

The Role of Emotion in Land Regulation: An Empirical Study of Online Advocacy in Authoritarian Asia

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Scholarly interest about online advocacy in authoritarian settings is rapidly growing. With one of Asia's most active social media, Vietnam offers a promising site to investigate how online advocates navigate around state censorship to influence regulatory decisionmaking. Much research about online advocacy focuses on rational discourse, and fails to ask why satire and ridicule can change regulatory outcomes when reasoned debate fails. This article considers two cases studies where online advocates changed regulatory outcomes in Vietnam. It investigates why the regulators were sensitive to moral censure in social media, and responded to appeals for solidarity, but were reluctant to engage in rational public deliberation. These findings reveal insights into how online advocacy can trigger emotional responses in officials that transform the regulatory environment. The article concludes that rather than constituting cognitive missteps, emotions are integral to government regulation in Vietnam.

Scholarly interest regarding online advocacy¹ in authoritarian settings is growing rapidly (Land 2009; Lei and Zhou 2015; Rauchfleisch and Schäfer 2015). The critical role of online advocacy in fomenting the Jasmine Revolutions in North Africa (Chandler 2012) and in shaping legal and regulatory decision-making in China has been well researched (Lei and Zhou 2015; Tang 2015). Studies show that even authoritarian regimes, with their urge to control electoral processes, courts, and public discourse, struggle to co-opt the diverse online exchanges that frame regulatory decisionmaking (Tang 2015; Wells-Dang 2012).

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¹ The term *online advocacy* refers to the use of the Internet, especially social media, to educate and develop awareness about social issues and create pressure for policy and regulatory reform (Land 2009).

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Much research about online advocacy focuses on “rational” discourse,² and fails to ask why satire and ridicule can change regulatory outcomes when reasoned debate fails (Lei and Zhou 2015; Tang 2015). This article takes up this inquiry by exploring how online advocacy can trigger emotional responses³ that shape regulatory decisionmaking in Vietnam.

Possessing one of Asia’s most active social media environments,⁴ Vietnam is a promising country in which to investigate online advocacy. Vietnamese bloggers have advocated regulatory reform in diverse areas such as the constitutional separation of powers (Morris-Jung 2015), same-sex marriage (Quinn and Kierans 2010), and environmental protection (Grey 2015; Wells-Dang 2012). This article advances the literature by investigating how online advocates influenced urban regulation. It explores a regulatory puzzle: how does online advocacy overcome Soviet-based governance practices in Vietnam, which insist on rational and scientific regulatory processes (Phạm Điềm 2013), and arouse emotional responses in regulators that open them to new ways of understanding and governing cities?

It turns out that the conceptual divide between rational and emotional regulation has deep historical roots. As Maroney (2006: 120) explains:

A core presumption underlying modern legality is that reason and emotion are different beasts entirely: they belong to separate spheres of human existence; the sphere of law admits only of reason; and vigilant policing is required to keep emotion from creeping in where it does not belong.

This duality of reason and emotion has shaped legal theory well beyond Europe (Habermas 1992: 10–27) and America (Abrams and Keren 2010: 2003–08). It arguably reached a zenith in scientific and rational Soviet governance (Quigley 1989), which then influenced government regulators in China and Vietnam (Gillespie 2011; Phạm Điềm 2013). In both Western and socialist legal traditions, government regulation is regarded as the product of well-prepared and systematic rational processes that codify

² Drawing on Habermas’s (1987: 164–97) notion of “ideal speech,” the term *rational* refers to logical and reasoned processes.

³ Emotional responses refer to the feelings and sensations of physical arousal, such as happiness, surprise, fear, disgust, anger, and sadness, mentioned in the psychology literature (Oatley et al. 2006: 3–32), as well as the cultural labels applied to specific types of feelings and sentiments that drive people to care about particular outcomes and take action for change (Elster 2007: 160–61; Higgitt and Thompson 2012: 2–4).

⁴ In 2015, 52 percent of the population regularly accessed the Internet (Chabro Net 2015; Grey 2015).

relevant information. Emotions, and those aspects of social life involving feelings, are considered messy, unbounded, and outside regulatory processes.

This article turns to a growing body of research that challenges this dualistic thinking. Social science has long recognized that emotions are inextricably linked to thoughts and beliefs (Durkheim 2001). Transporting this work into the legal arena, feminist scholars such as Minow and Spelman (1988) questioned the assumption that emotion is distinct from, and alien to, legal and regulatory decisionmaking, and then queried the qualities of detachment and impartiality that are conventionally associated with legal reasoning. Adding to this body of work, Felstiner et al.'s (1980: 632–37) seminal “naming, blaming and claiming” study revealed the critical role that emotions play in the emergence and regulation of disputes. This scholarship departed from previous legal studies by treating emotions as instruments that fine-tune legal decisionmaking, rather than impulses that lead us astray (Abrams and Keren 2010; Maroney 2016).

More recent studies have examined how emotion influences the actors who populate legal systems, such as litigants (Huang and Wu 1992), judges (Bandes 2009), lawyers (Ammar and Downey 2003), and juries (Sarat 2001). They have also explored the roles emotions play in multiple legal contexts, including criminal law (Lynch and Haney 2015), contract law (Keren 2010), and family law (Huntington 2008). Leading researchers now argue that law and emotion scholarship has reached a critical juncture (Abrams and Keren 2010; Bandes and Blumenthal 2012; Maroney 2016). If emotion is integral to law, “the question becomes not whether emotion can have a role in law, but what kinds of emotions operate in particular contexts and what sort of a role do they play?” (Abrams and Keren 2010: 2009). Taking up this inquiry, this article explores how online advocacy triggers emotional responses that influence land administration in Vietnam.

In contrast to the rapidly expanding law and emotion literature, comparatively little has been written about how emotions influence regulatory decisionmaking. This omission is surprising because the regulatory studies literature discusses a vast array of regulatory methods, such as naming and shaming and restorative justice (Braithwaite 1989), that aim to control behavior by guiding emotional responses. The concepts of “responsive regulation” and “relational regulation” come closer to emotional decisionmaking, by drawing our attention to the tacit and unspoken interactions between regulators and regulated (Silbey 2011). However Lange (2002) is one of the few scholars to examine how regulatory decisionmaking is itself the outcome of emotional processes. She questions the assumption that both regulators and

regulated act in goal-oriented, rational ways, and argues instead that regulatory decisionmaking is shaped by an interaction between reason and emotions (Lange 2002: 200–02).

Lange's (2002) reframing of regulatory theory offers a promising way of analyzing how social media influences land administration in Vietnam. In treating regulation broadly, as a sustained attempt to alter behavior for identified purposes, it opens the analysis to institutional and organizational arrangements and normative objectives outside formal state laws and procedures (Black 2002; Lange 2002). This reframing is especially useful in understanding Vietnam's land administration system, which involves a complex web of relational interactions between regulators and regulated (Silbey 2011). It also challenges the assumption in authoritarian polities, such as Vietnam, that only governments can bring order to land administration (Fitzpatrick 2016; Gillespie 2017). A regulatory framework leaves open the possibility that land regulation is shaped from "the bottom up" through dialogical interactions between regulators, regulated, and third parties, such as social media bloggers (Black 2002; Silbey 2011).

Finally, the emotional turn in regulatory theory is especially pertinent to Vietnam, where scholars have long observed "rule-by-sentiment"—a process that promotes empathy and compassion in regulatory decisionmaking (Endres 2014; Malarney 1997). This regulatory tradition co-exists in an ambiguous relationship with rational and scientific regulation imported from the Soviet Union (Gillespie 2011; Phạm Điềm 2013). This article aims to add new insights to regulatory scholarship by exploring how social and organizational interactions, in a non-Western setting, influence how regulators experience and respond to emotions.

