VCP has loosened control over some key portfolios, especially the management of the economy, to the government. The goal of this delegation has been to reduce the impact of ideology and improve the technical quality of policymaking.

At the same time, the level of delegation to different ministries may not be uniform. Policies for some portfolios, such as defense and foreign policy, may still be largely determined by party bodies, while others, such as management of state-owned enterprises, may be farmed out to the government. As evidence of this variation in level of control, in August 2013 the Politburo raised some eyebrows when it directly appointed a deputy minister of public security.³⁹ Generally, the prime minister, as head of the government, announces government appointments. This was interpreted by the media as a sign of the party intervening directly in the matters of the state.

Returning to the theory of legislative oversight, if the logic of authoritarian monitoring is to manage agency loss between the party and the state, we would expect the regime to limit monitoring to portfolios where it retains control and increase monitoring for portfolios where it has delegated more authority to the government. Where there is variation in the level of party control, this should explain variation in the level of oversight the different ministries undergo.

Managing Dissent through Punishment and Agenda control

Given that authoritarian regimes may want to limit debate, how can they do so? The most intuitive explanation is the threat of punishment. Through punishment, or the threat of punishment, delegates can be deterred from broaching certain topics. However, while punishment is an important tool, punishment alone does not appear to be the VCP's

³⁹ See *BBC Vietnam*. "Chỉ đề chủ tịch nước phong tướng quân đội." September 10, 2013. http://www.bbc.co.uk/vietnamese/vietnam/2013/09/130910_chu_tich_nuoc_phong_tuong.shtml. Accessed September 10, 2013.

preferred tactic for controlling debate. Theoretically, as this section will show, there are reasons why it should only use punishment as a last resort.

Delegates have been dismissed from the VNA in recent years, but these dismissals were not due to criticism from within the parliament. In 2006 delegate Mac Kim Ton was removed from the parliament before being jailed on corruption charges.⁴⁰ While this charge may have been politically motivated, given his part-time position in the VNA, any political motivation was likely due to local politics rather than participation in the VNA. Put another way, Ton was hardly known as a vocal member of the assembly.

In a more recent case, businesswoman Dang Thi Hoang Yen was ousted from the VNA in a special session in 2012. An analysis of her activity prior to her removal does not indicate that she was particularly vociferous. While there is no concrete evidence, one veteran Vietnam watcher links her dismissal to her close relationship with the Prime Minister's political rival, President Truong Tan Sang.⁴¹

Of course, simply because critical delegates are not punished does not mean punishment cannot have an effect. Perhaps it is the threat rather than the exercise of punishment that could shape behavior. Similar to media censorship, punishment of officials will have a chilling effect on the willingness of officials to speak. As Stern and Hassid argue in the case of China: "In China, unpredictable flashes of repression instill fear and amplify silence" (2012, 1231). China and Vietnam both continue to jail bloggers and journalists with some degree of regularity. In recent years, Vietnam has jailed

⁴⁰ Tuoi Tre. "Bat Tam Giam Ong Mac Kim Ton." July 22, 2006.

⁴¹ See Carlyle Thayer. 2012. "Vietnam: Why was Nguyen Duc Kien Arrested?" *Thayer Consultancy Background Brief*.

reporters from Tuoi Tre after exposure of corruption scandals and it has also cracked down heavily on bloggers (Thayer 2009, Kerkvliet 2012).

While the threat of such punishment has an effect on the media, the jailing of delegates on ambiguous grounds, particularly after they have leveled criticism against the government, is likely to be more costly to the regime than jailing bloggers or journalists. First, vocal legislators are likely to be more high profile than individual journalists. Therefore, jailing them has a greater chance of making them a martyr. Second, if the regime uses punishment against delegates for speaking on issues that are imperfectly signaled as out-of-bounds, this should have a chilling effect on the entire assembly, thus rendering it a rubber stamp. Therefore, it would not be able to provide even technical information or manage the agency loss from the party to the government.

Agenda control

The argument in this chapter is that if punishment is risky for the regime or will have a chilling effect, the regime may seek alternative methods to channel debate. Of course, the VCP could signal these issues it wants discussed in private, as it is reported to do in weekly meetings with reporters (McKinley 2007). However, interviews suggest that this tactic is not institutionalized in the case of the VNA. There are several reasons why this might be the case. First, relying on informal meetings to place subjects off limits draws attention to these issues and to the fact that the regime does not want them discussed. For highly salient issues that have not been raised, this might not be an important factor as delegates are already aware of the issue. However, for other issues such as potentially controversial public works projects, such ex ante warnings might draw

unwanted attention, even in the context of attempting to prevent such issues from being raised.

Second, keeping issues off the agenda through an informal institution increases the possibility that the regime would be forced to repress a delegate for engaging in otherwise legal behavior. In the case of reporters, the VCP has in fact been forced to do so, with several reporters from strident state-run news outlets either being jailed or forced into exile. Again, as discussed previously, punishment of less politically influential reporters is less costly than repressing delegates. Repressing strident delegates could be a signal that either the party or the state is engaging in a power grab and spark resistance from otherwise compliant elites.

Given the costliness of repressing delegates, if possible the regime would prefer another more anodyne way of moving debate towards areas where it wants discussion and away from more sensitive issues. Furthermore, it would prefer that it have an institutional basis for punishing any breaches of this agenda rather than being forced to rely on ad hoc repression.

Agenda control is a useful way to achieve these goals. In work on democracies, scholars have applied agenda setting arguments to address whether policy passed in a legislature aligns with the ruling party's preferences or the preferences of the median legislator. Proponents of agenda setting show how institutional rules are used to bend the policies passed by legislatures to the will of the majority party (Cox and McCubbins 1993, Cox and McCubbins 2005, Gailmard and Jenkins 2007). In addition to the US, these models have been expanded to other democratic contexts such as Europe (Doring

1995), Japan (Cox, Masuyama and McCubbins 2000), and Brazil (Amorim Neto, Cox and McCubbins 2003).

