

Blurring Social Order With Public Sentiment: Governing Online Disinformation Through Criminal Penalty in China

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Regulating Internet content has become one of the paramount issues in China, with one of the governmental tools in the fight against disinformation being a criminal charge. This article analyzes 554 criminal judgment documents, revealing that courts view the potential for public sentiment to disturb social order as a primary justification for convicting online speakers. These speakers, often affiliated with commercial and noninstitutional identities, are targeted for publishing criticism that might garner widespread public attention, with the ultimate aim of protecting government officials and regime stability.

Keywords: social order, national interest, disinformation, criminal penalty, China

Regulating the Internet has become a major concern for the Chinese party-state. Under the basic idea of “rule by law,” hundreds of regulations have been implemented over the past decade. Among these, the *Interpretation of Several Issues Concerning the Application of Law in Handling Criminal Cases Such as Defamation Using Information Networks* (The Supreme People’s Court & the Supreme People’s Procuratorate, 2013; hereafter referred to as *the Interpretation*) has been one of the most controversial. Critics argue that *the Interpretation* criminalizes the spread of alleged disinformation online and carries harsh consequences (Sun & Lu, 2013). Specifically, *the Interpretation* expands the scope of four criminal charges that can lead to imprisonment, with a relatively low burden of proof required for conviction.

Yang Xiuyu and Qin Zhihui were among the first defendants in cases that cited *the Interpretation*, involving charges of fabricating stories and gaining intense public attention, disrupting social order. The incidents involved in these cases had to do with Guo Meimei, who showed off her wealth and was found to have a special connection with the Red Cross Society of China, which was alleged to be involved in corruption and the Yongwen train accident, both of which stimulated broad social interest (Sun & Lu, 2013). Rumors spread during these incidents, causing significant public outcry. Both Yang and Qin were employees of the Beijing Erma Company, an online marketing company founded by Yang. Yang has also been called one of China’s first-generation online promoters, referring to those who pay close attention to social issues and

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use catchy words to attract public attention, often for financial gain. Operating within a regulatory gray area, Internet media often involve commercial players who lack legal licenses for news reporting.

On August 19, 2013, Qin and Yang were caught during a police search of the Beijing Erma Company. Shortly after, a special campaign to combat online rumors was launched, and *the Interpretation* was implemented on September 10, 2013. The four charges outlined in *the Interpretation* aim to “protect the legitimate rights and interests of citizens, legal persons and other organizations and maintain social order” (p. 1). This marked a significant step toward governing the Internet through rule by law (Sun & Lu, 2013). The court found Qin Zhihui guilty of slandering TV host Yang Lan, ground forces general Luo Yuan, and member of the Chinese People’s Political Consultative Conference Zhang Haidi. The defamation information was reposted more than 500 times, and the court cited *the Interpretation* and deemed the circumstances “serious.” Regarding the breach of the peace charge, the court found that after the Yongwen train accident, Qin and Yang had used events to attract public attention and fabricate and spread related false information for self-promotion, which led netizens to question the credibility of the government. The final judgment did not address the issue of Guo Meimei. Qin and Yang were finally sentenced to three and four years in prison, respectively (Beijing Chaoyang District Court, 2013, 2014).

This article, using content analysis, aims to comprehend (1) who is punished under these new rules, (2) what crimes they are punished for, how the court explains its rationale, and (3) how this type of penalty functions and what it implies about the government’s intentions and goals. The next section provides the research background by combining a literature review with an introduction to the relevant legal framework. This is followed by a section that details the methodology and coding process. The findings of the study are presented next, followed by the final section, which concludes the article with a discussion of how these findings demonstrate the integration of online disinformation governance into broader Internet regulation in China.

Research Background

Legal Regulations and Punishment for Internet Content

To regulate all aspects of the flow of information, the Chinese government has implemented sophisticated tools and established multiple tiers of gatekeeping to maintain control over various players (Rayburn & Conrad, 2004). Numerous legal regulations have also been enacted to govern Internet content from the very beginning. While these controls appear comprehensive, they are not foolproof; however, they do act as a way to compel netizens to self-censor by making them believe that the violations will be caught and punished severely (Tkacheva et al., 2013). Content deemed illegal and harmful is subject to legislative sanctions, which can include stringent law enforcement measures and the implementation of new technological measures (Liang & Lu, 2012), namely the closure of the facility involved, dismissal of a cadre from their position, termination of media professionals’ employment, or arrest if there is criminal evidence involved (Luo, 2015).

Citing concerns about the rampant spread of online rumors and their negative impact on daily life, the Chinese Ministry of Public Security (2013) launched a special campaign to combat online rumors. During this campaign, Yang Xiuyu and Qin Zhihui were arrested (Sun & Lu, 2013). Before this event, studies on

cybercrimes in China were scarce, especially crimes committed through the use of computers and their related networks (Liang & Lu, 2010).

The Chinese party-state strategically employs censorship to bolster its resilient authoritarianism, and scholars have examined what content the party-state has censored to discern China's intentions and goals (Inouye, 2017). One notable study (King, Pan, & Roberts, 2013) found that the Chinese government allows some criticism of officials and institutions but silences references to collective expression. Filtering the Internet by deleting content is one usual tool; but the other important method is restricting online content by discouraging the publication of unwanted content through legal threats and actions, and the ultimate goal of this strategy—self-censorship—is not only a particularly effective tactic but also very difficult to monitor and document (Zittrain et al., 2017). The reasons and rationales officially given are usually the fight against terrorism and blocking content labeled as “fake news” (Zittrain et al., 2017). After *the Interpretation* was implemented, the official rationales included four more criminal charges. This article aims to show how the rationales in this new legal instrument are implemented in practice.

