

Xing Ying

A Study of the Stability of Contemporary Rural Chinese Society



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Chapter 1

Introduction

It's always a matter of experience to what extent the social conflicts obey the pursuit of the interests and to what extent they obey the moral reaction. Nevertheless, the sociology theories are rooted out of the interests groups, which completely obscured our understanding of moral sentiments. Therefore, the research on the theory of conflict recognition not only requires extension but also possible correction.

—Axel Honneth *The Struggle for Recognition*

*In traditional Chinese society, farmers' engagement in litigation was not always for pecuniary purposes or for the subject matter itself, nor were they fighting for the universal rights as argued by Rudolf von Jhering in *The Struggle for law*. They fight for the position between ritual and virtual governance, and for their self-respect.*

—Xing Ying *The Story of the Dahe Dam*

1.1 Preliminary

1.1.1 Part 1

In 1994, the 18 tortuous years of Dahe Hydropower Station migrants' collective petition in Shanyang Town in Southwest China finally came to an end.

However, only 3 years later, Shanyang Town was again in turmoil. Shanyang Town is the heart for the rural migrants from the Three Gorges Project. Due to the increasing dissatisfaction caused by multiple problems in the Three Gorges Project, these migrants started a new collective petition. Thus far, this petition has been ongoing for 13 years, and yet many of the problems remain unresolved.

The current representatives of Three Gorges migrants are mostly different than the original group at the Dahe Power Station. In addition, those representatives of the Three Gorges migrants have frequently changed over the last 10 years. From 1997 to 2001, there were four main representatives for Shanyang including Kewang Zhou. In 2001, Kewang Zhou and the other three were sentenced to prison by the County Court for “disturbing the social order.” Since then, nine other petitioners have been sent to jail and hundreds of migrants have had their houses dismantled. However, the migrant petition from Shanyang has not ceased. Thousands of people submitted letters to Beijing and many more have made their displeasure known verbally. We were confused: why were the petitioners so stubborn? Why did the representative migrants not learn a lesson after their release, but continue to submit another petition? Why were they willing to come to the forefront of the fight?

1.1.2 Part 2

Inhabitants and students from the Miao Autonomous Region in Guizhou Province gathered at the Weng’an County Public Security Bureau and presented the county government with a petition on June 21st, 2008. This submission stemmed from the discontent regarding the public security’s forensic examination into a high school girl’s death. In the afternoon of June 28th, the crowd of people swelled to more than 20,000. A small number of individuals took the opportunity to incite an uproar and even became brazenly engaged in vandalism. During the demonstration, over 100 public and government offices were burned, 55 vehicles were destroyed, dozens of office computers were looted, and many documents were destroyed. The protests resulted in over 150 individuals being treated for various injuries. This is the “6.28 Incident” that shocked the entire nation and is doomed to be recorded in history (Zifu Liu 2009).

The question remains: how could the results of a forensic examination into a girl’s death evolve into such a vicious and violent mass incident? It is surprising that thousands of people, completely unrelated to the young student involved, would flock to join the protest. If they were simply curious, why were they involved in the riot of June 28th? We must ask ourselves whether there were other factors involved, beyond the actions of a handful of violent individuals.

1.2 Prominent Social Stability Problems

Since the mid-1990s, China has been developing rapidly with sustained GDP growth and vertical market-oriented reform. At the same time, serious social conflicts, particularly the social stability problem, have accumulated and been exposed. The problem is evident in the following three aspects.

1.2.1 As the Poverty Gap Becomes Larger, Society Starts to Become Segregated and Unbalanced

Even though the economic reform of the 1980s hurt some interest groups, it was beneficial to a majority of people in China. But since the 1990s and especially in the twenty-first century, the market-oriented reform greatly contributed to the social poverty gap. We can clearly see the significant change over the past 30 years from the most important social equality indicator, the Gini coefficient. During the beginning of the economic reform in 1980, the Gini coefficient for per capita income was 0.33; in 1988, the Gini coefficient increased to 0.382; in 1995, the coefficient reached 0.4577. This Gini coefficient exceeds the internationally recognized warning level – 0.4. By 2002, the Gini coefficient had reached 0.47 (The World Bank 2006; Renwei Zhao 1994, 1999; Shi Li 2008). Due to the existence of hidden benefits and illegal abnormal income for some groups of people, some experts have suggested that the actual Gini coefficient in China in early 2000 actually surpassed 0.5 (Zongsheng Chen et al. 2001). In addition, the gap between urban and rural areas and the gap between regions are widening. From an income distribution standpoint, China has become one of the most unbalanced countries in the world.