Despite the ubiquity of the agenda setting concept in the democratic literature, there has been little research documenting its use in authoritarian contexts. Schatz (2009) argues that Kazakhstan's authoritarian rulers used agenda setting through the media and public pronouncements so that they did not have to rely on outright repression. However, this argument subsumed agenda control into a larger array of potential "soft authoritarian" strategies and was not discussed in the particular context of controlling the legislature.

In proposing a theory of authoritarian agenda control, the key difference between agenda setting in democracies and agenda control in authoritarian regimes is that the goal under authoritarianism is primarily to channel debate rather than ensure the passage of legislation. Although passing bills is also important to authoritarian leaders, and on occasion even authoritarian legislatures reject regime proposals (Saiegh 2011), the presence of "yes-men" in the assembly generally ensures that all bills will pass. The target of agenda control in authoritarian assemblies, and the VNA, is managing risks created by open debate. Another difference is that authoritarian regimes are likely to have firmer control over the agenda than leaders of democracies. For this reason, I use the term agenda control for authoritarian regimes as opposed to agenda setting.

Agenda control channels debate through two mechanisms. First, agenda control frames the issue so that the media, public, and critics within the assembly are primed to discuss those issues. Second, even when delegates are aware of other issues, the agenda sends a clear signal of what topics are out-of-bounds for that specific session. If a

delegate raises a sensitive topic that is not on the agenda, the regime has institutional grounds for sanctioning them or limiting such discussion rather than being forced to rely on ad hoc repression.

Monitoring and Agenda Control in the VNA – Hypothesis

The theoretical prediction that agenda controlled is used to channel oversight away from ministries controlled by the party will be tested using data from oversight hearings in the VNA between 2007 and 2013 (see **Table 5.1** for the list of the sessions).

Table 5.1: VNA Sessions

Year	Assembly	Session	Begin Date	End Date
2007	12	2	22-Oct-07	22-Nov-07
2008	12	3	6-May-08	5-Jun-08
2008	12	4	16-Oct-08	16-Nov-08
2009	12	5	20-May-09	21-Jun-09
2009	12	6	20-Oct-09	27-Nov-09
2010	12	7	20-May-10	19-Jun-10
2010	12	8	20-Oct-10	26-Nov-10
2011	13	1	21-Jun-11	7-Aug-11
2011	13	2	20-Oct-11	26-Nov-11
2012	13	3	21-May-12	22-Jun-12
2012	13	4	22-Oct-12	23-Nov-12
2013	13	5	22-May-12	6-Jun-12

Consistent with the theory presented in this chapter, the structure of the VNA is set up such that the ruling Vietnam Communist Party (VCP) can exert a great deal of control over the proceedings. The key institution that the party uses to control the VNA is the 18-member VNA Standing Committee. Its membership includes the VNA chairman, the four deputy chairmen, and the chairmen of the VNA's 10 permanent committees.

Party penetration of this body is high. The chairman is always a member of the Politburo. Furthermore, both the current and previous VCP General Secretaries were

previously the chairmen of the VNA, suggesting that the VNA chairmanship and the party apparatus are tightly linked. In addition, almost all the other members of the standing committee, including the deputy chairs and the committee chairs are members of the VCP Central Committee, which is the predominant party policymaking institution in Vietnam.

It is clear that selection to the Standing Committee is largely a top-down process. Although the VNA ostensibly votes for the Standing Committee at the beginning of each new five-year term, in reality there is no room for the rank-and-file to propose a different composition. Therefore, its makeup is largely predetermined by the outgoing Standing Committee. Malesky and Schuler (2013) show that vote outcomes or delegate background have little to do with selection into this body, and that selection appears largely predetermined based on party predictions about which delegates are most likely to be loyal.

The Standing Committee is important for the arguments presented here because it is responsible for defining the agenda for each of the meetings of the full VNA. As Table 1 shows, the full VNA meets only during the two, month-long sessions per year. Immediately prior to the full VNA session, the Standing Committee holds a meeting to determine the agenda. This body has sole responsibility for determining the agenda as individual delegates, or even groups of delegates, are not allowed to propose hearings or place bills on the floor. Therefore, critics are allowed only to discuss issues that are set by the Standing Committee. To the extent that they discuss issues outside of these areas, they will have to consciously flout the agenda set by the committee.

The dominance of the Standing Committee over the proceedings of the VNA is highlighted by the fact that reformers have targeted the body as an important impediment to the effectiveness of the VNA. As a law professor Mai Hong Quy remarked in a public hearing on constitutional reforms: “Giving so much power to the standing committee can lead to the misconception that the standing committee sits above the National Assembly.”

42

VNA Monitoring

This chapter concerns how the Standing Committee will control monitoring within the VNA so that ministries controlled by the party will be questioned less than those delegated greater authority. The primary monitoring institution in the VNA is the query session. During each session of the VNA, the assembly queries at least four members of the government. These query sessions are held on live national television and give delegates the chance to ask questions that must be answered directly by the ministers. These sessions are not only watched by Vietnamese citizens, but they also appear to have a measurable impact on the salience of certain topics.

If the theoretical predictions from above hold, we should predict the following:

Hypothesis: If the VCP uses agenda control to structure legislative monitoring, the ministries that have been delegated more independence from the party should be queried more often than ministries more tightly controlled by the party.

⁴² See *VietnamNet*. “Đề xuất thu hẹp quyền của Thường vụ QH.” [“Proposal to narrow the power of the VNA Standing Committee”] March 13, 2003. < <http://vietnamnet.vn/vn/ chinh-tri/112681/de-xuat-thu-hep-quyen-cua-thuong-vu-qh.html> > Website accessed May 12, 2013.