The article first synthesizes an analytical framework from neo-Habermasian theory (Bächtiger et al. 2010; Dryzek and Niemeyer 2010) and the law and emotion literature to explore how online advocacy influences land regulation. Next, it discusses the data and methods used to select and analyze two in-depth case studies. It then sets the scene by providing background information regarding land regulation in Vietnam. This is followed by two case studies that show how online advocacy triggered a range of emotional responses in land officials resolving disputes in the Cái Răng and Phú Mỹ Hưng Districts in southern Vietnam. The article concludes that rather than constituting cognitive missteps, emotions are integral to land regulation in Vietnam. Although regulators are conscious that emotions such as empathy can promote socially attuned regulatory outcomes, Vietnam currently lacks regulatory processes that cultivate the evaluative power of emotions in decisionmaking.

Neo-Habermasian Theory: A Framework for Analyzing Online Advocacy?

Habermas (1987: 164–97, 1992: 150–55) pioneered contemporary theorizing about the nexus between public discourse and governance. He argued that laws are fashioned by morals and ethics synthesized from public exchanges and contests between regulators and society, a process he termed “communicative rationality.” A central pillar of Habermasian deliberative theory is that governance is the product of consequential public discourse in which conversations about socially appropriate regulation evolve in response to what others are saying. Consequential discourse builds social consensus because it verifies whether one set of interpretations—and the responses they generate—are accurately directing the meaning of state regulation. It also enables transparent communication that reconciles differences, identifies common objectives, and brings government regulation closer to public expectations (Noble and Schiff 2012). As a theory, consequential discourse presupposes very little about regulatory decisionmaking, other than that dialogical processes generate social consensus.

Habermasian theory has attracted criticism for locating consequential discourse in liberal public spheres (Bächtiger et al. 2010; Dryzek and Niemeyer 2010). Recent neo-Habermasian studies have corrected this shortcoming by theoretically and empirically exploring whether consequential discourse is possible in illiberal public spheres (Dryzek and Niemeyer 2010; Hendriks 2011: 3–17; Tang 2015). Scholars working in China (Lei and Zhou 2015; Tang 2015) and Vietnam (Grey 2015; Morris-Jung 2015), for example, have shown that citizens use public deliberation to influence lawmakers in public spheres that are highly regulated by the state. Transparent communication is possible, they argue, in the localized dialog found in public meetings, workplaces, social gatherings and, critically for this article, in social media (Lei and Zhou 2015; Rauchfleisch and Schäfer 2015).

Studies show that social media platforms, such as Facebook and personal blogs, provide citizens with enough freedom to formulate their own views, while at the same time creating a deliberative environment that enables dialog with the state (Dryzek and Niemeyer 2010; Hendriks 2011: 3–17; Lei and Zhou 2015). Even in authoritarian polities social media can compete with the state in providing the background assumptions and memories that guide public debate (Morris-Jung 2015; Tang 2015). Neo-Habermasians have replaced Habermas’s liberal public sphere with a networked public sphere that is populated with a virtual

community that communicates impersonally (Rauchfleisch and Schäfer 2015).

In another rethinking of orthodox deliberative theory, neo-Habermasians argue that deliberation includes not only rational discourse, but also alternative forms of communication, such as rhetorical and emotional storytelling (Dryzek and Niemeyer 2010; Hendriks 2011). They point to studies showing that the satirical and playful use of language enables citizens to mock and subvert regulatory orthodoxies, or alternatively to use official discourses out of context to generate ironic dissonance (Bächtiger et al. 2010; Tang 2015). These studies explain how online advocates might use rhetorical and emotional storytelling to influence regulatory decisionmaking where rational discourse fails.

Law and emotion research provides an empirically grounded account of this phenomenon. Studies show that public anger and contempt can refocus the lens through which lawmakers sort, interpret, and prioritize information (Bandes and Blumenthal 2012; Feigenson and Park 2006). For example, public criticism can shame lawmakers by revealing moral or social failings that challenge their self-image (Jasper 2015). Studies have also established that shame can provide an impetus to act. It can change how lawmakers respond to public discourse, and tip the scales in favor of particular ideas and interest groups (Murphy 1999).

There are analogous findings in non-Western settings. For example, studies show that officials in “face-saving” East Asian cultures, such as China, Japan, Korea, and Vietnam, are often more sensitive and reactive to public shaming than people of lower social standing (Hwang 2006; Kim and Cohen 2010). Vietnamese officials, for instance, are considered highly sensitive to public moral criticism (Nguyen 2015), making them responsive to public shaming through online advocacy.

It is also important to understand how emotion is experienced interpersonally within groups, such as social media networks and regulatory organizations (Thelwall and Kappas 2014). Research indicates that group members can experience emotions collectively, even in the absence of direct interpersonal relationships. Collective emotions have been shown to function like “feeling rules” that shape how group members experience and respond to particular emotions (Hochschild 1990: 122–23). Feeling rules can influence how officials react to external stimuli and evaluate information used in regulatory decisionmaking.

Studies show that feeling rules are culturally scripted (Elster 2007; Kim and Cohen 2010). As Elster (2007: 161) explains, “The way people think about emotions may be culturally specific, even if emotions themselves are not.” Cultural scripts guide how people reflect upon and respond to their emotions, which ultimately

influences how feeling rules are perceived and experienced by groups. For example, research shows that officials in East Asia experience and respond to shame differently than their counterparts in the United States (Hwang 2006; Kim and Cohen 2010).

The thrust of this research is that regulatory decisionmaking involves more than rational cognitive processes. When insights about emotions are incorporated into regulatory theory, a diverse range of previously inexplicable factors can be explained. To more fully explore how public discourse influences regulatory decisionmaking, neo-Habermasian scholars propose a sequential analysis that divides deliberation into rational and emotional categories (Bächtiger et al. 2010; Dryzek and Niemeyer 2010). Sequential analysis suggests a framework for understanding how rational and emotive discourses interact to influence regulatory decisionmaking. Four core questions are explored:

1. Is the communication between online advocates and state regulators authentic, inclusive, and consequential?
2. Does the communication share a common epistemic language?
3. How do emotional and rational discourses interact to influence regulators?
4. How do “feeling rules” influence regulatory decisionmaking?

Data and Methods

It is difficult to empirically observe the intersubjective processes that shape how emotion influences regulatory decisionmaking (Lange 2002; Maroney 2016). This study turns to discourse, both spoken and written, to gain insights into these subtle and opaque processes. Following van Dijk (2014), discourse is approached as a form of social construction (Bächtiger et al. 2010) that allows officials to make sense of, and give meaning to regulatory responses to online advocacy.

Two case studies in peri-urban Vietnam were selected to explore why different kinds of online advocacy trigger different regulatory responses in land officials.⁵ Online advocates in the Cái Răng case used emotional discourse to shame land officials into increasing the amount of compensation paid for land. In contrast, online advocates in the Phú Mỹ Hưng case used rational deliberation to converse with land officials, but also invoked a sense of solidarity to tip the scales in favor of regulatory change. A comparison of these case studies suggests reasons why emotional and rational deliberation can work together to change

⁵ These cases were chosen from five studies commissioned by the Asia Foundation. The other three case studies were not selected because intermediaries, rather than social media, played key roles in resolving the disputes.

underlying regulatory epistemologies, whereas emotional deliberation alone lacks this transformative potential.

Interviewees were identified through a combination of purposive, niche, and snowball sampling (Lofland 1995). T & C Consulting conducted the initial round of interviews during June 2013. The author designed the research methodology for this project, and also conducted follow-up interviews in March 2014.⁶ Semi-structured interviews were conducted with provincial, district, and commune land officials, land users, and bloggers in the Phú Mỹ Hưng case. Interviews with key land officials gleaned insights into why emotional and rational deliberation triggered different kinds of regulatory responses. The interviewees were encouraged to express their emotions using the resources of language, especially analogy and metaphor.

Two focus groups, one made up of three senior male officials from Cái Răng District People's Committee, and the other group comprised of senior male and female officials from Hồ Chí Minh City People's Committee, were convened to reflect on feeling rules, cognitive biases, selective memory, and ex post rationalizations about regulatory decisionmaking. The groups also investigated whether land officials were expressing genuine emotions or manufacturing public displays to demonstrate rule-by-sentiment. They also considered to what extent (if any) the officials self-consciously harnessed or cultivated particular emotions when dealing with the land disputes. Off-the-record interviews with city and municipal officials, journalists, bloggers, and lawyers working on land development issues were used to corroborate interview data. Most interviewees chose to remain anonymous.