Disinformation-Related Crime Accusations Extended in the Interpretation

The Interpretation listed four kinds of accusations. This article, however, will not discuss extortion and illegal business operations here for two reasons. First, these two charges fall under the categories of crime against property and crime disrupting market order. Information or use of alleged disinformation is not necessarily needed in prosecuting these crimes. Second, when disinformation is mentioned in relation to these crimes, the Criminal Law of the People's Republic of China (1979; hereafter referred to as the Criminal Law) requires additional evidence of using it for extortion or financial gain as a legal element of conviction. This article focuses on accusations of criminal defamation and breach of the peace. These offenses are regulated by Articles 246 and 293 of the Criminal Law and are frequently cited with *the Interpretation* as punishment for disinformation.

Criminal Defamation

According to Article 246 of the Criminal Law, fabricating facts to slander others is a fundamental element of criminal defamation. *The Interpretation* listed four actionable “serious circumstances” for this crime: (1) the defamatory information has been clicked on, viewed more than 5,000 times, or reposted more than 500 times; (2) the defamation causes serious consequences, such as mental disorder, self-mutilation, suicide, or other similar consequences of the victims or their close relatives; (3) the offender has received administrative punishment for defamation within two years, and has defamed others again; (4) and other circumstances that are deemed serious.

As figure 1 shows, criminal defamation cases were historically rare, primarily because victims found it much easier to file civil lawsuits for rights protection (Sun, 2014). However, occasional cases still occurred, often characterized as “defaming officials,” and tend to spark heated discussions due to the perceived contradiction with the constitutional right to freedom of speech and supervise and criticize officials (Hou, 2011). Notably, the implementation of *the Interpretation* in 2013 led to a significant increase in such cases.

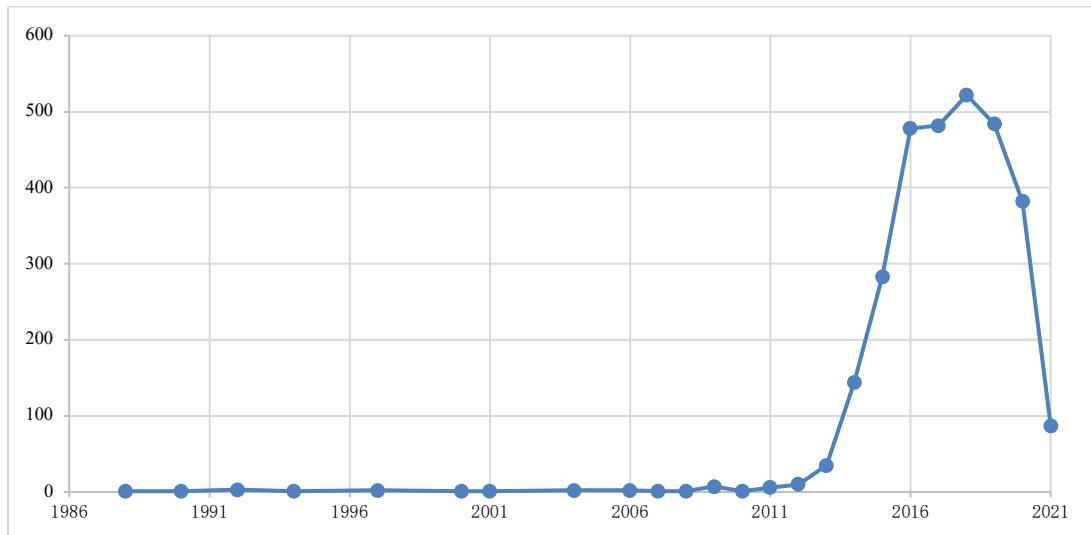


Figure 1. An increase in the number of criminal defamation cases in China. Source: PKULaw (2024).

Several reasons are offered by scholars to explain this transformation. First, scholars argue that defaming and insulting a person online can cause severe mental pressure and damage, potentially constituting a “serious circumstance.” Chinese officials believe that posting information online results in wider public exposure due to the accessibility of the content (Che, 2021). Second, *the Interpretation* adopted the number of clicks and reposts to simplify evidence collection for victims seeking legal recourse and self-protection (Yang, 2016). While this quantitative standard has been criticized for its arbitrariness and the difficulty in verifying the number of clicks (Li, 2014), it nonetheless provides grounds for lawsuits and convictions. Furthermore, *the Interpretation* enables public institutions to expand their involvement in prosecution by defining seven situations constituting serious harm to social order and national interests (Jin, 2021). This broader definition stems from the assumption that anonymous online interactions can facilitate the fabrication of defamatory information, leading to indiscriminate attacks and decreasing people’s sense of social security, thereby justifying a greater role for public institutions in such cases (Che, 2020).

Criminal defamation cases are typically brought by the victims themselves (Che, 2021). However, the Criminal Law allows for an exception in cases where the circumstances seriously endanger social order and national interests, authorizing state prosecution. This exception has historically enabled public institutions to silence criticism by claiming that defaming public officials or the government could harm the regime’s authority and destabilize the state (Zhao & Li, 1992). While this narrative has been widely criticized and rarely used in recent times, defaming government official cases continues to occur frequently. This is so because prosecutors equate defaming party-state leaders with seriously hampering national reputation and national interest, defaming government officials with causing serious social influence and defaming others thus causing social gatherings with “causing mass gathering and public chaos” (Jin, 2021).

Criminal Breach of the Peace

Article 293 of the Criminal Law regulates the crime of breach of the peace. It defines four types of actionable criminal behavior: (1) willfully beating others under egregious circumstances; (2) chasing, intercepting, harassing, or intimidating others under egregious circumstances; (3) forcibly demanding or arbitrarily destroying or occupying public or private property, causing serious consequences; (4) creating a disturbance in a public place, which seriously disrupts public order.

The legal basis for convicting someone of breach of the peace is controversial. This stems from its development from the vaguely defined criminal accusation of “hooliganism,” and it overlaps with numerous other charges like willful and malicious injury, extortion, insult, robbery, and so on (Chen, 2021). *The Interpretation* expands the concept of a public place to encompass the Internet, arguing that online rumors and disinformation can disrupt or even create chaos, even though critics argue that such chaos is a theoretical or imagined threat (Chen, 2021). Others assume that while real-world chaos may not occur, heated discussions and disputes over certain issues might affect the collective interest or regime safety (Ma, 2022).