Monitoring in the VNA – Data, Measurement, and Results

The dependent variable used to test the hypothesis is simply a measure of the total number of times each ministry was queried between 2007 and 2013. During this period, the different ministers have been queried 46 times on the floor of the VNA. The number of times these ministers were queried range from zero for the ministers of defense and foreign affairs to six for the Minister of Industry.

While the dependent variable is simple to construct, developing a measure of “party control” is more difficult. Ideally, a clear statement of the ministries the party controls more tightly or even specific documents about the issues that are off limits would allow more accurate measurement of the topics the regime wants discussed. However, given the unavailability of such measures, measuring party control requires a proxy. Any proxy is likely to generate some measurement error in that there is an imperfect relationship between the concept and the proxy created. However, the advantages of creating such a measure are first that the methodology will be transparent and replicable. Second, any measurement error will bias the results towards zero. Therefore, this creates greater confidence in any findings that might result from the analysis.

With these concerns in mind, to measure party control I relied on information from debates on legislation related to each ministry. Using three assumptions about the relationship between debates on legislation and party control of ministries, I constructed a 10-point index of party control for Vietnam’s 20 ministries. The first assumption is that where party control of ministries is higher, the party and the Politburo should issue more specific directives regarding legislation impacting those ministries. For instance, if the

party is involved in not only setting the policy but in overseeing the implementation of the policies, the directives it issues internally should be more specific in its recommendations for those laws. The second assumption is that if the party and Politburo are more specific in their guidelines for laws in these areas, delegates should be more likely to cite the party or Politburo in debates on legislation pertaining to those ministries. Finally, because not all debates were made public, I employed a third assumption. Where the VCP more tightly controls a ministry, debates on legislation related to those ministries should be more likely to be held behind closed doors.

These three assumptions were used to create a 10-point index of party control. This index is made up of three components – the “Party Index”, the “Politburo Index” and the “Transcript Index.” To generate the party and Politburo indices, each of the 115 laws that were debated on the floor of the VNA between 2007 and 2013 were matched with the relevant implementing ministry. For instance, the Law on Defense Education was matched to the Ministry of Defense, while all tax legislation was linked to the Ministry of Finance. Once each law was linked to a ministry, the “Party Index” score was created based on the percentage of speeches on laws pertaining to a given ministry where the Communist Party (*Dang Cong san*) was mentioned. The same process was repeated for the Politburo (*Bo Chinh tri*). To generate the “Transcript Index,” the number of total debates on laws pertaining to a given ministry that were not made publicly available was divided by the total number of debates on those laws.

To normalize these concepts in order to put them on a single scale, for each of the three measure I created a 10 point index, where the difference between the value for ministry *i* for index *k* (e.g. the party, Politburo, and transcript indices) and the minimum

value for measure k was divided by difference between the minimum and maximum values for measure k across all ministries.

$$Score_{i,k} = 9 * \left(\frac{(X_{i,k} - \min(X_k))}{(\max(X_k) - \min(X_k))} \right)$$

To create the total party index measure, each measure k for each ministry was added together and divided by three. Using this process, I generated the “Party Control Index” shown in **Figure 5.1**.

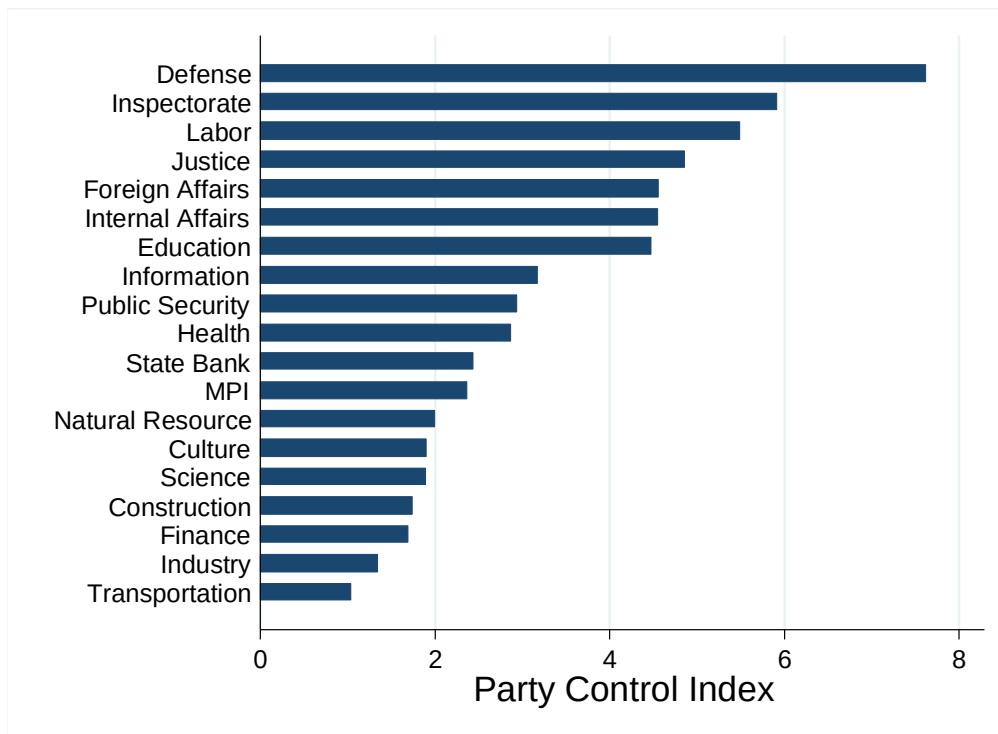


Figure 5.1: Party Control Index by Ministry The index is a 10-point relative scale using the number of times a Politburo or Party decision was mentioned in a speech on a law pertaining to one of the ministries. Also included in the index is whether or not the transcript related to a ministry was removed from the VNA website. A higher score indicates greater party control of that ministry