While most of the wealth in China is possessed by a small fraction of the population, urban workers (including migrant workers) and farmers have become the two most vulnerable groups. During the 1990s, workers at urban state-owned and collective enterprises faced major layoffs and unemployment. From 1995 to 2002, these enterprises cut their labor forces by roughly 60 million employees (Xiaowu Song 2006). During this period, the main difficulties that farmers faced were falling agricultural prices, slow growth in income, and an increase in taxation. According to government data, agricultural workers faced a total tax burden of 135.9 billion Yuan. Compared to figures from 1990, the tax burden had increased 1.89 times, while the per capita amount increased 2.01 times. Taxes and fees made up of about 7–12 % of farmers' total income. In fact, some experts have estimated that the amount of taxation farmers bore in 2000 could be up to between 180.9 billion and 217.1 billion Yuan (Xiwen Chen 2005).

Since joining the WTO in the twenty-first century, China's employment situation has improved, but the labor problem has become increasingly prominent in the metropolitan areas. The labor dispute arbitration committee received a total of 38,000 labor dispute cases involving 12.2 million people. Of these cases, 2,588 were about collective labor disputes, involving 77,000 people. In 2004, the total number of labor dispute cases accepted nationwide went up by 15.2 %, reaching a total of 260,000 and involving over 765,000 people. Among these, the collective labor dispute cases rose by over 72.7 % compared to 2003, arriving at a number of 19,000 and involving 478,000 people.¹ Some experts have estimated that the “Scissors”

¹NBS: China Labor Statistics Yearbook, China Statistics Press, 1996, 2005.

prices in agricultural products during the Planned Economy have caused the farmers to incur a cost of 600 billion to 800 billion Yuan. Since the economic reform, especially since the late 1990s, the low cost expropriation of farmers' land has caused losses of at least 2 trillion Yuan for farmers (Chen 2001).

Liping Sun (2003) suggested that China has formed a new society since the 1990s: the expansion of the poverty gap has grown out of control. With resource accumulation, the society has become polarized. The upper classes tend to be oligopolistic, while the vulnerable groups are fragmented, hierarchizing the society.

1.2.2 Prominent Antagonistic Psychology Between the Rich and the Poor, and Between Cadres and the People

It is not surprising that the market system led to a differentiation in income and wealth. However, the prominent issue of restructuring the Chinese market is associated with corruption, which can lead to a high degree of resource accumulation by a minority group of people. According to incomplete statistics, since the mid-1990s the four major categories of corruption – rent-seeking, underground transactions, tax loss, and public investment – have caused an economic loss of 13.3–16.9 % of the annual GDP (Hu 2001).

The severity of corruption adds a considerable degree of moral ambiguity concerning the poverty gap and causes an imbalance in the social attitude to the lower class. According to the Social Blue Book, published by the Chinese Academy of Social Sciences, from 1997 to 2000 citizens regarded corruption as the most concerning social issue (Ru et al. 2001, 2002). According to a national survey conducted in 2006, 50.75 % of respondents consider the poverty gap to be most striking, while 28.3 % respondents believed that conflicts arise most frequently between the cadres and people. This is how they generate wealth. The survey shows that 71.4 % of people think that the national cadres are the major beneficiaries of the reforms of the past 10 years; 51.2 % of those who considered themselves poor believe “making money with improper means” is the source of wealth for the rich, while 49.8 % select “hard work” (Wang 2006). Thus, people at the bottom of society believe, economically speaking, that there is a positive relationship between the poverty gap and corruption. People's strong dissatisfaction with the inequality of society is reflected in their resistance to the cadres' corruption and their performance, especially those cadres working in grassroots departments.