One of the signals of online chaos and disorder that frequently leads to prosecution for breach of the peace is the arousal of public sentiment (*YuQing*). This refers to deeply discussed public issues, including government policies, specific stories related to people’s livelihoods, or other widely recognized sudden social incidents. Characterized by a flood of information that may include rumors and disinformation, such online exchanges are viewed by authorities as potentially irrational and emotional, capable of directly triggering mass gatherings (Peng, 2008). A famous saying captures this sentiment: It is better to publish online (and arouse public sentiment) to put pressure on the government than to trust government sectors to solve problems directly (*XinFangBuRuXinWang*; Jin, 2021). When faced with problems, Chinese citizens often turn to online platforms to raise public awareness in the hope of prompting government action. In response, monitoring online public sentiment through the collection and analysis of highly discussed posts has become a special business (Hu & Chen, 2017). This service allows public authorities to easily track online discussions and concerns. However, if the posted content is deemed to be rumors or disinformation, it may be prosecuted as a breach of the peace (Li, 2019).

The criteria for charging someone with arousing public sentiment can be quite ambiguous. Cases may involve true stories, discussions and inferences based on half-truths related to sudden social events, or entirely fabricated information. In breach of the peace lawsuits, the courts have consistently failed to establish clear boundaries regarding the veracity of the information. *The Interpretation* is intended for the accusation of breach of the peace to capture and punish all online rumors, and this accusation can substantially infringe on citizens’ freedom of expression (Sun & Lu, 2013).

Three Kinds of Litigation

There are two categories of criminal defamation cases based on who initiates the proceedings: *Citizen-initiated* and *state-initiated*. Breach of the peace is also prosecuted by the procuratorate. This results in three types of litigation.

Citizen-Initiated Defamation

Criminal defamation suits are supposed to be initiated by the victims themselves to protect their reputations. However, such cases were rare before *the Interpretation's* enforcement due to the stricter burden of proof required compared with civil defamation lawsuits. *The Interpretation* lowered the evidentiary threshold by introducing the number of clicks and reposts as a factor in determining "serious circumstances," making it easier for victims to gather evidence (Yang, 2016).

State-Initiated Defamation

This is the exception term of Article 246, which allows for the prosecution of those who defame others in a way that disrupts social order or harms national interests. The 11th Amendment to the Criminal Law in 2020 added Article 299-1 to regulate prosecutors' duty to prosecute those who defame heroes and martyrs. *The Interpretation* listed six categories that constitute serious harm to social order and national interests, including (1) inciting collective gathering; (2) causing chaos in public; (3) inciting ethnic or religious conflicts; (4) defaming multiple individuals and causing negative social impact; (5) damaging the national reputation and seriously endangering national interests; and (6) generating negative international influence.

State-initiated defamation poses a significant threat to free speech as prosecutors are strongly empowered and cases often result in conviction (Zhang, 2014). Additionally, critics argue that *the Interpretation's* list lacks clarity, with overlaps among categories. The broad and subjective terms "social order" and "national interest" create ample room for courts to reach verdicts based on political considerations rather than legal principles (Jin, 2021).

Breach of the Peace

According to *the Interpretation*, this charge can closely resemble state-initiated defamation in the sense that both involve the use of information networks to abuse or intimidate others. However, a breach of the peace may not have a specific victim and typically accuses the defendant of fabricating false information and causing public disorder or serious chaos.

Breach of the peace has gathered the most attention in recent years due to concerns about its use to punish online speakers (Cai, 2020). Critics argue that it is a fuzzily defined offense that allows for arbitrary enforcement based on political motives (Yu, 2013). Hu (2022), an official from the Supreme People's Court Judicial Committee, explains that such vaguely defined offenses can be seen as convenient tools in a statutory law country like China for managing new social situations and aligning the law with policy enforcement. Notably, breach of the peace is frequently used in Internet governance to exert greater control over online content flow (Chen, 2016).

Hypotheses

This article examines how criminal charges function as a way of governing alleged Internet disinformation in China. In a party-state country characterized by the highest level of political

instrumentalization (Zhao, 2011), China's content flow is controlled by the political system, forming a closed loop under strict state control designed to achieve the leadership of the party-state. *The Interpretation* is enforced as a means of punishment and deterrence, prompting organizations and individuals to carefully self-censor content before online publication. As *the Interpretation* is carried out to handle online rumors and disinformation, the manner in which it is implemented and integrated into this content control system should be examined more closely. From the literature review we can derive three hypotheses:

H1: Victims of alleged disinformation will be primarily public officials, suggesting an attempt to silence online criticism by linking criticism of officials to threats to social order and national interest.

H2: Accused content will focus primarily on issues related to the government, such as criticisms and widely discussed topics that arouse public sentiment.

H3: Prosecutor-involved cases are more likely to result in convictions.

Methodology

Sample Selection

The units of analysis for this content analysis are court rulings concerning criminal defamation and breach of the peace. The legal database PKULaw (2024) was used to search for cases of action (criminal defamation or breach of the peace) with judgment dates between September 10, 2013, and December 31, 2021. This time frame was chosen because it followed the enforcement of *the Interpretation*, a crucial guideline for such judgments. To avoid duplicate coding, only the final document was counted and coded for cases that went through multiple court levels. After retrieval, download, and data cleaning, a total of 256 citizen-initiated defamation cases, 72 state-initiated defamation cases, and 226 breach-of-the-peace cases were collected. In sum, 554 sample cases were coded and analyzed.

Coding

The coding process was conducted separately for the three types of litigation to capture both the overall trends and differences among them. The codebook was divided into four main sections: Victim characteristics, content published, courts' judgments, and rationales for judgments.

The Victim

Victims were classified into four categories: (1) personnel or quasi-personnel of state organs; (2) ordinary citizens; (3) strangers; (4) unclear.