The study also collected data from social media sites that commented on the Cái Răng and Phú Mỹ Hưng land disputes. Interviews with the land officials were used to identify the sites that influenced the regulatory decisions. Officials in the Cái Răng case identified commentaries posted on four highly active social media sites (Bao Moi, Nhà Thơ Nguyễn Tông Tạo, Dân làm báo Blogspot, and Trái nhi đồng của tôi [Contrary to my Children]). Prominent blogger Mẹ Nấm (Mother Mushroom) (BBC 2016) reposted comments drawn from 14 other blog sites on her blog site (Trái nhi đồng của tôi). Comments on these blog sites attracted high numbers of visits, and were reposted onto other social media sites and onto online newspapers.

Officials in the Phú Mỹ Hưng case study identified the Phú Mỹ Hưng Community Website (Công Đồng Phú Mỹ Hưng),

⁶ In total, 29 interviews and one focus group were conducted for the Cái Răng case study and 19 interviews and one focus group for the Phú Mỹ Hưng case study. See the interview list below.

which was administered by the resident action group, as the primary source of digital information about the dispute. This site attracted a large number of visits (more than 500,000) and incorporated a broad range of comments from other web sites. The study examined commentaries posted on these social media sites from 2011 to 2013.

In addition, the study searched online newspapers for articles that discussed how the land officials responded to online advocacy. Online newspapers also provided background information about the land disputes. The online editions of the *Thanh Niên*, *Tuổi Trẻ*, *Pháp Luật*, *Tuanviet net*, and *Saigon Giải Phóng* newspapers were selected because they provided extensive coverage about the land disputes, had large daily circulations and a diverse readership, and facilitated research using keyword search engines. Foreign news sources, such as the British Broadcasting Commission, Cable News Network, and *Radio France Internationale*, were reviewed for reports about the *Cái Răng* dispute. The search for relevant online newspaper articles covered the period 2009–2013.

The study then compared and contrasted the use of emotional and rational discourse in the social media commentaries about the land disputes. The specific goals were to: (1) examine how and when emotion was used, both implicitly and explicitly, to influence the land officials, and (2) explore how emotion was used in conjunction with rational deliberation to influence land officials. The study also sought to identify words and images suggestive of the emotions, and “feeling rules” that shaped regulatory decisionmaking. Theory-driven categories of emotion were drawn from previous law and emotion studies, especially those concerning anger, shame, and empathic identification (Bandes and Blumenthal 2012; Feigenson and Park 2006; Jasper 2015).

To interpret the data obtained from the interviews, the study combined techniques from qualitative content analysis (Schreier 2012) and critical discourse analysis (van Dijk 2014). The goal was to understand how language and discursive exchanges became emotionally infused and deployed within regulatory decisionmaking. Discourse analysis highlighted specific words, interactional patterns, and linguistic strategies used by land officials. It also examined explicit language and implicit meaning, which involved identifying words, expressions, and metaphors that commonly refer to emotional states. Following Polkinghorne (1995), attention was paid to identifying foundational and self-definitional narratives that revealed how the land officials conceptualized and responded emotionally to the online commentaries and the land dispute more generally. Particular attention was also

given to understanding how narratives depicting emotional states influenced epistemic, or knowledge claims (van Dijk 2014). The analysis of interview data also relied on theory-driven categories of emotion.

Sequential analysis was then used to understand how the land officials responded to the different kinds of online deliberation. This analysis (1) identified how and when rational and emotional dialog influenced regulatory decisions, (2) compared how the different types of online advocacy triggered different responses in land officials, (3) determined how feeling rules influenced regulatory decisionmaking, and (4) explained why different emotional responses produced different regulatory outcomes.

Due to difficulties in arranging participant observation of the regulatory decisionmaking, which might have captured non-verbally expressed emotion (Lange 2002: 224–26), this study did not investigate why some emotions are expressed and others are not, and whether emotions are anticipated or experienced (Sarat 2001). Despite these methodological limitations, the interview data, combined with the online commentaries, were sufficiently rich in detail to furnish insights into how emotional and rational online advocacy interact to influence land regulation. The next section describes the regulatory context in which the land disputes unfolded.

Mapping the Interface Between Socialist Land Law and Private Property Interests

During the high socialist period (1954–1986), party leaders sought to replace irrational “feudal land practices” with rational and progressive Soviet law (Phạm Điền 2013). Government regulators soon discovered, however, that the public expected them to rule through *có lý có tình* (reason and sentiment) (Endres 2014; Gillespie 2011; Malarney 1997). For centuries, regulators were instructed in the Confucian tradition of self-cultivation (*tự thân*), which grounded ethical governance on contemplation and self-awareness (Kelley 2006; Shohet 2013). Ethical decisions were not considered obtainable through entirely logical reasoning, and Confucian governance prescribed the emotions that regulators were expected to cultivate (Kelley 2006; Shohet 2013). For example, regulators were encouraged to display *ình cảm* (literally “sentiment,” but also meaning “empathy and compassion”), as this involved understanding the thoughts and feelings of others. Rational and emotional regulatory processes were perceived as two separate, but interrelated variables. This traditional understanding of regulatory decisionmaking more closely resembles

Durkheim's (2001) view that emotions are inextricably linked with thought and belief, than the legal modernist understanding that emotions are the enemy of reason.

Throughout the high socialist period, and following *đổi mới* (renewal) reforms in the mid-1980s, central level officials continued to promote rational and scientific law. In contrast, regulators at provincial and district levels were expected by the public to apply the law with reason and sentiment (*tình cảm*). This involved a type of relational regulation (Silbey 2011) in which regulators responded to local conditions by flexibly applying laws and regulations to avoid causing hardship to the people (Endres 2014; Gillespie 2011; Malarney 1997). Studies show that sensitivity to public disapproval has deep roots in Vietnamese land administration (Labbé 2014). Overtime, this practice has evolved into the regulatory style of "rule by sentiment" (Malarney 1997; Schwenkel 2015).

Responding to mixed market reforms over the last 20 years, the party-state has incrementally liberalized private access to land-use rights (*quyền sử dụng đất*), while steadfastly refusing to recognize private land ownership (Lê Hiếu 2010). Three regulatory consequences follow from the party-state's continued support for the socialist principle of "people's ownership of land." First, the Land Law 2013 treats private land-use rights as mere licenses that permit occupation without conveying proprietary interests that landholders can enforce against the state. Officials, as a consequence, regard the compulsory acquisition of land as an administrative process that withdraws (*trung dụng*) land use rights (Gillespie 2017).

Second, land is deemed a "special commodity" (*đặc biệt hàng hoá*), with no market value (Xuan Son Bui 1999). As the Cái Răng case study shows, this policy enables government officials to artificially set the compensation paid for compulsorily acquired land at well below market values.

Third, only the state is supposed to benefit from appreciating land values (Xuan Son Bui 1999). A three-cornered struggle arose in the Phú Mỹ Hưng dispute between the developers, the residents, and the state over how to share windfall profits from a residential development.

The principle of "people's ownership of land" has facilitated urban expansion based on eviction, exclusion, and protest (Harms 2016; Labbé 2014). Land officials have used the nexus between state power and land markets to collude with investors to compulsorily acquire land at low prices (Harms 2016: 168–69; Labbé 2014: 117–24). Over the last decade, it is estimated that more than one million Vietnamese land users have been subjected to forced removal when they refused to accept

resettlement compensation.⁷ Evictions have sparked an increasing number of land disputes across Vietnam, as land users do not always leave quietly (Gillespie 2017; Harms 2016; Kerkvliet 2014).

Aggrieved land users are rarely successful in petitioning officials,⁸ and court actions are even less effective.⁹ Without redress through state institutions, frustrated land users have turned to public protests in increasing numbers (Gillespie 2017; Kerkvliet 2014). Security police tolerate small-scale gatherings, but quickly suppress any large-scale demonstrations.