1.2.3 The Escalation in the Size and Intensity of Collective Petitions and Group Incidents

More importantly, people's dissatisfaction with the imbalance in income distribution and social injustice is not just a social mentality. Social problems, such as unequal incomes, unfair distribution, corruption, and increased unemployment, are becoming

more severe. Since 1990, these problems have led to social stability problems with the characteristics of “peak petition” and “frequent group incidents.”

Reportedly, the number of collective petitions nationwide rose for 13 consecutive years, beginning in 1992 and continuing until 2004. In 1995, government entities above the county level accepted 4.79 million petition cases. In 2000, the total number of petitioners exceeded 10 million for the first time, reaching a high of 10.24 million. Among them, the collective petitions reached 245,800, encompassing 5.65 million people in 2000. These numbers are 2.8 times and 2.6 times the number in 1995, respectively. The central petition agency received 586,400 petition cases in 2000, which was 1.46 times that in 1995 (Zhou 2001c). Since 2000, the total number of petitions has surged with increases of 8.7, 2.9, and 13.4 % in 2001, 2002, and 2004, respectively. The hierarchy of the petitioners was described as an “upside down pyramid.” In 2003, the State Bureau for Petitions saw a 14 % increase in the number of petitions, the province level bureau experienced an increase of only 0.1 %, the city level saw an increase of 0.3 %, and the county level experienced a decrease of 2.4 %. Among these, the number of collective petitions submitted in Beijing rose rapidly, with an increase of 41 % in the number of cases and a 44.8 % increase in the number of people involved. A considerable portion of the petitions involved the acquisition of rural land and legal proceedings (Zhang 2007). According to an authoritative analysis, cases concerning politics, economics, and life (such as the burden of farmers, land disputes, workers being laid off, compensation for house demolition) are not only the center of the issues, but also the reason for the rapid increase in the number of collective petitions in recent years (Zhou 2001b).

More remarkably, as a sensitive signal for the severe social conflicts, group incidents have grown in number, size, intention in behavior, involvement, and confrontation. The number of group incidents across the country has increased from 10,000 cases in 1993 to 74,000 in 2004, with an annual growth rate of 17 %. The number of participants increased from roughly 730,000 people to around 3.76 million, a growth of 12 %. Among these incidents, cases involving over 100 people increased from 1,400 to around 7,000. In 2005, the number of group incidents decreased. However in 2006, the total number again rose to approximately 60,000, while in 2007, the number reached 80,000, culminating in 2008 with the group incident in the Miao Autonomous Region in Guizhou Province that shocked the whole country (Li et al. 2008; Wang et al. 2004).

Scholars have categorized the social conflicts into three forms: “round table politics,” which includes petition, mediation, labor dispute, civil litigation, and administrative litigation resolved within legal means; “night politics,” which includes illegal and criminal activities, such as cases of public order, crime, and corruption; and “gathering politics,” which are incidents on the margin between legal and illegal protests. Scholars have conducted quantitative analyses to examine these social conflicts more closely. Looking at the period spanning 1994–2004, scholars came to two important conclusions. On one hand, the total number of “round table politics,” “night politics,” and “gathering politics” had risen constantly. On the other hand, social conflicts had undergone important changes accordingly. The proportion of “round table politics” had decreased from 79.19 to 70.62 %, but the proportion

of “night politics” had increased from 20.77 to 29.19 %, while “gathering politics” jumped from 0.04 to 0.19 %. These findings reflect the fact that social conflicts are not only exacerbated by quantity but also by intensity. Meanwhile, as indicators for social instability, the “round table politics” index, the “night politics” index, and the “gathering politics” index have gone up from 100 in 1994 to 469.5, 455.4, and 443.6 in 2004, respectively. These increases come as a result of average annual growth rates of 16.7, 16.4, and 16.1 %, respectively. The increase in the aggregate social instability index remained between 14.0 and 16.7 %, while the annual GDP growth rate stayed at 8.7 % (Hu et al. 2009: pp. 26–66). This means that since 1994, social instability has quickly deteriorated and has become an overarching problem, impacting the transformation of Chinese society.