1. *Personnel or quasi-personnel of state organs* appear in all three types of litigation. Due to their close association with public power, they are perhaps better protected because of their alignment with the regime. This category was further divided into five subclassifications:

(a) Specific officials

This category included formal public servants, as well as auxiliary police, state-owned enterprise employees, community or village officials, and religious leaders. Although the latter may not all be formal government personnel, they have a close relationship with the authorities. Ordinary citizens often perceive them also as having the ability to obtain and abuse power and tend to use this proximity of theirs to state officials in online narratives to dramatize the significance of conflict with ordinary citizens and attract public attention during disputes.

(b) Party and state leaders

In many state-initiated defamation and breach of the peace cases, victims were broadly referred to as "party and state leaders" where no specific name or title was mentioned. This distinguished them from "specific officials." These usually refer to central government officials, who are considered symbols of the regime and require protection to maintain authority.

(c) Public figures and well-known enterprises

Some figures and enterprises are considered by authorities to be highly significant for social norms. This is especially true for celebrities propagated by the government as role models, or enterprises that contributed significantly to the local economy. These entities gain special protection and can be seen as authorities in a broad sense.

(d) Heroes and martyrs

Defined by the government, this group commemorates deceased heroes and martyrs who symbolize the nation's collective memory. They are listed separately under the rationale of protecting public interests.

(e) Public events or figures of public concern

There is no specific victim here. Government regulations suggest that extensive promotion and discussion of public-concerned events or figures can arouse public chaos and disrupt social order and stability. Defendants in such cases are primarily commercial media promoters and newly popular Internet streamers who are seen as aiming for profit through clicks, with little regard for professionalism or truth.

2. *Ordinary Citizens* are distinguished from personnel or quasi-personnel of state organs by the absence of public power associated with the former. But, according to the relationship between the defendant and the victim and the circumstances of the cases, this category can be further divided into four subclassifications.

(a) Conflicts or disputes

This category applies when the defendant and the victim are involved in economic, labor, employment, doctor-patient, and similar disputes that lead to litigation.

(b) Suing the reporter

This category includes cases where the victim is the subject of reporting in the media or other literary contexts.

(c) Close relationships

This classification applies when the victim and the defendant have a close personal relationship, such as being relatives, friends, colleagues, neighbors, and romantic partners. In these cases, defendants may have access to sensitive and private information, which they can exploit to cause greater harm.

(d) Suing officials

In a limited number of citizen-initiated defamation cases, ordinary citizens may sue government officials.

3. *Strangers* are coded when the defendant and victim are unknown to each other. Scholars posit that anonymity allows strangers to fabricate and disseminate defamatory content randomly, potentially harming people's sense of security and disrupting social order (Che, 2021; Fan, 2021). Several cases involving such online attacks have resulted in prosecution and sentencing.

4. *Unclear* is coded for the victim if the judgment document is too brief to determine the victim's identity.

The Indicted Published Content

The published content that led to the indictment was coded into four categories: (1) content related to the government and officials, (2) personal content, (3) content related to social order, and (4) content related to illegal activities and crime.

1. *Content Related to the Government and Officials* is common in these cases because it can attract attention from both the public and the authorities. This type of content is further classified into four categories:

(a) Abuse of power or malfeasance

This category includes cases where defendants allege that the victim misused public power. Since abuse of power is also a criminal offense punishable by imprisonment, such accusations can be particularly

damaging to the victim. In some cases, the victim may not hold any relevant power, but the defendant assumes they do and accuses them of abuse or malfeasance.

(b) Attack on leaders or the regime

In the context of prosecution, "attacks" here refer primarily to verbally abusing or vilifying leaders. These leaders can include specific government officials and national leaders in a broad sense.

(c) Insult of the government and officials captures the use of vulgar language to smear the victim.

(d) Pressuring the government or highlighting livelihood issues

This type of content is primarily found in breach of the peace cases. In China, issues that are widely discussed are considered to be closely linked to social stability, and they are viewed as crucial in responding to public sentiment (Ma & Sun, 2014). People may exploit these concerns and sometimes exaggerate or fabricate their encounters or unfair treatment to gain public attention and pressure the government. Such alleged disinformation can be seen as causing public disorder and be prosecuted in courts.

2. *Personal Content* primarily appears in citizen-initiated cases. This article codes this content into two subcategories: (a) *Personal attack* and (b) *Questioning integrity*. The former refers to the use of words such as "bitch" and "illegitimate child" to insult the victim. The latter refers to negative comments about the victim's character, such as dishonesty or deceit, so that the words used have a more moral connotation.

3. *Content Related to Social Order* frequently appears as the governance of the Internet has gained focus. This article categorizes it into three types.

(a) Threats of revenge against society

This category is rare. When it occurs, the content may directly state the defendant's intent to harm or even kill others.

(b) Hyping up" events or persons of public concern

This content relates to socially concerned issues, such as real estate prices, government corruption, or social injustice, that easily attract clicks and reposts. When commercial media promoters publish content online and it is later defined as rumors, they may be prosecuted.

(c) Critiques of enterprise or calls for strikes

This category is also rare. Criticizing well-known enterprises or calling for strikes is considered disruptive to social stability and could lead to charges of breach of the peace.

4. *Content Related to Illegal Activities and Crime* refers to two types of situations: Accusations of corruption against government officials and accusations of criminality against ordinary people.

Judgments and Reasoning

Courts' judgments are categorized into four types: *Guilty*, *acquittal*, *retrial*, and *dismissal*. This article only considers the final trial if the case has gone through multiple trials. Therefore, all reported judgments or rulings are based on the final judgment.

Court reasoning is coded as Boolean values, 1 for *yes* and 0 for *no*. This allows calculating the mean to determine the percentage of certain types of judgments citing a specific reason appearing in certain types of cases. Reasoning for guilty verdicts is categorized into three groups that are related to the following: *Rights*, *social order*, and *political power*. Acquittal, retrial, or dismissal verdicts typically occur in citizen-initiated cases where reasoning follows statutory regulation. In retrial verdicts, some state-initiated defamation cases argued that criminal defamation belongs to "Antragsdelikt," which means they can only be initiated by the victim rather than the state according to law. Specific rationales are listed and attached in the appendix.