To circumvent state control over public spaces, a growing number of protesters are using social media to express their grievances in digital space (Grey 2015; Morris-Jung 2015; Sharbaugh and Nguyen 2014). Online advocacy taps into a long tradition in Vietnam of expressing disapproval through public satire and ridicule. As Thuy (2003: 93) notes, “in traditional Vietnamese society one of the chief means of punishing unacceptable behavior was by circulating satirical songs and verses (*ve*) that held the offender up to thinly disguised mockery.”

Online advocates use social media platforms, such as Facebook, Twitter, and Zing Me,¹⁰ to engage state officials in dialog (Grey 2015; Sharbaugh and Nguyen 2014). In the process, they must negotiate vigilant state censorship that attempts to prevent explicit criticism of the party and the state. It is unclear whether the jailing of prominent bloggers, such as Mother Mushroom (BBC 2016), reflects a fundamental change in official tolerance of online advocacy. Some online advocates¹¹ argue that the current crackdown represents a low point in a cycle of repression and toleration of public debate that has been occurring for decades.

Advocates who transgress official taboos are verbally and physically threatened, and when intimidation does not silence them, the state imposes lengthy jail terms (Grey 2015; Morris-Jung 2015; Quinn and Kierans 2010). To avoid censorship, online advocates adopt a playfully transgressive and non-confrontational storytelling style. Figurative language and extensive use of analogy and

⁷ Interviews with Dang Hung Vo, former Vice Minister, Ministry of Natural Resources and Environment, Hanoi, in March 2006, December 2012, and March 2014.

⁸ Less than 30 percent of land complaints are resolved (Ministry of Justice 2011).

⁹ According to the Ministry of Justice (2011), less than 0.25 percent of administrative court cases involving land taking were successfully appealed during 2011.

¹⁰ In 2015, Facebook was the most popular social media platform in Vietnam, followed by Twitter (Chabro Net 2015).

¹¹ Interviews with the coordinators of Facebook sites that organized the Hanoi Street Tree Felling dispute in Hanoi in 2015. Interviews were conducted in Hanoi during February and March 2017.

metaphor reduce the effectiveness of software filters designed to recognize and block taboo words and phrases (Grey 2015).

Some studies show that despite government censorship, online advocates can change urban governance (Grey 2015; Morris-Jung 2015; Wells-Dang 2012). They distinguish online advocacy in the networked public sphere from politically embedded advocacy that relies on personal connections (Wells-Dang 2012: 44–50). This work challenges the accepted view that only politically embedded advocacy can question political orthodoxies and change deeply entrenched modes of regulation. Building on this work, this study explores empirically how online advocacy can trigger emotional responses that shape regulatory decisions.

Regulating with Shame: The Cái Răng Case Study

This study investigates a land dispute in Cái Răng District on the outskirts of Cần Thơ, a regional city of 1.2 million people located in the Mekong Delta in southern Vietnam. In 2009, the Cần Thơ People's Committee awarded Constrexim a tender to develop a new urban precinct on 42 hectares of peri-urban farmland. In a land-for-infrastructure swap, Constrexim was allotted land to construct luxury residential apartments and a shopping mall in return for building a high school and roads.

In 2011, local government officials persuaded 123 of the 157 farming households occupying the land to accept compensation payments set well below market values. The remaining 34 households, who had rejected the initial compensation offer, petitioned local and central government agencies to increase compensation to market valuations. Hồ Văn Tư, a local farmer, outlined the chief grievances:

I have four children. The last compensation amount they offered was 1.2 billion đồng [USD 55,000]; divided by four, how big is this amount? If they withdrew the land for road expansion or public interests I will agree with the low compensation. But this is a commercial project! The land price must be negotiated. What I request is only the same compensation rate applied for other projects near here.

In many respects, this dispute resembled thousands of others across Vietnam (Kerkvliet 2014; Nguyen-Vo and Hong 2017). For the farmers, the loss of their land not only resulted in exclusion from the agricultural economy, but also the loss of a stabilizing force in their lives. As an elderly female householder from Hưng Phú Commune explained, “when you are old and sick,

land still gives food.” Forced dispossession also disrupted social and spiritual feelings of attachment to land. For example, the farmers complained that resettlement eroded social networks such as *tình cảm quê hương* (sentiment of the home village), as well as undermining a spiritual connection to “place.”

In early 2012, local authorities forcibly evicted the remaining households to make way for the final stage of the project. Later that year, some evicted farmers returned to the site and blocked construction, whereupon police and officials forcibly removed them again. For several days, the farmers fought with construction workers and security guards. When Constrexim continued to clear the land, Phạm Thị Lã's wife (Hồ Văn Tư) and daughter (Hồ Nguyên Thủy) followed the trucks onto the construction site and removed their clothes in protest. Security guards then used force to evict the naked women from the construction site (Thanh Nien 2013). This expression of defiance is not unusual in Vietnam, as “There are many cases where women of different ages stripped naked to exhibit their state of abjectness and to shame police” (Nguyen-Vo and Hong 2017: 8).

Local government officials initially responded to the protest by adopting a narrow procedural argument. They insisted that the project was fair because it “followed the law” (*theo pháp luật*). In dismissing the farmers’ claims for more compensation, a senior male official from Cái Răng District opined that: “farmers are mere occupiers of the national territory, who borrowed their rights to use land from the state.” Officials questioned the rationality of the farmers’ claim. According to a senior male official from Cái Răng District, “We have a duty to rectify small-farmer thinking and encourage them to create good and civilized working habits appropriate for modern urban life.” Officials distinguished between the orderly and rational (*đúng lý*) “inside” (*nội*) located in cities, and the disorderly and irrational (*vô lý*) “outside” (*ngoài*) located in the countryside. In spatially locating rationality, officials tapped into deeply entrenched cultural concepts that Harms (2011: 38) argues have “profoundly important symbolic meanings in the idealized conception of Vietnamese society and culture.” This disdain by local officials for the rural “outside” is well documented in empirical studies in Vietnam (Harms 2016: 117–19).

What distinguishes the Cái Răng case from many other land disputes was the role social media played in changing the official responses to the farmers. Phạm Thị Lã's son recorded the naked protest on his mobile phone and then uploaded the video clip onto social media sites (Thanh Nien 2012). In a socially conservative country, the images of the naked women caused a media sensation, generating dozens of newspaper articles in Vietnam and

abroad, as well as attracting hundreds of comments on blog sites and social media from 2012 to 2014.

As the online criticism grew in intensity and spread to the international media, officials became more conciliatory. Eventually, six months after the naked images were posted online, officials announced that they would increase the compensation to market values. To understand this regulatory change, it is necessary to examine how social media commentaries triggered emotional responses in the land officials.

Pushing Against the State: Social Media Commentaries

It is useful to contrast commentaries about the dispute that were posted on the “right-side” (*bên phải*) media and the “left-side” (*bên trái*) media. The terms “right side” (*bên phải*) and “left side” (*bên trái*) are widely used in Vietnam to distinguish media that is inside or outside, respectively, of the state’s sphere of influence. Leading online newspapers such as Tuổi Trẻ, Thanh Niên, and Sài Gòn Giải Phóng repeated and legitimized the official “inside” discourse. Reporters condemned the nude protest for “flouting traditional habits and customs” and interfering with the “normal activities” of organizations (Thanh Nien 2012). The right-side media echoed the government’s binary demarcation between the ordered and rational city and the disordered and irrational countryside.

The left-side media promoted a very different set of perspectives. The foreign media attributed the dispute to shortcomings in Vietnam’s socialist land tenure system (Hie Phoa 2012). Articles contrasted the Vietnamese land tenure system with an idealized global system based on procedural transparency and judicially protected property rights. Farmers, they concluded, needed secure titles to legally protect their land against the government and investors. This neoliberal discourse criticized official narratives without engaging with the epistemic assumptions underlying socialist land tenure.