The face validity of the measure is high. The party has made efforts to loosen its control over the economy since the doi moi reforms of 1986. This helps explain the low

levels of party control for the ministries of industry, finance, and construction. Similarly, the party has not relinquished control of the Ministry of Defense and the State Inspectorate. This accords with recent reports that many of the personnel and anti-corruption duties have remain in the hands of the party. Despite disbanding the Internal Affairs Commission in 2006 and only recently reinstating it in 2011, the Party Commission on Organization and Personnel nonetheless continued to perform many of its functions during this period. The VCP's Central Economic Commission, on the other hand, which was also disbanded and reconstituted, is comparatively weak and cedes much of the economic duties to the government. As veteran Vietnam watcher David Koh writes:

Parts of the internal affairs body merged with other departments, as its portfolio of managing the careers of senior officials could also be done by the Party Commission on Organisation and Personnel, as well as the Government Commission on Organisation and Personnel. The Central Economic Commission was disbanded to reduce a layer in economic policy-making. It had always been the job of the government to propose economic policies and directions, and for this party department to assess policies against party platforms.⁴³

The party control index accurately captures this dynamic.

Looking some of the other scores, it may be surprising that the party exerts more control over the ministries of education and labor than public security. Party control over the Ministry of Labor, Social Affairs, and Invalids (MoLISA) is largely due to the party's interest in managing strikes. More than 80 percent of the speeches on debates relating to

⁴³ David Koh. "Reforming Vietnam's Political System." *The Straits Times*. January 10, 2013. Accessed using Lexis Nexis.

the Law on Labor Unions mentioned the Communist Party compared to an average of 11 percent for other laws. VNA delegate Tran Ngoc Vinh's comment on the proposed law revision is indicative of the way the party was invoked during this debate: "[I] propose that we keep the employee contributions to the labor unions unchanged at 2 percent of the total salary, as per Decision 20 of the *Tenth Communist Party Central Committee meeting...*" (emphasis added). This comment indicates that delegates were aware of a specific party edict when considering any changes to a law under MoLISA's purview.

The scores for the ministries of public security and education may be a result of measurement error in the proxy. The high score for the Ministry of Education reflects the fact that only three debates pertained to the ministry and one of the transcripts (for the Law on University Education) was unavailable. This dramatically increased its "Transcript Index" score. A possible explanation is that the debate was not included due to an oversight of the VNA staff, as there is no obvious reason why these debates would have been sensitive.

Finally, for the comparatively lower score for the Ministry of Public Security, this may reflect the fact that some of laws relating to this ministry during the time period under question, such as the Law on Firefighting, were not particularly sensitive issues, but nonetheless related the ministry. In that law, both the party and the Politburo were rarely invoked.

Moving on to the analysis, to test the hypothesis, the party index variable was regressed on a measure of the total number of times a ministry was queried using standard OLS with robust standard errors. In the analysis, I control for one possible confounding variable that could also play an important role in determining the number of

times a minister is queried – public interest. If public interest drives debate, those ministries that are more visible should appear more often before the assembly. This would bias the finding on party control if party control and public interest were negatively correlated. To account for this possibility, I used data on average search volume for Vietnam’s ministries on Google Trends from within Vietnam between 2007 and 2013.⁴⁴ This measure is not ideal, because endogenous feedback from regular exposure to query sessions could overestimate the causal impact of public interest on queries. Therefore, controlling for this factor is a highly conservative test of the party control variable.

Results

Figure 5.2 and model 1 in **Table 5.2** show the simple bivariate relationship between the party control index and the total number of times each ministry was queried. It shows a significant negative relationship between the two variables. A one standard deviation increase in the party index leads to almost one less query during the six year period. This is a significant decrease considering that the maximum number of times any ministry was queried was six.

⁴⁴ Because Google Trends presents the results as a proportion and not an absolute number, I normalized the number of searches for each of the ministries against searches for the term “prime minister.”

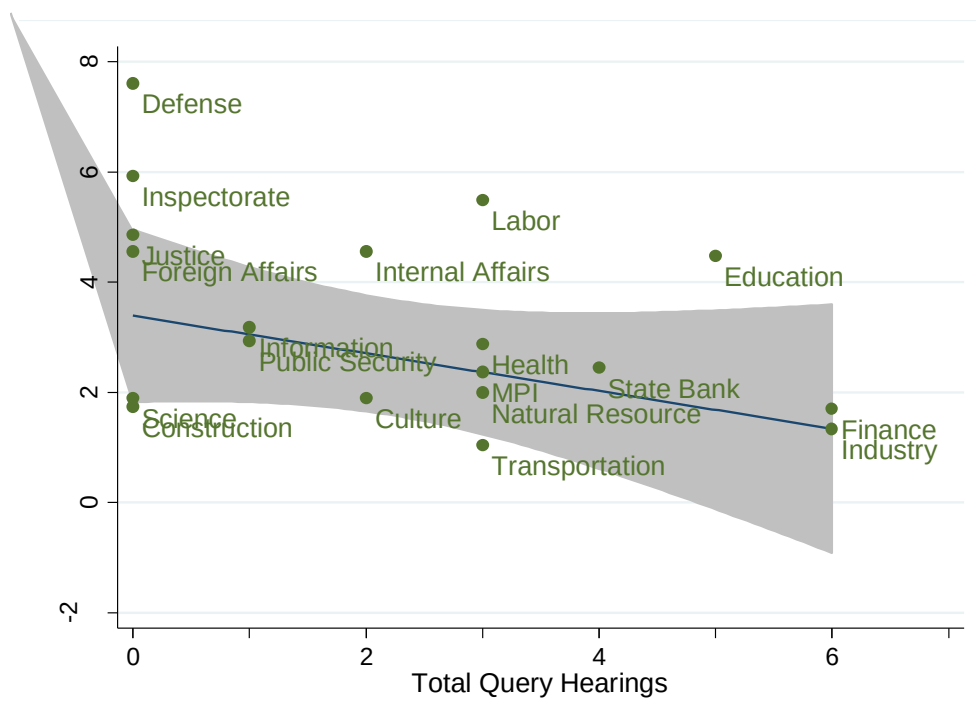


Figure 5.2: Party Control Index and Queries The line represents the correlation between queries and the party control index with 95 percent confidence interval

Table 5.2: Ministerial Queries

1. Robust standard errors in parentheses
2. *** p<0.01, ** p<0.05, * p<0.1
3. Dependent variable is number of times a minister was queried between 2007 and 2013.