One point that should be stressed is that social stability and political stability are not the same concept. Even though China is currently experiencing prominent social conflicts, politics remain relatively stable. This is mainly because of the following factors. First, the sustained economic growth and national military strength equip the government with a strong capability to address emergencies. Second, the existence of the urban-rural dual structure creates flexibility to resolve social conflicts. Third, since the mid-1990s, the political, economic, and cultural elites have formed an alliance that controls most of the social resources that influence government decision making and public opinion. Finally, the market system leads to a decentralization of social conflicts because the pursuits of various social groups differ (Sun 2004). Multiple social conflicts are not likely to occur at the same time. Such an event would cause society to collapse. All these factors contribute to a social structure with great flexibility, which makes political instability in China very unlikely. Hence, it is not wise to overestimate the effect of current social instability. In particular, it is wrong to directly equate social instability to political instability. Our study has shown that rigidity and suppression often fall into a “stability cycle” – the more spent on maintaining stability, the greater the social contradictions and conflicts. Thus, “maintaining stability” is, in and of itself, a source of instability (Sun et al. 2010).

Of course, if social stability problems are not handled properly, they may transform into political stability problems. Both the social stability problem and the political problems could potentially arise because of social instability, which are great concerns of the Chinese Communist Party. Since the beginning of the twenty-first century, the country has made multiple strategic adjustments in governance.

The scientific development concept “People-Oriented, Overall Consideration” was first proposed in 2003. A strategic ideology, “Building a Harmonious Society,” was put forward in 2004, and the government started to deal with the massive petition cases and group incidents as a result. In August, the central government convened a joint meeting to handle prominent petitions and group incidents. In November, the General Office of the CPC Central Committee and State Council issued the “On Properly Preventing and Handling Group Incidents” document and held a teleconference about preventing and handling such incidents. In May 2005, the State Council promulgated the newly revised “Petition Regulations,” and public

security authorities immediately launched a large liberating activity. In October 2006, the CCP's Sixth Plenum adopted the "Decision on Several Major Issues of Building a Harmonious Socialist Society" and conducted a special analysis on how to actively and properly handle group incidents. In December, the Supreme Court issued the "Notice on Proper Handling of Group Incidents." In August 2007, the NPC Standing Committee adopted the "People's Republic of China Law on Emergency Response." In the same year, the sixth petition conference was held. After the Weng' an incident in July 2008, the CPC Central Commission for Discipline Inspection, the Ministry of Supervision, the Department of Human Resources, the Department of Social Security, and the State Bureau for Petitions promulgated and implemented the "Provisional Regulations on Disciplinary Sanctions on Petition Violation." In November 2008, more than 2,000 county party secretaries were given training on the keys to maintaining social stability and handling emergencies in the five state-level cadre schools. From February to June of 2009, 3,000 county public security officials and 2,000 county secretaries received training in Beijing. In the same year, the CPC Central Committee and the State Council released "Views about How to Further Strengthen and Improve the Operation Associated with Complaints and Petition," "On Official Greeting with People," "On Central and State Officials' Regular Visit to People," and "On the Institutionalization of Resolving Conflicts and Disputes."

During the 2011 seminar for provincial and ministerial officials, innovation in social management was the theme. President Hu emphasized in his speech that attendees should further strengthen and improve party and government leaderships in order to protect people's rights, coordinate benefits from different sectors, reinforce controls on the source of social conflicts, and minimize disharmonious factors. This series of initiatives suggests that the social stability problem, which was originally a marginal part of national governance in the 1980s, has now risen to become an overriding central issue.

In the *Story of the Dahe Dam*, I have conducted a special study on group protests and governing issues in rural China in the 1980s (Ying 2001). The following chapters in this book will confirm the original research idea of studying the changes in the goals and mechanisms in people's protests, how government adjusts in response to these changes, and the social and political consequences as social stability has become an influential factor in social transformation and national governance.

1.3 Existing Literature

Western academia has conducted multiple studies on revolution, social movements, collective actions, and contentious politics. They have employed multiple complexities in basic concepts. In this book, we will use the concept "contentious politics" to analyze the issues of interests.