Contrasting with this rational legalistic critique, domestic bloggers offered highly sentimental and emotional narratives. “Both mother and daughter were dragged on the sand, across lawns, and construction materials . . . in a state of nudity under the harsh midday sun,” thundered one blog site (Trái nhi đồng của tôi 2012). Many blogs presented an idealized representation of village life and expressed feelings associated with loss such as grief, sorrow, and sadness (Higgett and Thompson 2012) about the social and economic changes accompanying urbanization and industrialization (Lê Diễm Đức 2012). Bloggers also evinced a nostalgic longing for a place of origin, reflecting research showing

that urban residents turn to village identities as an anchor against global uncertainties (Salemink 2012).

Bloggers challenged the official view that cities are the source of order and rationality. For example, they quoted party publications that extol village life as the essence of Vietnamese tradition and moral compass of the country (Harms 2011: 457–58; Salemink 2012). Some bloggers were playfully transgressive, and mocked officials. Đông A (2012), for example, contrasted the respect for the “long-haired” army of women during the Vietnam War with the government’s treatment of Phạm Thị Là and Hồ Nguyên Thủy: “Under the Saigon regime, evil-minded men bent down to face naked women, but in our regime, those who follow Hồ Chí Minh’s moral ideologies still enthusiastically attack naked women.” Nguyễn Trọng Tạo (2012) mocked the land administration system: “the people thought the land they inherited was their land, only to read the law to discover they were wrong. It is a strange law that transforms private land into public land, making landlords workers on their own land.”

Bloggers also questioned the morality of the land officials in provoking the nude protest: “People with a conscience will ask, why should the people [farmers] resort to a form of protest to challenge injustice that is so painful, and unfamiliar to the habits and customs of the Vietnamese?” (Lê Diễm Đức 2012). Others concluded that any system which “placed people against the wall so that they reacted wildly ‘needs to criticize itself’... If the leaders do not love the people, then they do not love their country. This is a judgment that conscience cannot deny” (Nguyễn Tông Tạo 2012). Leaving no doubt as to who was morally responsible, Lê Diễm Đức (2012) blogged, “Nothing is more accurate to define the nature of the government and all those who are connected with it than the black stain of betrayal. They have turned into savage beasts in the scramble to benefit from land-purchases.” Bloggers argued that to regain public trust and moral legitimacy, the officials should show empathy toward the people and increase compensation payments to the farmers.

Triggering Emotional Decisionmaking

Before the social media campaign, the land officials had ignored the farmers. Complaint petitions went unanswered, and state agencies were united in their efforts to convince the farmers to leave the land. Bloggers shamed the officials into increasing the compensation payments.

The land officials responded to moral criticism and satire rather than to rational deliberation. During interviews, they

rejected outright the foreign media's arguments for a rights-based land tenure system. These rational arguments were considered epistemologically incompatible with the socialist trope of "people's ownership of land." The foreign media lacked opportunities to engage with officials in the consequential deliberation that might have reconciled conceptual differences and identified common objectives (Habermas 1987).

In contrast, the land officials were highly sensitive to the bloggers' mockery and criticism. This emotive imagery slipped under the cognitive barriers shielding officials from public censure. Officials could not easily dismiss online criticism about their harsh treatment of farmers, because party narratives valorize peasants as the vanguard of the revolution (Salemink 2012).

During interviews, the land officials explicitly acknowledged the shame they felt as a result of the online criticism. In a representative account, a male official from the Cái Răng District People's Committee, admitted that: "The left-side made us 'lose face' (*mất mặt*, a term meaning to lose the respect of others). Afterward, we felt embarrassed about Phạm Thị Là, and wanted to show that we are *quân tử* (honorable people)." A senior official from the Cái Răng District People's Committee, disclosed sensitivity to online criticism and a desire to keep face (*giữ thể diện*) with the public. He stated that: "We don't want them [the public] to think we don't know how to behave properly and are morally deficient (*vô ý vô tư*)."

Online moral censure and mockery shamed the officials, resulting in loss of face. To regain public respect and restore the legitimacy of the land office, officials felt compelled to demonstrate empathy toward the farmers. Collective shame worked like "feeling rules" (Hochschild 1990) in compelling the officials to suspend their epistemic framework, albeit temporarily, and work to restore legitimacy. This response is consistent with research showing that Vietnamese officials rely on *uy tín* (moral legitimacy) to govern (Young 1977), and consequently are highly sensitive to public criticism regarding their moral capacity to hold office (Nguyen 2015; Pham 2014).

Following months of negotiations, the officials eventually increased the amount of compensation to market values. This decision technically contravened the Land Law 2003, which stipulated that compensation should follow the provincial land frame price, an amount that was set well below market valuations. Collective shame (Jasper 2015; Thelwall and Kappas 2014) had a fleeting and contextual influence. It did not disrupt the underlying belief that land is a special commodity which the state can expropriate without paying compensation in line with market values. Rather, it encouraged officials to show empathy toward the

farmers by flexibility applying the law and increasing restitution—a case of rule by sentiment.

In the next case study, online advocates convinced land officials to change the land tax regime in Hồ Chí Minh City (HCMC), a rapidly expanding megacity of 13 million people.

Regulating with Solidarity: The Phú Mỹ Hưng Case Study

In May 1993, the Central Trading & Development Group (a Taiwanese land developer) and the Tân Thuận Industrial Promotion Co. (a company controlled by the Hồ Chí Minh City People's Committee) formed the Phú Mỹ Hưng Joint Venture (PMH) to develop a new urban precinct housing 200,000 residents (Douglass and Huang 2007; Harms 2016: 36–44). In a land-for-infrastructure swap, the HCMC People's Committee allocated the joint venture 2,600 hectares of mangrove wetlands in southern HCMC. In 2012, a dispute arose between the government, the developer, and the Phú Mỹ Hưng residents over who should benefit from the rising land values.

When the PMH project commenced, the Land Law 1993 did not recognize private real estate developments. To fill this regulatory vacuum, the HCMC People's Committee and the Taiwanese developer created their own regulatory framework (Douglass and Huang 2007). Under the terms of the framework, PMH sold apartments, while the HCMC People's Committee allocated land-use rights and collected land tax from the purchasers. This regulatory arrangement proved highly successful. PMH profited by selling apartments, the residents benefited from appreciating land values, and the government collected taxes.

The Land Law 2003 changed the regulatory landscape in two ways. It increased the land tax, and also made investors, rather than the residents, responsible for paying land tax (Lê Văn Tú 2010).¹² The new regime used market values to assess land tax, instead of the lower land frame price set by the HCMC People's Committee. This regulatory change increased PMH's tax liability by 75 percent. With the tacit support of the HCMC People's Committee, PMH ignored the new requirement that investors pay land tax, and expected the residents to pay the tax. Residents later complained that this decision was “‘illegal,’ based on collusion, or founded on ‘ghost decisions’ (*quyết định ‘ma’*) with no real legal basis” (Harms 2016: 213).

During the land boom years of 2003–2009, people scrambled to purchase apartments in the Phú Mỹ Hưng project and were

¹² Law No. 48/2010/QH12 on Non-agricultural Land Use Tax, 17 June 2010.

unconcerned about contractual details. A middle-aged female resident from Mỹ Cảnh Block recalled:

PMH apartments at that time sold like hot cakes, those who wanted to buy had to jostle, and grab, in order to buy. They completely closed their eyes in signing the contract. They do not care about issues such as tax, obligations, and benefits.

Residents were shocked when the “land fever” (*con sốt đất*) in 2009 increased apartment values by more than 500 percent. Many residents purchased apartments before the land fever, but because of delays in processing documents, incurred tax on the inflated market value of their land. They began questioning the state’s right to benefit from the Phú Mỹ Hưng project. As a female resident from Mỹ Viên Block argued: “There is no reason for the government to force the residents to pay land use fees on the land in which the government did not invest a penny.”

Residents petitioned the HCMC People’s Committee to cap land values at 2008 levels and insisted that PMH comply with the Land Law 2003 and pay the land tax. The People’s Committee rejected the petition, while PMH argued that taxation concerned public policy and did not involve them. As a deputy director of the PMH Development Company stated, “This is an administrative relationship between the buyers and the government, it does not concern PMH. PMH only deals with the business side.” In March 2012, the HCMC Tax Department issued collection notices to 5,849 residents. Of this number, 4,155 residents had already paid the land-use fee, leaving 1,694 residents liable to pay the inflated land taxes.