Empirical Analysis

Empirical analysis supported all three hypotheses: H1 was supported as public officials were the most common victims, and when they were involved, courts were more likely to announce convictions; H2 was supported as indicted content primarily criticized the state and focused on highly discussed issues that evoke public sentiment; and H3 was supported as cases involving state prosecutors resulted in mostly guilty verdicts. However, a closer look at the details can reveal more insights.

Personnel or Quasi-Personnel of State Organs Make Up the Majority of Victims

As shown in Figure 2, personnel or quasi-personnel of state organs constituted the majority of victims, accounting for 58% of the total sample. Ordinary citizens, on the other hand, made up 33% of victims. In 9% of the cases, the victim's identity remained unclear due to the brevity of the documents, and these cases were typically dismissed by courts.

While ordinary citizens comprised 33% of all victims, they primarily appeared as plaintiffs in citizen-initiated cases. About 58.1% of victims in citizen-initiated cases were ordinary citizens, which represented 82.3% of all ordinary citizens identified as victims. In contrast, state-initiated defamation and breach of the peace, which involved state prosecutors, overwhelmingly involved personnel or quasi-personnel of state organs, with such victims accounting for 83%.

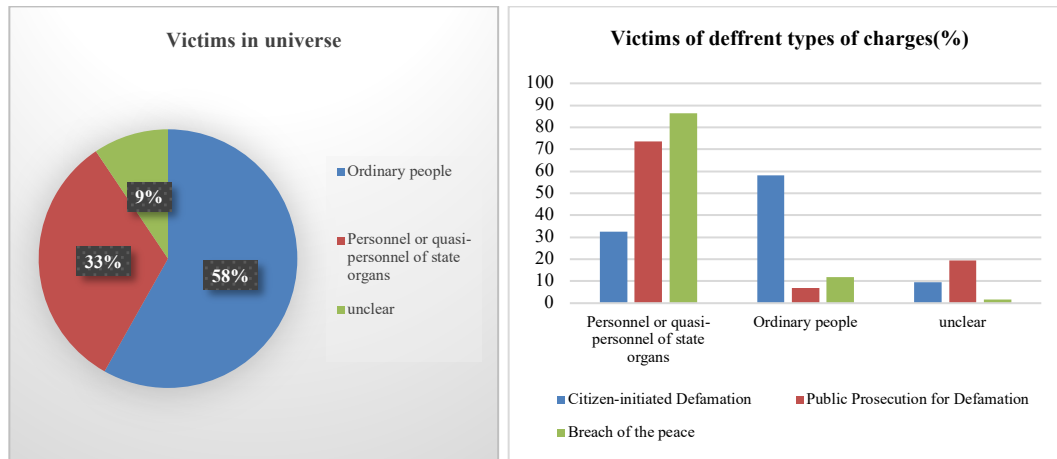


Figure 2. Victims.

Prosecutions Primarily Target Content Related to Social Order and the Regime

Table 1 illustrates the distribution of indicted published content. More than one-third pertains to the regime and social order, while another one-third addresses illegal activities and crimes. The “illegal activities and crime” category can be further divided based on the victim’s identity: Public officials as victims, where content primarily accuses them of corruption. Ordinary citizens as victims, where content focuses on accusations of contract fraud, forgery of official seals, and theft. Excluding cases where the ordinary citizens are from the “illegal activities and crimes” category, the remaining cases typically target public officials for alleged misconduct, with corruption being the most common accusation. This allows such cases to be added to government- and official-related content. This adjustment increases the proportion of government- and official-related content to 54.9%.

Table 1. The Content Indicted (Universal).

	The Content Published	Count	Total	Percentage (%)
Related to the government and officials	Pressuring governments or highlighting livelihood issues	21	157	28.3
	Abuse of power or malfeasance	70		
	Attack on leaders or the regime	66		
Related to social order	Threats of revenge against society	2	27	4.8
	“Hyping up” public-concerned event or person	23		
	Critiques of enterprise or calls for strikes	2		
Related to illegal activities and crime	Illegal and criminal acts	169	169	30.5
Personal	Personal attacks	103	157	28.3
	Questioning integrity	54		
Unclear	Unclear	44	44	7.9

Total	554	100
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Figure 3 provides insights into the distribution of indicted content across different categories. The vast majority of personal-related content appeared in citizen-initiated cases ($n = 113$), constituting 72% of such cases. The content indicted in citizen-initiated cases was mainly personal (44.1%) although content related to illegal activities and crime also had a large presence here (37.1%); it typically involved personal disputes rather than accusations of official corruption. Notably, *the Interpretation* interprets specific numbers of clicks and reposts as “serious circumstances” that are actionable, allowing ordinary citizens to pursue criminal defamation over everyday disputes. However, many of these cases are dismissed by courts.

In contrast, the two other categories involving state prosecutors primarily involved victims who were personnel or quasi-personnel of state organs. When we combine the “illegal activities and crime” category with the “government- and official-related” category for these cases, the results reveal a clear dominance of content related to the government and officials. State-initiated defamation shows 66.7% of content falling under this category, while breach of the peace cases reach a staggering 78.9%. Operating under the guidance of the Committee of Political and Legal Affairs, the prosecutors are obligated to respond to the party-state policy (Chen, 2002). This creates tension between the right of citizens to supervise the government by accusing personnel or quasi-personnel of illegal or criminal activity and the power of the state (Jin, 2021).