	Bivariate	Google Control	Outliers Removed
	1	2	3
Party Index	-0.482** (0.216)	-0.338 (0.216)	-0.249** (0.111)
Google Searches		2.422** (0.871)	3.455*** (0.381)
Constant	3.804*** (0.951)	1.804 (1.266)	0.861 (0.666)
Observations	19	19	17
R-squared	0.181	0.433	0.825

Model 2 in **Table 5.2** includes controls for public interest through the Google Search measure. The effect of the party index variable drops from significance, but remains substantively high. Model 3 reruns the model, but drops two outliers. **Figure 5.3** shows the Cook's distance measure for outliers in model 2.⁴⁵ Using the standard cutoff of $4/n$, **Figure 5.3** shows that the outliers are the ministries of Industry and Construction. Once the outliers are removed, model 3 in **Table 5.2** shows that the impact of the party index has a significant negative impact on the number of times a ministry is likely to be queried. Moving from the minimum to the maximum party control score leads to an estimated 1.6 decrease in total number of queries.

⁴⁵ To generate the Cook's distance score, Model 2 was rerun without robust standard errors so the distance measure could be calculated.

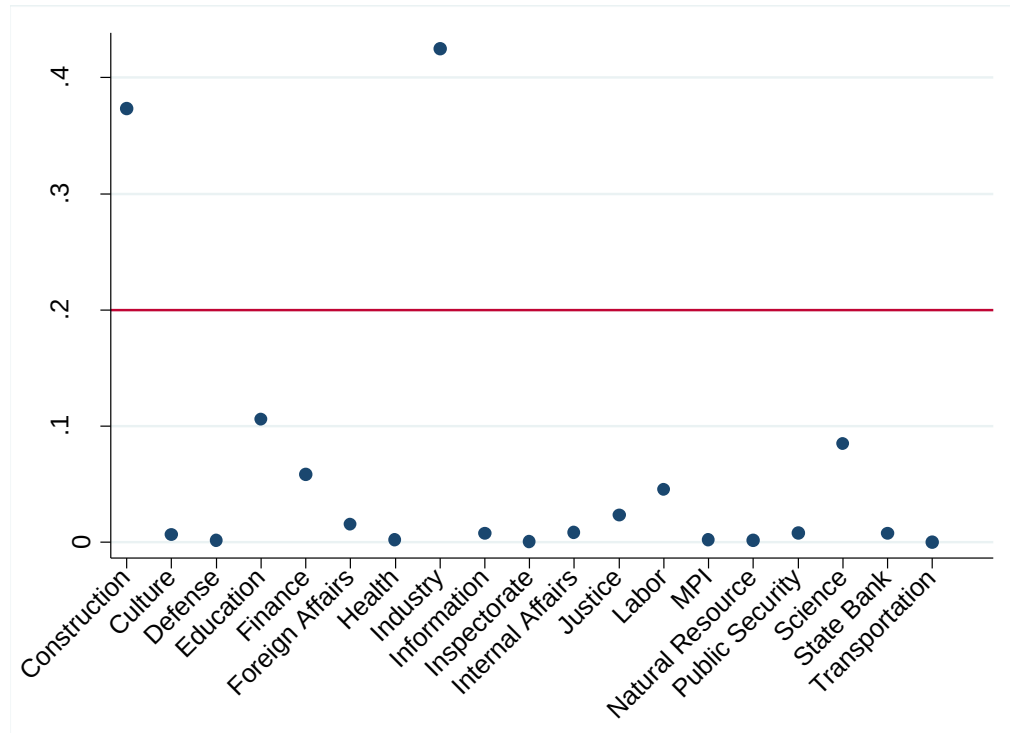


Figure 5.3: Outliers: The points represent the Cook's Distance score for each ministry from model 2 of *Table 5.2*. The red line at .2 is the standard cutoff for outliers ($4/n$).

In terms of the outliers, the Ministry of Industry was an outlier because it was relatively unknown to the public, yet was queried more than any other ministry except Finance. The Ministry of Construction is more curious, as it was both heavily searched by the public *and* exhibited low levels of party control but was never queried. At this point, only anecdotal evidence is available for why the Ministry of Construction was able to avoid scrutiny during this period, but a possible answer is that it is the source of enormous rents that can be distributed widely throughout the party. The Ministry of Industry, however, is also a source of rents, but these are in the form of state-owned

enterprises, where the benefits do not trickle to the provinces. Again, this is only speculation and demands further investigation.

Discussion – VNA Monitoring on Corruption versus Foreign Affairs

Returning to the puzzle of legislative monitoring presented above, what do the results suggest about why the issue of Vinashin was discussed heavily during the November 2010 session while the question of the South China Sea was almost never raised? While party pressure to dissuade delegates to speak on such issues may have played a role, the results from the model above suggest agenda setting was also a critical factor. Turning specifically to these cases, consider the different ways each of the issues were handled by two VNA chairmen during this period.

Regarding Vinashin, concerns about the solvency of the shipbuilder had surfaced as early as 2009, when VNA delegates in a hearing on the use of state resources raised the issue of the high levels of debt carried by several state-owned enterprises.⁴⁶ In June 2010, the issue became a national story when Vinashin announced it would be forced to restructure. **Figure 5.4** shows public interest in Vinashin and the Spratly Islands as measured by Google searches made from within Vietnam between 2007 and 2013. As the figure indicates, interest in the scandal spiked in July 2010 and remained a hot topic until later that year.