We avoid using the concept “revolution” in this book because “revolution” is a very precise concept referring to a political action aimed at seizing state power and changing the nation with well-organized and large-scale participation. This kind of activity has not been seen in China since 1949.² Then why not use the term “social movement?” We avoid this term because “social movement” is a concept that emphasizes a form of social protest under an institutionalized Western democracy, which is not suitable for Chinese society. I have used the term “collective action” as a general concept (Ying 2007c). I do so because this concept is more general and can be applied to social conflicts under both institutionalized and non-institutionalized regimes. However, there are drawbacks of this concept. It can sometimes be confused with “collective behavior,” which is a term from early Western theories. For example, an influential textbook written by Ding Zhao – *Social and Political Movements* – provided this definition: “collective action is an activity with large participation, great spontaneity outside of political governing” (Zhao 2006: p. 2). But sometimes this concept can refer to a more rational, and general definition proposed by the well-known economist, Olson (1965).

By contrast, three American scholars, McAdam, Tarrow, and Tilly suggested that “contentious politics” is a concept both theoretically inclusive and theoretically unambiguous. The three scholars provided the following definition for “contentious politics:” “episodic, public, collective interaction among makers of claims and their objects when (a) at least one government is a claimant, an object of claims, or a party to the claims and (b) the claims would, if realized, affect the interests of at least one of the claimants” (McAdam et al. 2001: p. 5). In this definition, the word “episodic” has some limitations, and it should be distinguished from any regular political activity (e.g., voting). The term “public” also has some limitations, and it should be distinguished from specific church and corporate activities. The term “collective” also has some restrictions, and it distinguishes group contention from individual contention. The defined influence of the initiators specifies that the relationship between claim initiators and targets is in conflict rather than cooperation. Of course, the term “contentious politics” includes two sub-areas – “contained contention” and “transgressive contention.” This is actually a concept that combines institutionalized conflict and non-institutionalized conflict, and social movements and revolutions of which the differences are more commonly emphasized. Despite the discrepancy in the social background between China and the Western world, under the current situation where China does not have a systematic sociological theory, especially in political sociology, I think we could adopt the term

²The “Cultural Revolution” in 1966 was not a revolution of the conventional sense because this “revolution” was a political action commanded by the supreme leader. “On the Resolution of a Number of Historical Issues since the Founding of the Country” passed in the Eleventh Six Plenary Conference in 1981 characterized the “Cultural Revolution” as “a mistake launched by the leaders, exploited by anti-revolutionary groups and a serious disaster to the party, the country, and people.”

“contentious politics” at the conceptional level. However, I am cautious about the practicality of applying this term. Even though the refinements of those concepts with Chinese characteristics in this book cannot overturn the concept of “contentious politics,” it should at least cause some attention.

We will briefly talk about three major areas of research on Western contentious politics.

The first area of research is the social class theory. This is the most venerable theory for contentious politics. It posits that contentious politics is not an occasional outbreak of violence or social conflict, but a political movement based on the relationship between the economy and society. These movements are derived from existing and conflicting social structures in the historical development of a given culture. The origin of a revolution is the disjunction between material productivity and existing production relations. Marx (1852, 1867) pioneered such a traditional analysis, and this method had been applied and extended by Gramsci (1971), Hobsbawm (1962), Polanyi (1944), Thompson (1966), etc. In addition, the structural analysis on the peasant revolution by Moore (1966), Skocpol (1979), and Wolf (1969) was under the influence of Marx. Whether the logic in social class theory is appropriate in evaluating modern Western society, however, is still under discussion in mainstream Western academia.