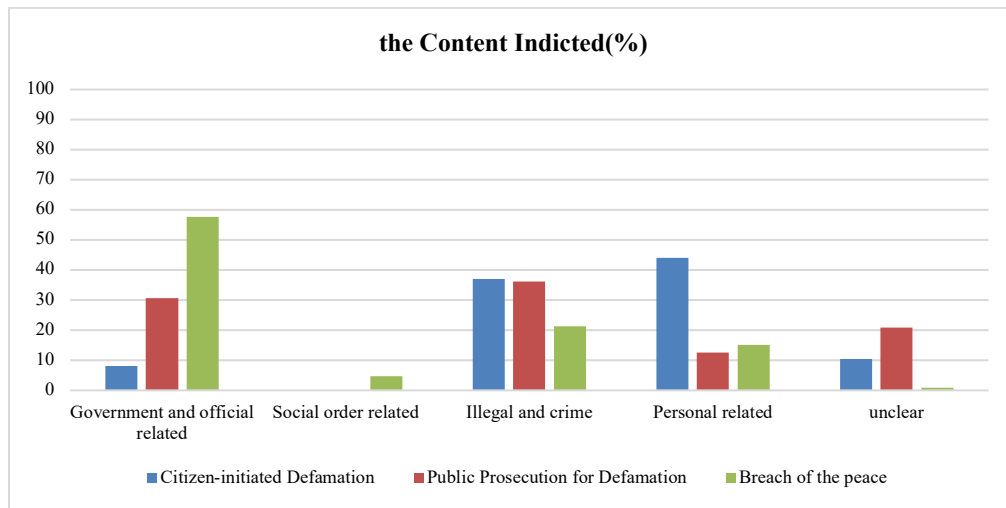


Figure 3. The content indicted in different litigations.

Guilty Verdicts Dominate in Prosecutor-Involved Cases

Figure 4 illustrates a significant trend: Guilty verdicts made up 65% of all cases. Only 10% of the cases resulted in acquittal, and 22% were dismissed.

Examining different case types reveals a clearer pattern. Guilty verdicts made up a substantial proportion of state-initiated defamation (84.7%) and dominated breach of the peace cases (98.7%). Consequently, the conviction rate for these two types of state-prosecuted cases reached 95.3%. In other words, when state prosecutors bring the case to court, there is a high likelihood of a guilty conviction, with very few cases ending in acquittal or dismissal. In contrast, citizen-initiated cases offer defendants a greater chance to debate in court. Here, only 30% of cases resulted in guilty verdicts, while 22% received acquittal, and 44.9% were dismissed.

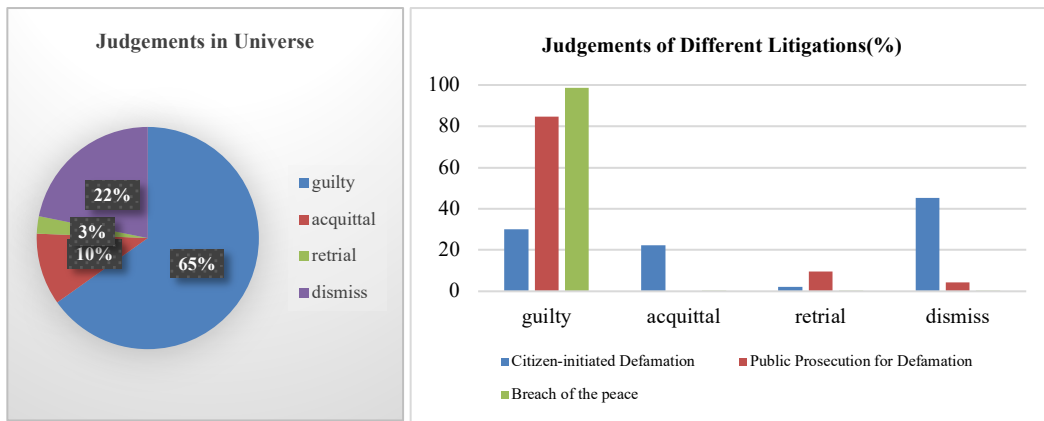


Figure 4. Judgments.

Victim Identity and Indicted Content Influence Court Judgments

Judgments in citizen-initiated cases varied, but they exhibited certain trends. Table 2 demonstrates a connection between court judgments and both the victim’s identity and the indicted content. When a specific official was the victim, courts were more likely to convict. Conversely, cases involving ordinary citizens as victims were more likely to be dismissed. Nearly half of citizen-initiated cases resulted in dismissal, because even with evidence in the form of quantified numbers following the standards established in *the Interpretation*, the alleged behavior may not have been considered harmful enough to warrant a conviction. This trend is further emphasized by the disparity in conviction rates: 59.04% for cases where specific officials sued as victims compared with only 17.45% for cases with ordinary citizens as victims.

Table 2. Victim × Judgment.

Victim		Judgment					Total
		Guilty	Acquittal	Retrial	Dismiss	Suspension	
Ordinary people	N	26	42	4	77	0	149
	Victim%	17.45	28.19	2.68	51.68	0.00	100.00
Specific official	N	49	14	2	18	0	83
	Victim%	59.04	16.87	2.41	21.69	0.00	100.00
Unclear	N	2	1	0	20	1	24

	Victim%	8.33	4.17	0.00	83.33	4.17	100.00
Total	N	77	57	6	115	1	256
	Victim%	30.08	22.27	2.34	44.92	0.39	100.00

Directional Measures

			Value	Approximate Significance
Nominal by	Lambda	Symmetric	.188	.000
Nominal		judgement Dependent	.203	.000
	Goodman and	judgement Dependent	.105	.000 ^a
	Kruskal tau			

a. Based on chi-square approximation

Table 3 further highlights the influence of indicted content on court decisions. Cases involving accusations of “illegal activities and crime,” “abuse of power or malfeasance,” and “personal attack” were more likely to result in convictions. Conversely, content that primarily “questions integrity” tended to be dismissed by the courts. Notably, more than half of the cases where the accused content involved “abuse of power or malfeasance” resulted in guilty verdicts.

Table 3. Content x Judgment.