⁴⁶ See *VnExpress*. “Mô hình tập đoàn – người khổng lồ trên chân đất sét.” [State Conglomerates – Giants on Legs of Clay]. November 11, 2009. < <http://kinhdoanh.vnexpress.net/tin-tuc/vi-mo/mo-hinh-tap-doan-nguoi-khong-lo-tren-doi-chan-dat-set-2701984.html> >

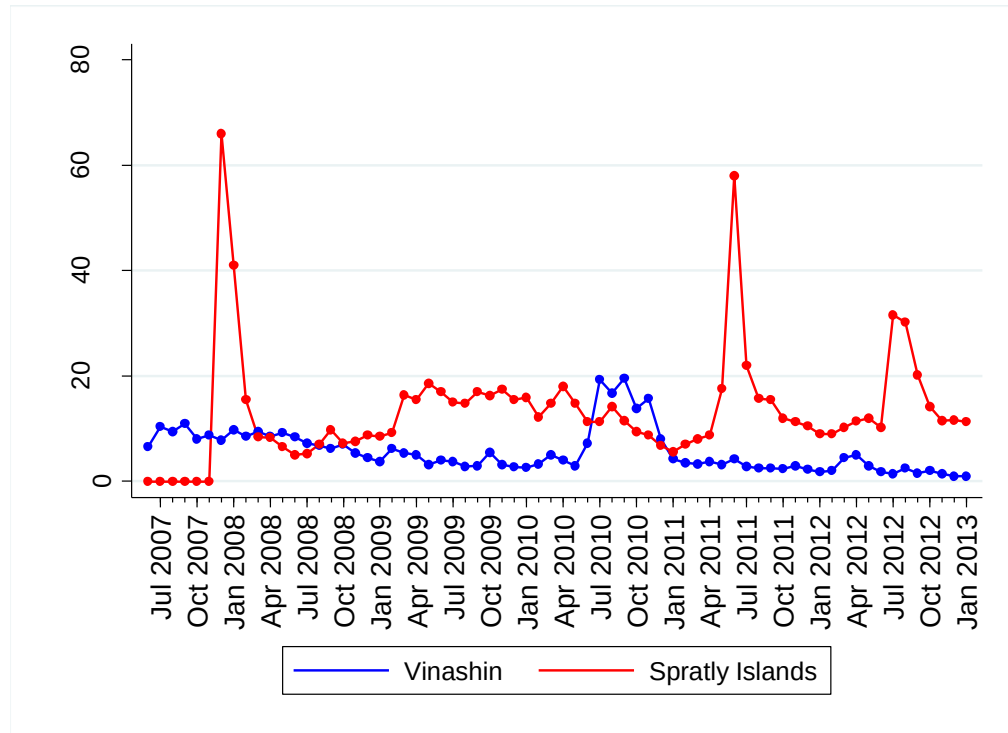


Figure 5.4: Public Interest in Spratly Islands, Vinashin: The Google Trends score gives a relative index of interest in Vietnam. Therefore, the values are comparable to each other, but do not represent the absolute number of searches

The way the issue was handled by the VCP and the chairman of the VNA indicates that the party was interested in bringing the issue before the public. In the opening speech of the November 2010 session, which was the first session since the issue had become a national issue, the chairman of the VNA announced that “the assembly will examine the Vinashin affair.”⁴⁷ He was true to his word, as during the query sessions the ministers most directly responsible for failing to oversee the corporation, the ministries of transportation and finance, were dragged before the VNA on public television.

⁴⁷ See *Agence France Presse*. “Vietnam Lawmakers to Probe Shipbuilder Scandal.” October 20, 2010. Accessed using Lexis Nexis.

In the opening of the query sessions, VNA Chairman Nguyen Phu Trong said: “Regarding the Minister of Transportation we will concentrate on three issues: First, the issue of assigning responsibility to the minister for his work of overseeing the state conglomerates, especially Vinashin.”⁴⁸ Similarly, in introducing the Minister of Finance, he instructed the legislature to consider the ministry’s role in inspecting and auditing Vinashin. Consistent with the theory presented above, both ministries are relatively independent of party control compared to other ministries and thus the VNA Chairman, who is now the General Secretary of the VCP, was willing to have both ministries undergo public scrutiny.

Contrast the encouragement to address the Vinashin scandal with the absence of any direct mention of the South China Sea and the Spratly Islands during the spikes in public interest on that subject. As Figure 4 shows, since 2007 there were three major spikes. The first, in December 2007 occurred after reports of Chinese naval ships attacking Vietnamese fishing vessels. This resulted in protests outside the Chinese embassy. Protests flared up again in June 2011 when a Chinese ship rammed against a Vietnamese oil exploration vessel sailing in waters claimed by Vietnam. Finally, in June 2012, protesters took to the streets again to oppose Chinese plans to allow bids for drilling concessions in blocs claimed by Vietnam.

The role played by the VNA in each of these incidents is quite different compared with the handling of Vinashin. In contrast to the hearings on the ministers of finance and transportation, the ministers most directly involved in the issue of the South China Sea

⁴⁸ “Đối với Bộ trưởng Bộ Giao thông vận tải cũng tập trung vào 3 nhóm vấn đề: Thứ nhất là vấn đề phân công quản lý trách nhiệm của Bộ trưởng trong việc quản lý nhà nước đối với tập đoàn, tổng công ty nhà nước, đặc biệt là đối với Tập đoàn Vinashin.”

were not called before the assembly. Furthermore, neither Nguyen Phu Trong nor Nguyen Sinh Hung referenced the incidents in the opening addresses to the VNA or in opening the query sessions. In the March 2008 query session, the main topic for the session was the controversial proposed expansion of Hanoi. In the shortened August 2011 session, economic difficulties were discussed but there was no mention of tensions with China. Later in November, in the opening speech of the VNA, Chairman Nguyen Sinh Hung discussed the constitutional revisions but made no mention of the tensions.