The second area is emotion theory. In the early half of the twentieth century in Western academia, emotion was once the major paradigm in the theory of contentious politics. To understand the origin of contentious politics, the emotion theory suggests using people’s emotions and psychology. It also focuses on aggressive behaviors due to psychological frustrations, such as relative deprivation, psychological deviation from expected value, and the collective irrational behavior affected by group phenomena. Leading research includes Brinton (1934), Gurr (1970), Le Bon (1896), Blumer (1946), and Smelser (1962), etc. But since the rise of the resource mobilization theory and political opportunity theory in the 1960s, the emotion theory has almost been abandoned because of its irrational and pathological view on the whole process of social movements. In recent years, the theory of western contentious politics has started to bring back the emotional perspective.³ Still, unlike early emotion theory, the distinguishing feature of contemporary Western academia on emotion research in social movements is that emotion is no longer pure psychology but more in the range of culture. In other words, emotion is not only a natural property of individuals, but also a social construction. Emotion is

³In general, the theory of social movement dominated by the North American scholars and the new social movement theory dominated by the European scholars have substantial difference in the subjects of research and the method. The former emphasizes the traditional social movement with empirical methods, while the later focuses on new social movements based on non-material needs, such as the feminist movement, environmental movement, anti-war movement, and the cultural implications and identity politics of social movements (see H. Kriesi et al. 1995; Touraine 1988). In the emotional transition of research on Western social movements, however, these two lines tend to intersect. In a less restrictive sense, we therefore use the contemporary emotion theory to study new Western social movements.

not an exclusion of cognition but can be learned; emotion and sense do not form a contradicting but a complementary relationship (see Jasper 1997, 1998; Aminzade and McAdam 2001; Goodwin et al. 2001).

Both early and recent theories of emotion have their advantages and disadvantages. The essence of early theory is to ingeniously show emotion as the psychological mechanism of collective behavior. Neil Smelser successfully combined the analysis on micro social psychology and macro social structure. But Smelser's theory has its own limitation: it over expands the boundary of the theory, oversimplifies the effect of the exclusion of reasoning, and ignores cultural features. The power of the recent theory is that it captures the cultural property of emotion and identifies the common feature of emotion and reasoning, while expanding the applicable boundary of the theory. However, contrary to the method adopted by Smelser using collective behavior to integrate social movement and revolution, the recent theory uses social movement and revolution to integrate collective behaviors. Moreover, this paradigm often focuses on the importance and performance of emotion in social movement, but neglects the macro social structure and micro psychological mechanism behind emotion. There has been criticism suggesting that it is an improvement for recent Western scholars to emphasize cultural attributes of emotion, but their research on the specific effects of emotion are not as good as before. The participants in collective activities show a certain kind of emotion. Whether these emotional behaviors play a leading role in the movements depends on the structural conditions of the movements. For example, the effect of emotional behavior on the development process of the collective behaviors is more critical than the effect on social movements. In an authoritarian society, it is more likely for the development of social movement to be affected by emotion rather than rationality. But the contemporary emotion theory does not expound specific issues (Zhao 2006: pp. 71–72).

The third area of research is rationalism. In the 1960s, the people's protests surged dramatically in Western developed countries, and contentious politics, which was originally viewed negatively, was completely abandoned. In addition to the reconsideration of Marx's class theory by academia, rationalism was also introduced. According to rational theorists, contentious politics is a normal reaction by the lower class in response to suppression by the socially powerful. This reaction is not only legitimate, but also relies on rational organization and professional mobilization. Both the resource mobilization paradigm and political opportunity paradigm emphasize relative deprivation and hatred, and that conflicts of interest and contentious politics do not have a linear relationship. The key to the rise of the contentious politics is the network of individuals that are mobilized by a professional degree of organization, the total amount of resources available, and the use of political opportunity and symbolic signals (McCarthy and Zald 1973, 1977; Tilly 1978; Tarrow 1998; McAdam et al. 2001). Other than professional mobilization, the grasping of opportunity and the balance between the advantages and disadvantages, there exists "the Logic of Collective Action" by Olson (1965). Even though such action is called collective action, its essence is still in the domain of individual based rationality.

Traditional research on contentious politics is usually used in the analysis of history and reality in Western industrialized countries, because contentious politics is more suitable in the Western democratic system. However, the research on contentious politics in Asian agricultural countries is integrated into the traditional "Peasant Studies," of which the subject of study is the underdeveloped society. There are also three areas of research in the Peasant Study that are roughly consistent with the three areas described above.

In the Asian sociological theory in Marx (2009), both the "Asiatic Mode of Production" as well as the analysis of beyond the "Capitalistic Kaftin Valley" pointed out that the history and the revolution of Asian countries are not the same as those of the Western countries. The basic logic in their theories still permeates the idea of the relation between class and core structural analysis. The studies by Migdal (1994) and Paige (1975) concerning peasant revolution in the third world are influenced by social class theory.