Content		Judgment					Total
		Guilty	Acquittal	Retria		Suspensio n	
				l	Dismiss		
Illegal activities and crime	N	36	23	2	34	0	95
	Content %	37.90	24.20	2.10	35.80	0.00	100.00
Misuse of power or dereliction of duty	N	11	6	0	4	0	21
	Content %	52.40	28.60	0.00	19.10	0.00	100.00
Personal attacks and abuse	N	23	17	0	19	0	59
	Content %	39.00	28.80	0.00	32.20	0.00	100.00
Questioning integrity	N	7	11	3	33	0	54
	Content %	13.00	20.40	5.60	61.20	0.00	100.00
Unclear	N	0	0	1	24	1	27
	Content %	0.00	0.00	3.70	88.90	3.70	100.00
Total	N	77	57	6	115	1	256

Content %	30.10	22.30	2.30	44.90	0.40	100.00
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Directional Measures

			Value	Approximate Significance
Nominal by Nominal	Lambda	Symmetric	.111	.010
		judgement Dependent	.174	.004
	Goodman and Kruskal tau	judgement	.078	.000 ^a
		Dependent		

a. Based on chi-square approximation

Rationale of Judgments Differs by Initiating Party

The reasoning behind court verdicts provides valuable insight into judicial attitudes. This study reveals distinct patterns in judgment and reasoning across different litigation categories. Citizen-initiated cases exhibited a wider range of verdicts, while guilty verdicts dominated the two other categories involving prosecutors. In prosecutor-involved cases, courts prioritized concerns related to social order and regime authority. Conversely, judgments in citizen-initiated cases made references to the authenticity of the published content.

In citizen-initiated cases, the primary justifications for convictions were the following: (1) "Fabricating facts" to damage others' reputations (mean = 0.99); (2) Blatantly defaming or spreading defamatory content online (mean = 0.91); (3) Frequency of clicks or reposts (mean = 0.7). The reasoning in these cases was focused on determining the authenticity of the published content. "Fabricating facts" constitutes a legal element of criminal defamation that courts must address. Additionally, posting content online serves as a form of public dissemination, implicitly fulfilling the legal requirement of "publicly" defaming someone. Since the sample cases were collected after *the Interpretation* was issued, a certain number of clicks and reposts could be considered to constitute "serious circumstances" if the content was defamatory. This rationale was applied in 70% of sample judgments involving citizen-initiated cases. Notably, the judgments made no mention of other consequences, such as suicide, other severe consequences, or the defaming of multiple people.

The courts' reasoning behind convictions in state-initiated defamation cases differed significantly from that in citizen-initiated cases. In these cases, the justifications for verdicts were more diverse due to the varying identities of the victims. When the victim was a specific public official ($n = 41$), the primary reasons for conviction were (1) fabricating facts to damage others' reputations (mean = 0.61) and (2) causing a negative social impact (mean = 0.59). However, when the victims were party and state leaders ($n = 11$), the focus of the verdicts shifted to (1) disturbing social order (mean = 0.55) and (2) harming national interests (mean = 0.64). In these cases, the authenticity of the content itself was not a primary

concern. These convictions suggest that courts viewed the reputation of public officials as linked to social order or national interest.

The primary justification for convictions in breach of the peace cases was “damage to social order” (mean = 0.89). Similar to state-initiated defamation, the other reasons varied depending on the victim’s identity. When the victims were specific officials ($n = 126$), party and state leaders ($n = 34$), or hyped-up public concerned event or person ($n = 25$), courts additionally cited “causing adverse effects on party and state organs and impacting social stability” (mean = 0.69) as a reason for conviction. Ordinary citizens rarely fell into this category ($n = 26$). However, when this occurred, courts primarily referenced “spreading misinformation online, creating negative public opinion, and causing trouble” (mean = 0.88). In breach of the peace cases, as in state-initiated defamation, the courts did not prioritize the authenticity of the content. This is because veracity was not a mandatory legal element of the accusation. Here, the primary concern was the public attention generated by online information and the potential disruption it may cause to social order.

Figure 4 illustrates that acquittals were the most prevalent in citizen-initiated cases ($n = 58$). The courts’ main justification for these acquittals was that “the content is true or there is no evidence to prove it false” (mean = 0.76). Similarly, large-scale dismissal ($n = 119$) rulings were exclusive to citizen-initiated cases. The courts’ reasoning behind these dismissals centered on “lack of evidence to prove a crime” (mean = 0.68) or simply “lack of evidence” (mean = 0.41), following legal regulations.

Conclusion and Discussion

The Interpretation was adopted in response to the booming of the Internet, which facilitated the rapid exchange of information and the spread of disinformation. Empirical analysis of judgment documents serves as a tool to understand how this policy was implemented and how disinformation was managed. With the Internet becoming the preeminent public sphere, its commercial or noninstitutional nature presented a challenge for regulation. Authorities responded by integrating online platforms and big organs into the party-state system through financial means, licensing, and punishment (Zhang & Ran, 2022). Among these, Liu (2022) argues, Criminal Law is instrumentalized to comply with the policies of the central authorities and to fulfill their requirements. *The Interpretation* specifically targets the spread of rumors and disinformation that could disrupt social order and national interest. It has acted as a deterrent for online speakers, particularly those operating in commercial or noninstitutional spheres, as evidenced by the types of cases that resulted in punishment (Yu, 2014).

While none of the results of this analysis are unexpected based on the hypothesized outcomes, some key details warrant emphasis. Following the enactment of *the Interpretation*, sample cases revealed a frequent pattern of lawsuits or prosecutions targeting criticism of the government and public officials, with most of these cases resulting in convictions. Unsurprisingly, concerns have been raised over the past decade regarding the use of criminal defamation laws to punish those who “defame officials” (Jin, 2021). This situation has arguably worsened since *the Interpretation’s* enforcement due to three key factors: (1) An extensive public sector—in a party-state system, the vast size of the public sector fosters frequent interaction between officials and the public, potentially leading to disputes related to public resource

allocation; (2) quantitative criteria for serious circumstances *the Interpretation's* use of a quantitative metric—the number of clicks and reposts—as a criterion for serious circumstances simplifies the initiation of criminal litigation (Yang, 2016); (3) presumed legitimacy of public officials—public officials often possess broader social networks, and their identities are often perceived as aligned with the regime's authority. This grants them a level of special protection from public institutions (Jin, 2021).