The divergence in the treatment of these two issues aligns with the theory and empirics presented above. The South China Sea was not discussed heavily during oversight hearings because the relevant ministers did not appear for questioning. Furthermore, the issues not discussed centered on foreign policy and defense, two issues that the party controls more tightly. In contrast, the Vinashin scandal dealt with the management of the economy, which is an issue the party has largely ceded to the government. As a consequence, the party was more willing to have the ministers responsible for the scandal to undergo a thorough inquiry.

Conclusion

Existing theory has made exciting advances as to the potential benefits that authoritarian legislatures can provide for regimes. However, there has been little discussion about how debate in these partially liberalized institutions is managed or what types of issues are off limits. In particular, how can regimes generate limited debate or “representation within bounds” (Truex 2011) despite efforts to encourage participation on some topics? This chapter narrows the lens to debate within government oversight

hearings. It first presents a theory suggesting that the party should want oversight over ministries it controls less tightly. Second, it proposes how, similar to democratic countries, strong parties can use agenda control to structure debate.

Using the case of VNA, the theoretical predictions are confirmed by looking at variation in the number of times different ministries are queried. Using a unique measure of party control, this chapter confirms qualitative work suggesting that the VCP tightly controls foreign policy and security issues but has delegated a larger degree of autonomy to the government over economic affairs. The measure shows that the VCP most tightly controls the Ministry of Defense while ministries of finance, transportation, and industry are more independent. Confirming the theory, there is negative relationship between party control and the number of times a ministry was questioned. In the case of Vietnam, this provides an explanation for why corruption scandals within state-owned enterprises were discussed frequently, while the issue of the South China Sea was rarely broached.

These findings have important implications for our understanding of the role of assemblies in generating authoritarian stability. Not only does this chapter explore how debate is moderated, it also shows the importance of micro-level institutions within authoritarian assemblies. In the case of the VNA, party control of the Standing Committee, which has the ability to set the agenda, is of critical importance. This provides an explanation as to why the party has been reluctant to reduce the primacy of this body in recent negotiations on constitutional revisions.

The chapter also suggests another set of explanations for the resilience of authoritarian parties (Huntington 1970, Brownlee 2007). The findings here suggest that the private forum for institutionalized debate afforded by party institutions could be

useful in hashing out the agenda for the assembly. Agenda control, therefore, provides a clue not only as to how liberalized parliaments are controlled, but also why strong parties might be more effective at controlling them than regimes without strong parties.

The material used in this chapter is being prepared for a book manuscript.

Chapter 6: Conclusion

Why did Nguyen Minh Thuyet call for a vote of confidence in the prime minister in November 2010? Was his speech the result of a plan that began early in 2007, when the first stages of vetting for the 12th VNA began? While no one certainly could have predicted the specific speech, it is possible that the regime knew he would be likely to assert himself and challenge the party. Hosni Mubarak, for example, was certainly aware that the Muslim Brotherhood would be critical when he co-opted some members to into Egyptian legislature.

The theory and evidence in this dissertation suggests that the answer in the case of Vietnam is no, the VCP did not predict Thuyet's behavior. The VCP does not use the VNA to co-opt organize opponents. Furthermore, the VCP does not intend for the VNA to be a check on the authority of the party. Rather, it is intended to provide technocratic advice on legislation and oversight of government officials. Furthermore, this aligns with what we should expect from authoritarian regimes with strong single parties. Where strong party institutions exist, regimes should encourage those institutions to co-opt opponents and stabilize power sharing in order to keep criticism from spilling into the public.

In Thuyet's case, he was a member of the Communist Party likely nominated for election to the VNA for his expertise in education. As a university professor, he was appointed deputy chair of the Culture, Education, and Youth Committee of the VNA. As chapter 3 shows, these fulltime positions were created by the VCP in the 1992 Constitution in order to professionalize the assembly and improve the quality of

legislation. Therefore, the intention for a delegate like Thuyet would be to provide comments on legislation going through this committee and oversee portfolios such as the Ministry of Education. However, Thuyet stepped outside this role and criticized the prime minister over his performance in mismanaging a corruption scandal. Furthermore, he proposed a vote of no confidence in the minister and the establishment of an independent commission to investigate the scandal.

In terms of why Thuyet would make such a speech, this project theorizes that critical behavior, rather than resulting from a deliberate regime strategy, is either the accidental byproduct of professionalizing the assembly or the result of factional disputes within the party spilling into the public forum of the legislature. Both of these possibilities highlight the unintended outcomes that can result from partial liberalization. While Vietnam has gathered the improved quality of participation it desired through liberalization, it also has to contend with delegates more willing to criticize it over settled policy.

With that said, critical behavior was still largely limited. Given the incentives delegates have to make a name for themselves, chapter 5 shows how parties can manage this uncertainty using agenda control. Chapter 5 shows how the VCP, through the Standing Committee of the VNA, deliberately prevents some ministers from appearing before the VNA for questioning, even when there is a great deal of public interest in those portfolios. While the VCP has delegated authority to the government in managing economic affairs, it retains strong control over defense and foreign affairs. Consequently, those ministries dealing with the management of the economy were put before the VNA

for questioning more often than the Minister of Foreign Affairs and the Minister of Defense.

This theory and findings from this project contribute to existing work on authoritarian institutions by showing how they do not always conform to the wishes of the regime. This is contrary to some of the functionalist implications of many models. Therefore, partial liberalization may be riskier for autocrats than many models suggest. This dissertation also specifies the relationship between authoritarian parties and legislatures. If possible, regimes would prefer contestation remain behind closed doors in order to avoid public leadership splits.