Disgruntled residents then established a *Ban đại diện* (representative board) to negotiate with PMH. After two meetings, PMH refused to meet with the board again, and 60 riot police dispersed protesters. Meanwhile, 12 residents filed petitions in the HCMC District 7 Administrative Court disputing the tax assessment. To date, the court has not made a ruling.

Residents also launched a social media campaign to convince the HCMC People’s Committee to change the land tax regime. They wanted the government to share the windfall gains from the land fever more equitably. This was a controversial proposal, because it asked the HCMC People’s Committee to implicitly recognize that private citizens have a proprietary right to benefit from land markets, a claim that directly challenged the socialist trope that land is a “special commodity.”

Although HCMC officials initially supported PMH, as the dispute intensified during 2009, senior officials expressed concerns

about the fairness of the new land tax system. As a senior male official from the Land Price Management Department of HCMC observed:

Previously, land-use fees for residents were calculated in the year in which contracts were notarized. Now it has changed to calculate the price at the date on which contracts were signed. Those who paid earlier lost, while those who did not pay received a benefit. It is not fair. After announcing this [policy], there will certainly be more claims and denunciations.

Some officials began to repeat arguments raised by the aggrieved residents. For example, they reasoned that land markets were only viable if tax policies encouraged residents to invest in land developments. Investment was unlikely, they concluded, unless the government shared the benefits of land appreciation more equitably.

Many officials believed the new land tax regime constituted an unwarranted intervention by the central government into local affairs. Officials developed the Phú Mỹ Hưng project before the central government recognized private real estate developments (Douglass and Huang 2007; Harms 2016: 45–46), and resented central laws that sought to unravel their successful regulatory experiment. They also linked the new land tax to simmering anger over the prosperous south subsidizing the northern government. For example, a senior female official from the HCMC People's Committee complained that: "Higher authorities [the northern government] treat HCMC as a 'hen that lays golden eggs' (*Con gà đẻ trứng vàng*)." She acknowledged "bitter feelings" (*cảm giác cay đắng*) among her colleagues toward the northern government. Other officials from the HCMC People's Committee claimed that the northern government was out of touch, and indifferent to the experimental and pragmatic southern approach to urban regulation and development. In their choice of words and tone, officials evinced a deep resentment toward northern rule.

Their resentment drew on common memories of the harsh rule following the northern victory in 1975 (Taylor 2013: 400–02, 614–16; Young 1977). During this period, the northern regulatory system was transplanted into the south and party officials from the north occupied most of the senior administrative positions. Many officials serving in the Republic of Vietnam were incarcerated for "reeducation," and their children were denied access to higher education. More recently, the northern government has controlled the expansion of foreign investment and development in the south for fear of losing political control in

provinces that were not considered as “party loyal” as the north (Malesky 2004).

As resentment toward central intervention intensified, officials began to express solidarity with the residents. In one representative account, a female district official opined that “I don’t understand why the residents denunciate government agencies. After all, we are on the ‘same team and on the same boat’ (*cùng hôì cùng thuyền*).” Officials pointed out similarities with the residents, such as shared educational backgrounds, work experience, and even relational connections. As this sense of solidarity increased, the officials began to empathize more openly with the residents and support the social media campaign for a more equitable land tax.

Building the Case for Tax Reform: Social Media Commentaries

It is instructive to contrast commentaries regarding the dispute from the right-side and left-side media. Between 2009 and 2014, leading daily online newspapers, such as *Tuổi Trẻ*, *Thanh Niên*, *Saigon Times*, and *Sài Gòn Giải Phóng*, published more than 100 articles discussing the dispute (Lê Văn Tứ 2010; Truong Trong Hieu 2012). As in the Cái Răng case, the right-side media turned to the law to resolve the conflict. “The basis to definitively settle this is to thoroughly understand the law, which is ‘the lens to achieve justice’,” one reporter concluded (Lê Văn Tứ 2010). Reports in the right-side media did not acknowledge a public right to participate in land administration.

In 2014, lawyers and journalists residing in Phú Mỹ Hưng established a blog site called Công Đồng Phú Mỹ Hưng (Phú Mỹ Hưng Community) to campaign for tax reform. This blog site disseminated the opinions of residents, land experts, and lawyers, as well as instructing residents on how to prepare and lodge complaint petitions. Its stated aim was to “publish information relating to the legitimate rights and interests protected by law of community residents and to clarify the issue of WHO IS RESPONSIBLE FOR PAYMENT at Phú Mỹ Hưng urban zone D.7. HCMC” (Công Đồng Phú Mỹ Hưng 2014). The unstated aim was to challenge the socialist trope that only the state should benefit from land markets.

The blog site attracted interest well beyond the residents of Phú Mỹ Hưng. Stories posted on the site were reposted on Facebook, Zing Me, and other social media platforms. By July 2016, the site had recorded over 550,000 visitors. During interviews, HCMC officials acknowledged monitoring and responding to material posted on the site.

Commentaries on the blog site combined emotional and rational arguments. They expressed anger about the new tax, but ensured that the “Blogs just published information, opinions and constructive debate, not insults, intended to defame individuals” (Công Đồng Phú Mỹ Hưng 2014). The commentaries argued that land tax should take into account the investment risk faced by investors and residents. Since the state did not fund the PMH project, it should not profit from the appreciating land values (Công Đồng Phú Mỹ Hưng 2014). They also reasoned that uniform tax rates were unrealistic in a rapidly developing society with highly fragmented land markets. Flexibility was required to take into account the contribution that private investment makes to land values. Ultimately, the bloggers argued for proprietary rights that granted individuals the legal right to benefit from land markets. They thought that proprietary rights were a logical corollary of market reforms in Vietnam, and that it was illogical to allow companies to profit from their employees but not to allow residents to profit from land markets (Công Đồng Phú Mỹ Hưng 2014).

Rather than portraying themselves as outsiders fighting for justice, like the bloggers in the Cái Răng case, the Phú Mỹ Hưng bloggers sought to merge into the fabric of the state. They established a *Tổ dân phố* (resident cluster), a legally recognized organization at the sub-ward level.¹³ By integrating their organization into the state apparatus, the bloggers signaled their affinity with the HCMC officials. They also emphasized shared educational and social backgrounds by couching their arguments for tax equality in the bureaucratic language of the state. By portraying themselves as members of the southern urban elite, the bloggers encouraged the officials to express solidarity and support tax reform.

Emotional Decisionmaking and Tax Reform

The left-side media changed the way HCMC officials conceptualized land tax. When the dispute began, the HCMC officials understood land markets through a socialist conceptual framework (Harms 2016: 45–46). As the social media campaign began to attract public attention and ideas about land tax reform circulated throughout the left-side media, officials shifted their epistemological assumptions about land markets. In changing the land

¹³ Led by community party cells, resident clusters implement decisions issued by ward-level (Phường) authorities and resolve local disputes. Phú Mỹ Hưng residents elected a blogger (*Tô Trường*) to lead the resident cluster. See Decision 13 2002 QĐ BNV from the Ministry of Internal Affairs on the Organisation of Resident Clusters.

tax regime¹⁴ and sharing windfall profits between the government, investors, and residents, the officials implicitly recognized proprietary interests in land. This epistemic shift contradicts the socialist trope that land is a “special commodity.” Reasoned discourse alone cannot account for this outcome.

The Phú Mỹ Hưng bloggers conversed with officials using the rational language of the state. They translated the highly figurative and emotional language of complaint, satire, and ridicule into technical, bureaucratic language. This involved changing individual accounts about “what is good for me” into the abstract norms regulators use to formulate policy. They also communicated tacit knowledge supporting the case for regulatory change. For example, they explained the ambiguity inherent in the doctrine of people’s ownership of land, arguing that private ownership creates greater personal accountability and is a logical corollary of the mixed market reforms that have transformed the Vietnamese economy (Công Đồng Phú Mỹ Hưng 2014).