While hampering social order and national interest are the legal justifications used by prosecutors to pursue charges of defamation and breach of the peace, the definitions of these terms remain ambiguous. On one hand, the reputation of personnel or quasi-personnel of state organs is considered to be highly intertwined with social impact and national interest. Criticism of them for corruption and abuse of power is seen as causing a "bad social impact" because it erodes public trust in the regime, potentially leading to conviction in courts. On the other hand, alleged rumors targeting the government and officials can result in convictions based on the rationale that they disrupt social order. This is because such content attracts attention from both the public and authorities, sparking intense public discussions. These discussions can turn into a form of noninstitutionalized political participation that may pressure the government to address these public concerns (Chen, 2013). Regulating and managing public sentiment has become a crucial task for local governments (Zhang & Yan, 2018). They are obligated to respond to issues raised by public anxieties while simultaneously monitoring these discussions to avoid being discovered and reprimanded by higher authorities (Zhou, 2018). As long as the content is perceived as triggering chaos and disrupting social order, local governments are more likely to handle public sentiment with a heavy hand, potentially leading to harsher punishments for the accused (Li, 2019).

The rise of the Internet has triggered a crisis in the media industry, characterized by an explosion of content sources and publishers, and intensified competition for audience attention and advertising revenue (Wang & Sparks, 2019). However, the Chinese authorities perceive the most significant threats to lie in the expansion of noninstitutional speakers and the potential that they could disrupt social order and undermine ideological security. The new leader XI Jinping (2014) has emphasized the paramount importance of Internet safety for national security, stating that network and information security are relevant to national security and social stability and represent a new comprehensive challenge for the Chinese government. To handle this challenge, the government has gradually adjusted its approach. Scholars have argued for distinguishing between public opinion directed at officials and content directed at nongovernmental actors (Tong, 2012). Furthermore, Li and Xu (2015) argue that governmental discourses should compete with nongovernmental discourses and that the authority of ideological discourses would be strengthened by this communication. More importantly, the government actively refutes rumors that tarnish the regime's reputation, to curb the promulgation of rumors about official corruption, the ill health or impending demise of leaders, power struggles, and popular dissatisfaction with the government, lest they are used as a weapon of the weak to attack and have a bad effect on the regime (Tsai & Lin, 2019). Criminal charges for hampering social order and national interest are a crucial tool employed to target rumors and disinformation, primarily disseminated by commercial or noninstitutional actors (Yu, 2014). The threat of prosecution or lawsuits filed by officials can serve as a powerful deterrent, forcing online speakers to self-censor their content before posting, thus significantly stifling criticism and public oversight.

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Appendix: Codebook

The Victim

Citizen-Initiated Defamation	State-Initiated Defamation	Breach of the Peace
	Personnel or quasi-personnel of state organs	
<i>Specific officials</i>	<i>Specific officials</i> <i>Party and state leaders</i> <i>Public figures and well-known enterprises</i>	<i>Specific officials</i> <i>Party and state leaders</i> <i>Public figures and well-known enterprises</i> <i>Heroes and martyrs</i> <i>Public concerned event or person</i>
	Ordinary citizen	
<i>Conflicts or disputes</i> <i>Suing the reporter</i> <i>Close relationships</i> <i>Suing officials</i>	<i>Ordinary citizen</i>	<i>Ordinary citizen</i>
<i>Stranger</i>	-	-
	<i>Unclear</i>	

The Indicted Content

Citizen-Initiated Defamation	State-Initiated Defamation	Breach of the Peace
Related to government and officials		
<i>Abuse of power or malfeasance</i>	<i>Abuse of power or malfeasance</i> <i>Attack on leaders or the regime</i>	<i>Abuse of power or malfeasance</i> <i>Attack on leaders or the regime</i> <i>Insult of governments and officials</i> <i>Pressuring governments or highlighting livelihood issues</i>
Personal content		
<i>Personal attack</i> <i>Questioning integrity</i>	<i>Personal attack</i>	<i>Personal attack</i>
Related to social order		
		<i>Threats of revenge against society</i> <i>"Hyping up" public concerned event or person</i> <i>Critiques of enterprise or calls for strikes</i>
<i>Illegal activities and crime</i>	<i>Illegal activities and crime</i>	<i>Illegal activities and crime</i>
<i>Unclear</i>	<i>Unclear</i>	<i>Unclear</i>

Judgments and Reasoning

Citizen-Initiated Defamation	State-Initiated Defamation	Breach of the Peace
Guilty		
<i>Fabricating facts to damage the reputation of others</i> <i>Frequency of click or repost</i> <i>Depression, suicide, and other consequences</i> <i>Blatantly defame or spread online</i> <i>Defame multiple people</i>	<i>Obstruct government work</i> <i>Fabricating facts to damage the reputation of others</i> <i>Disturb social order</i> <i>Defame multiple people</i> <i>Have a bad social impact</i> <i>Harm national interest</i> <i>Defame the country</i>	<i>Affect other people's work and life</i> <i>Have a bad social impact</i> <i>Disturb social order</i> <i>Abuse and intimidate</i> <i>Spread false information through the Internet, create negative public opinion, and cause trouble</i> <i>Defame the party, government, or national leaders or criticize policies</i> <i>Cause vicious mass gathering</i> <i>Defame hero or martyr</i> <i>Cause adverse effects on the party and state organs and affect social stability</i>

Acquittal		
<i>The content of the complaint is true or no evidence to prove it is fake</i>	-	-
<i>No subjective intent</i>		
<i>Minor or no reputation evidence</i>		
<i>No deliberate publication</i>		
<i>The statute of limitations has expired</i>		
Dismissal		
<i>Lack of evidence</i>	-	<i>Insufficient evidence of fact</i>
<i>No jurisdiction</i>		<i>Improper application of law</i>
<i>Lack of criminal evidence</i>		
<i>Unknown and inappropriate publisher of defamatory information</i>		
Retrial		
<i>New evidence</i>	<i>Antragsdelikt</i>	-
<i>Misunderstanding of fact</i>	<i>Insufficient evidence of fact</i>	
<i>Improper application of law</i>	<i>Illegal trial procedural</i>	
<i>Illegal judgment procedure</i>		