With that said, the project leaves the door open for future work. Most importantly, future work in this area can make use of advances in automated text analysis to generate an additional measure of critical behavior. As Grimmer and Stewart (2013) suggest in their review of existing work using this methodology, all content analysis should be validated with multiple approaches. Therefore, one importance advance that could be made would be to use alternative measures to assess which speeches are critical and which are not in order to validate the measures presented in this paper.

Another potential area for exploration will be to look at the timing of criticism within the party and legislative calendar. As suggested in chapter 2, one potential cause for critical behavior could be that delegates are proxies for contenders for power within the party. If this is the case, we should see criticism ratchet up before party congresses, where leadership decisions are made. Furthermore, we should also see an increase in targeted criticism, where officials or party members are called out by name in an attempt

to discredit them. Through the use of automated content analysis, addressing this question should be possible.

Finally, another important area to focus on is the long-term evolution of a partially liberalized assembly. Where delegates and the legislative leadership are given greater power, these leaders have an incentive to increase their power through further institutional reforms. Certainly the VNA, even since the 1980s, has adopted several institutions such as televising query sessions and adopting a regular vote of confidence that have given it greater power. What role do the VNA leaders have in pushing for these changes, even if they challenge the power of the VCP? Answering this question is importance as countries such as Myanmar experiment with expanding the power of their legislature. Are its reforms likely to lead to greater calls for reform or does its current, partially liberal status represent a stable equilibrium? These are questions for future work.

The material used in this chapter is being prepared for a book manuscript.

Appendix 1: Sensitive Issues

Issue	Source
Bat Nha Monestary	Asian Survey
Bauxite	Asian Survey, SEA Affairs, EIU
Bloc 8406	Southeast Asian Affairs, EIU
Bui Thanh Hieu	EIU
Bui Thi Minh Hoang	EIU
Cambodia Asean Meeting	SEA Affairs
china_protests	Asian Survey, SEA Affairs
Con Dau Cemetary	Asian Survey
Credit downgrade	SEA Affairs, EIU
Cu Huy Ha Vu	SEA Affairs, EIU
Dang Van Cong	EIU
Dao Van Hung	EIU
Dinh Dang Dinh	EIU
Dinh Nhat Uy	EIU
Direct Election of PPC Chair	SEA Affairs, EIU
Dung Quat Oil Refinery	Asian Survey, EIU
Duong Chi Dung	SEA Affairs, EIU
Ecopark/Van Giang	SEA Affairs, EIU
EVN	Asian Survey, SEA Affairs, EIU
Free Journalists Club	EIU
Hanoi Expansion	SEA Affairs, EIU
HCMC Land Protest	EIU
High Speed Rail	SEA Affairs, EIU
Hmong Uprising/Muong Nhe	EIU
Hoang Khuong	SEA Affairs
Hoang Minh Chinh	SEA Affairs
Hoi dong Cong luat Cong an Bia Son	EIU
Huy Duc	SEA Affairs, EIU
Fuel Subsidy	EIU
jetstar/qantas	SEA Affairs, EIU
Le Cong Dinh	SEA Affairs, EIU
Le Quoc Quan	EIU
Le Thi Cong Nhan	EIU
Mai Linh Default	SEA Affairs
Masan	SEA Affairs
Multi-Party Democracy	EIU
Vietnam Name Change	SEA Affairs
Nghi Son Refinery Protests	EIU
Ngo Quang Kiet/Hanoi Land Dispute	EIU
Nguyen Anh Tuan	SEA Affairs
Nguyen Cong Chinh	EIU
Nguyen Duc Kien/Bau Kien	Asian Survey, SEA Affairs, EIU
Nguyen Thanh Phuong/Eximbank	SEA Affairs
Nguyen Van Dai	EIU
Nguyen Van Hai	SEA Affairs, EIU
Nguyen Van Lia	EIU
Nguyen Van Ly	EIU
Nguyen Van Thanh	EIU
Nguyen Viet Chien	SEA Affairs, EIU

Issue	Source
Nguyen Xuan Nghia	EIU
North Korea visit	SEA Affairs
Nuclear Power Plant	SEA Affairs, EIU
Pacific Consultants Internationa/Huynh Ngoc Sy	SEA Affairs, EIU
Peru Oil Exploration	Asian Survey
Pham Hong Son	EIU
Pham Minh Hoang	EIU
Pham Phuoc Nhu	EIU
Pham Thanh Binh	EIU
Pham Thi Phuong	EIU
Phan Thanh Hai	EIU
Phan Van Thu	EIU
Phuoc Hue	EIU
Decision 97	SEA Affairs, EIU
PMU-18	SEA Affairs
Project 112	EIU
Sacombank	SEA Affairs
Song Da	SEA Affairs
South China Sea/Spratly Islands	Asian Survey, SEA Affairs, EIU
Strikes	EIU
Submarine Purchase	EIU
Ta Phong Tan	EIU
Taiwan Visa	SEA Affairs
Thich Huyen Quang	EIU
Thich Nhat Hanh	Asian Survey, EIU
Thich Quang Do	EIU
Tien Lang/Doan Van Vuon	Asian Survey, SEA Affairs, EIU
Tran Anh Kim	EIU
Tran Hoai An	EIU
Tran Huynh Duy Thuc	EIU
Tran Khai Khanh Thuy	EIU
Tran Ngoc Suong/Ba Suong	SEA Affairs
Tran Quang Vu	EIU
Transpacific Partnership	EIU
US Human Rights Report	Asian Survey, EIU
US Religious Freedom Report	SEA Affairs, EIU
Vi Duc Ho	EIU
Viet Tan	EIU
Vinalines	SEA Affairs, EIU
Vinapco	EIU
Vinashin	Asian Survey, SEA Affairs
VN Unified Buddhist Sangha	EIU
Vo Thanh Binh	EIU
Vo Thanh Tong	EIU
Vo Thi Thu Thuy	EIU
Vu Chi Thanh	EIU
WTO Accession	SEA Affairs, EIU
Xayaburi Dam	EIU

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