Dialog between the bloggers and officials proceeded along rational deliberative lines. It was unmediated, involved a representative range of residents, and encouraged consequential and responsive discussion. Nevertheless, dialog alone is unlikely to have bridged the epistemic gap between the bloggers, who advocated proprietary interests in land, and the officials, who initially supported “people’s ownership of land.” This raises the question of how online advocacy changed the underlying regulatory assumptions.

In the Cái Răng case, officials admitted that online criticism shamed them into increasing the compensation payments. In this case, the connection between the online advocacy and the collective emotions experienced by the HCMC officials was less causal and more diffuse. The feelings of solidarity experienced by the officials were less anchored in language, more fluid and, consequently, less clearly connected to social media commentaries. Officials were moved as much by their social entanglement with the residents as by what was said online. The solidarity felt by the HCMC officials arose from a sense of identification with the residents who, in adopting the organizational trappings of the party-state and deploying the bureaucratic language of the state, portrayed themselves as urban “insiders.” HCMC officials identified with the bloggers as fellow members of the southern elite and contrasted the shared moral and social norms of “us southerners” (*chúng miền nam*) with the northern “outsiders.” Although the

¹⁴ Officials issued an official letter (*công văn*) in 2013 adjusting the values used for calculating land tax. The official letter was later formalized by Resolution No 29/2014/QĐ-HDND on the Price List of Land Types in Ho Chi Minh City.

officials and the bloggers did not explicitly conceptualize their affinity in class terms, presumably they were conscious of belonging to the same HCMC classes (Harms 2016: 18–19). Rather than invoking class, the bloggers expressed a relational interconnection based on similar backgrounds and shared values and destinies. A sense of collective solidarity emerged from this perceived emotional and social closeness (Hammarstrom 2005), which in turn generated feelings of affinity and empathy (Bandes 2009).

Consistent with studies showing that collective emotions can orient group decisionmaking (Jasper 2015; Thelwall and Kappas 2014), solidarity in this case functioned like feeling rules that expanded the officials' cognitive horizons. Solidarity promoted feelings of empathy, making the officials receptive to the bloggers' calls for a more equitable tax regime. Conversely, resentment toward the northern government tipped the scales against the socialist ideal that the state should appropriate the financial rewards generated by appreciating land values.

Evaluating the Interplay of Rational and Emotional Discourse

The findings show that the interplay between rational and emotional discourse triggered different regulatory responses among the land officials. Bloggers in the *Cái Răng* case combined emotional commentary with personal stories. For example, some blogs compared the events in the *Cái Răng* dispute with accounts from friends and relatives, while other blogs were playfully transgressive (Lê Diên Đức 2012; Trại Nhi đồng của tôi 2012). Buried in the humor were satirical comments about how the land tenure system benefited political elites (Đông A 2012). The stories were crafted for an audience that might not ordinarily engage with regulatory debates, and remained narrowly focused on the particulars of the *Cái Răng* dispute. This discourse resembles lifestyle or identity politics, in which bloggers around the world address social problems, such as environmental pollution and urban planning that impact urban lifestyle choices (Castells 2007).

The bloggers did not engage officials in consequential deliberation about the regulatory shortcomings of the socialist land tenure system. Instead, they publicly mocked and criticized the officials, bringing into play the propensity for officials in face-saving cultures such as Vietnam to experience shame through moral coercion (Nguyen 2015; Pham 2014). At the beginning of the dispute, the officials rejected the farmers' moral claims to their land as backward and irrational. Eventually collective shame (Hochschild 1990; Pham 2014) prompted the officials to

overcome their cognitive bias to ideas from outside the city and look beyond their internal moral frameworks. Shame served to alter expectations about how the officials should treat the farmers (Murphy 1999), and set them on the path toward reconciliation and restitution. Collective shame was transformative, because it sensitized the officials to regulatory ideas that existed beyond their cognitive horizons. In order to restore public respect and regain *uy tín* (moral legitimacy), the officials increased the compensation payments.

Public shame cannot convey epistemic knowledge (Jasper 2015; Parkinson 2014). The bloggers mocked and censured the officials, but did not communicate the epistemic assumptions that validate proprietary interests in land and support the case for legislative reform. Shame catalyzes regulatory responses, but without access to new epistemic knowledge, land officials drew on existing epistemic repertoires to resolve the dispute. Although provincial officials could have increased the land price framework to market values, without a shift in epistemic knowledge, this legislative change was unlikely. Instead, they turned to rule by sentiment and flexibly applied the existing law to restore official legitimacy in the eyes of the public.

In contrast with the *Cái Răng* case, the bloggers in the *Phú Mỹ Hưng* case looked beyond personal politics and took an interest in land regulation. They depicted the dispute as a symptom of wider regulatory problems and advocated legislative reforms that would equitably distribute the windfall profits derived from land appreciation. This entailed a more serious engagement with the broader politics and legality of urban regulation, and placed less emphasis on personal conflict regarding who should benefit from the *Phú Mỹ Hưng* development. Bloggers argued the case to broaden the meaning of “people’s ownership” to include proprietary interests in land. The online discourse established a rational deliberative process that reconciled epistemic differences, identified common objectives, and developed new regulatory approaches. It gave the officials the epistemic tools they needed to rethink socialist ideals and promulgate a more equitable land tax regime.

It is unlikely that rational discourse alone convinced the officials to reconcile socialist land policies with the realities of the HCMC land market. As Haidt (2001: 829) observes, “[although] a person could, in principle, simply reason her way to a judgment that contradicts her initial intuition ... such an ability may be common only among philosophers, who have been extensively trained and socialized to follow reasoning even to very disturbing conclusions.” Haidt argues that, without emotional triggers, few people are capable of meditatively changing their core intuitive

assumptions. In the Phú Mỹ Hưng study, the officials' solidarity with the residents and resentment toward the central authorities catalyzed regulatory responses. Interviews show that resentment worked against the socialist trope of people's ownership of land, whereas solidarity encouraged the officials to dialogically engage with and listen to the bloggers. Emotional and rational discourses worked together. Emotional discourse tipped the scales in favor of tax reform, while rational discourse reconciled the socialist principle of people's ownership of land with market forces.

This study shows that emotional and rational deliberation can produce different regulatory effects. Emotional discourse can catalyze regulatory decisionmaking, but it does not convey an epistemological framework capable of steering regulators toward particular outcomes. That is, emotional discourse can trigger emotional responses that change how regulators interpret and prioritize information, but it does not furnish them with the knowledge required to formulate new legal and regulatory responses to social problems. These findings suggest that only rational, consequential discourse can convey the epistemic knowledge that regulators need to craft new regulatory responses.

This argument does not constitute a return to a binary understanding of emotional and rational decisionmaking. Rather, it claims that rational and emotional deliberations convey different kinds of information that can trigger different kinds of regulatory responses. Emotional discourse can trigger transformative thinking by compelling officials to prioritize information, arguments, and modes of regulation in new ways. However, officials can only formulate regulatory responses using the available resources of epistemic knowledge. Without access to the new epistemic knowledge conveyed by rational consequential deliberation, officials must draw on their existing epistemic repertoires to formulate regulatory solutions. What the findings show is that the interplay between emotional and rational discourses can catalyze regulatory changes that are unlikely to be achieved using either entirely emotional or entirely rational discourse. This position is consistent with a nondualist understanding of regulatory decisionmaking (Bandes and Blumenthal 2012: 169–70) because it recognizes that regulators combine emotion and reason in formulating decisions.

Reflecting on the limitations of this study, it is important to consider the indeterminate nature of official decisionmaking (Lange 2002; Maroney 2016). The dialogical interaction between officials and online advocates engenders uncertainty about which exogenous and endogenous variables motivated regulatory decisions and shaped intersubjective interpretations and outcomes. To reduce this uncertainty, key land officials were asked to

contemplate how they responded to online advocacy. Although the interview data revealed concrete insights into the decision-making process, it is nevertheless important to consider variables that were not explicitly discussed in the interviews.

First, the officials and residents in the Phú Mỹ Hưng case shared similar class backgrounds (Harms 2016) that may have reinforced their sense of solidarity and influenced the decision to ease the land tax burden. Officials in the Cái Răng case, on the contrary, regarded the farmers as their social inferiors. Although the bloggers in this case shamed the officials into responding to the farmers' demands, it is possible that this class divide might have deterred officials from changing the land price framework, even if the bloggers had communicated a rationale for legislative reform. Second, although the interviewees did not indicate that corrupt incentives played a role in official decisionmaking, given the prevalence of corruption in land administration in Vietnam (Kerkvliet 2014; Labbé 2014), this possibility cannot be entirely discounted.

Conclusion

This study has generated insights into the capacity of online advocates to catalyze regulatory change in Vietnam. It shows how social media can sometimes overcome the historical problem in authoritarian states whereby citizens are contained within, and defined by, communicative structures over which they have limited, if any, control. It adds to our understanding by showing how online advocacy can trigger emotional responses that change regulatory decisions in illiberal public spaces.

A key finding is that rational and emotional online advocacy can work together to change deeply entrenched regulatory patterns. Satire, mockery, and allegorical language can slip under cognitive barriers and trigger emotional responses in regulators (Grey 2015; Sharbaugh and Nguyen 2014). Further increasing the potential for change, officials in face-saving societies, such as Vietnam, are sensitive to public moral coercion (Nguyen 2015; Pham 2014). Although satire and mockery triggers emotional responses, emotions are ambiguous and imprecise, and do not convey the tacit knowledge regulators need to develop new regulatory outcomes (Abrams and Keren 2010).

Another shortcoming with mockery and moralistic discourse is that it can trigger categorical responses that might hinder the reflective and respectful listening required for transparent communication, shared understandings, and preference convergence (Dryzek and Niemeyer 2010; Hendriks 2011). It can also distort

public deliberation by eroding conventions that distinguish facts from fabrications. This can undermine the capacity of regulators to base policy decisions in contentious areas, such as environmental protection and urban planning, on mutually agreed evidence.

Regulators need knowledge that explains how new ideas might resolve social problems. Rational deliberation conveys the epistemic knowledge required to change regulatory approaches. Yet unlike satire and mockery, rational deliberation is highly susceptible to government mediation and censorship (Morris-Jung 2015; Wells-Dang 2012). Online advocates, such as the bloggers in the Phú Mỹ Hưng case, must avoid government censorship to engage in the consequential deliberation required to develop new regulatory solutions.

Given the long history of “rule by sentiment” in Vietnam, it is worth examining whether regulators have harnessed the evaluative power of their emotions (Bandes and Blumenthal 2012). Officials interviewed for this study were surprisingly reflective and candid in acknowledging that emotion informed regulatory practices. They recognized that the public expected rule by sentiment, and rather than treating emotion as a departure from rational decisionmaking, they considered particular emotions as “judgments of value” (Nussbaum 2001: 19) that opened them to a wider worldview.

Emotions enabled the regulators to sidestep rigid cognitive barriers and develop an epistemological eclecticism that balanced competing visions for urban governance. This process occurred spontaneously, because the regulators did not reflectively cultivate their emotional responses. Currently, there is no program in Vietnam that examines contemporary emotional registers, educates regulators about the evaluative power of their emotions, and develops regulatory processes that encourage empathy. Instead, state regulatory processes continue to emphasize rational legal processes (Phạm Điềm 2013) and ignore the historical knowledge that *tình cảm* (sentiment) sensitizes regulators to public opinion (Kelley 2006; Shohet 2013). Attending to emotions rather than insisting on rational governance might assist Vietnamese regulators to reduce the kinds of misunderstandings and deliberative breakdowns that are a feature of many land disputes.

The final question is whether the findings in this study are generalizable to other land disputes in Vietnam. There is mounting evidence that social media has influenced government responses in a wide range of land and environmental disputes across Vietnam (Grey 2015; Morris-Jung 2015). Emotions, including shame, are clearly implicated in official responses in some land disputes. For example, an outpouring of social media criticism in the Tiên Lãng land dispute during 2012 shamed local

officials for violating national moral traditions (*đạo lý dân tộc*) and lacking public empathy (Huy Hoang 2012). In 2015, Hanoi city officials responded to a well-coordinated social media campaign protesting against the felling of street trees (Le Quang 2015: 24–41). After first denying any wrongdoing, officials then angrily denounced the bloggers before finally admitting remorse and shame (Le Quang 2015: 42–48).

Currently online advocacy is still largely an urban phenomenon in Vietnam. Urban bloggers censure officials involved in large-scale land disputes, especially violent conflicts, but they are unlikely to know about or concern themselves with thousand of low-profile rural disputes that occur routinely across Vietnam each year (Gillespie 2017; Kerkvliet 2014). Without access to social media, farmers currently lack the capacity to publicly shame officials in rural disputes. However, this may change, as social media is now rapidly expanding into rural areas (Chabro Net 2015). In addition, the use of smartphones and other new technology enables farmers with minimal journalistic and technical competencies to circulate images that galvanize public opposition (Grey 2015; Sharbaugh and Nguyen 2014). What this suggests is that social media has the potential to play an increasingly important role in shaping how officials respond to land disputes in Vietnam.

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Interview List

Cái Răng Case Study

- 19–20 June 2013 and 18 March 2014: Two senior male officials, Centre for Land Acquisition, Cái Răng District People's Committee, Cái Răng District.
- 20–21 June 2013 and 18 March 2014: Senior male official, Land Development Center, Cái Răng District People's Committee, Cái Răng District.

- 20 June 2013: Nguyễn Văn Giàu, Chairman of the Hưng Thạnh Commune People's Committee, Hưng Thạnh.
- 20–21 June 2013: Senior male official, Land Department, Cần Thơ City People's Committee, Cần Thơ City.
- 21 and 29 June 2013: Senior male official, Land Clearance Department, Cái Răng District People's Committee, Cái Răng District.
- 20 and 29 June 2013: Manager of Constrexim, Cần Thơ City.
- 28 June 2013: Senior manager, land fund, Constrexim, Cần Thơ City.
- 21 and 24 June 2013 and 16–17 March 2014: Members of two households resettled from Hưng Phú Commune. The households were comprised of male and female family heads and their children, Cái Răng District.
- 21 and 24 June 2013: Elderly female householder resettled from Hưng Phú Commune, Cái Răng District.
- 20–21 June 2013: Hồ Văn Tư and Phạm Thị Lại, farmers resettled from Hưng Phú Commune, Cái Răng District.
- 20–21 June 2013: Male and female, Hồ Văn Tư's household, Cái Răng District.

Phú Mỹ Hưng Case Study

- 18 May 2013 and 13–14 March 2014: Male lawyer member of the Phú mỹ hưng resident's action group and a blogger on the Công đồng phú mỹ hưng website, Hồ Chí Minh City.
- 11 June 2013 and 13 March 2014: Senior female official, Land Revenue Department, Hồ Chí Minh City People's Committee, Hồ Chí Minh City.
- 11 June 2013 and 13 March 2014: Senior male official, Land Price Management Department, Hồ Chí Minh City People's Committee, Hồ Chí Minh City.
- 14 June 2013: Senior and junior male officials, Enterprise Revenue Department, Hồ Chí Minh City People's Committee, Hồ Chí Minh City.
- 12 June 2013: Male official, Southern Zone Authority, Hồ Chí Minh City.
- 12 June 2013: Female official, Sub-District Tax Department District 7, Hồ Chí Minh City.
- 12 June 2013: Female official, Household Registration Team District 7, Hồ Chí Minh City.
- 13 June 2013 and 14 March 2014: Male assistant manager and male deputy director of Phú Mỹ Hưng Development Company, Hồ Chí Minh City.
- 13 June 2013 and 14 March 2014: Retired male official and two female residents, Mỹ Thái block, Phú Mỹ Hưng.
- 13 June 2013: Middle-aged female resident, Mỹ Cảnh block, Phú Mỹ Hưng.
- 14 June 2013 and 13 March 2014: Female resident, Hưng Vượng block, Phú Mỹ Hưng.
- 14 June 2013: Female household head and male household head, Mỹ Viên block, Phú Mỹ Hưng.

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