Scott's theory of the moral economy of the peasant (Scott 1976) emphasizes that the motivations of small-scale peasant economic behavior are "safety first" and "avoiding risk," and that a traditional village community is always a reciprocal community morally speaking. The rise of peasant driven contentious politics is not a linear reflection of material benefit, but it is caused by the departure from the peasants' basic subsistence ethic by the government. In other words, the farmers' political actions are not to maximize material profits, but to ensure the survival goal of "safety first." They are reactions to the fact that traditional mercy or protectors no longer provide them with minimum living guarantees. This theory by Scott has an affinity for the theory of emotion stated before.

Popkin's rational smallholder theory stressed that small farmers are those that choose the actions rationally in the pursuit of profit maximization after considering gains and losses (Popkin 1979). Their contentious politics are like the investors in the political market that are full of rational speculation and calculation. Obviously, Popkin's theory is consistent with the theory of rationalism described above.

To be specific to the research in contemporary China's rural contentious politics, we can identify three corresponding clues both explicitly and implicitly.

Seldom has anyone used Marx's social class theory to analyze contemporary Chinese rural contentious politics. This is for two main reasons. First, the key point in this paradigm is the idea of revolution, or "transgressive contention," but the class concept of "revolution" does not exist in modern Chinese society. Secondly, the social class theory is considered to be an ideology, which is abused domestically. However, the recent trend in academia of "bringing the social class analysis back to the center of research" by Lee (2002) and Shen (2006), and Pun (2005) employ a social class perspective to produce a new influential book on Chinese workers and farmers.

The idea of rationalism has been applied mostly in the research of China's rural contentious politics, and many studies have been conducted along this vein. However, most people do not use the expression "rational," but rather use the words "right" or "equity". From the "Rightful Resistance" suggested by O'Brien and Li (2006) to "Organized Resistance" suggested by Yu (2003), from the analysis of

“farmers’ procession of taxation without representation” by Bernstein and Lü (2003) to the “farmers with rights consciousness” described by Zweig (2003), from the study of “the relationship between the reduction of fight and the rise of contention” by Pei (2003) to the “Protest Opportunism” by Chen (2007), from “Chinese Society: Change, Conflict and Resistance” (Perry and Selden 2003) to the similar essay collections by O’Brien (2008) and Hsing and Lee (2010), although there are variations in conceptions and examinations, they all emphasize the direct relationship between resource mobilization or political opportunities and the rise of contentious politics. These studies also stress the protesters’ appeal for rights, search for benefits, and the balance of judgment. But these studies all face a common problem: when there is a serious imbalance in the distribution of profits and social equity distribution, and a lack of professional mobilization in Western developed society, they all fail to explain why some profit conflicts failed to induce contentious politics, while others led to contentious politics. People’s reactions towards their discontent usually include: exit, loyalty, voice, disregard, and speculation (see Hirschman 1970). Since farmers occupy the lower class, when their interests are infringed upon, they cannot exit, but are unable to accept the situation or express their dissatisfaction (Solomon 1971: pp. 105–134). Because of this their normal response is not to ignore or tolerate, but to participate in the so-called “everyday forms of resistance” (Scott 1985). This may not explain why farmers display such unconventional reactions such as direct confrontation and occasional violent tendencies.

It is still rare to directly apply the theory of moral economy to the study of contemporary China’s rural contentious politics. There have been studies applying this paradigm in the contentious politics of workers who have been laid off (Hurst and O’Brien 2002; Chen 2000; Cai 2002). This could be due to the prevalence of “paternalism” among state-owned enterprises (Kornai 1980), where, prior to economic reform, there exists the “organized dependency” between workers, factory owners, and the country (Walder 1988). Recent trends, however, suggest that the influence of the research by Scott on new research on China’s rural areas has been growing (see Qu and Wang 2009).

Clearly, of the three areas of research in contemporary China’s rural contentious politics, rationalism dominates. It is good that this paradigm has been continuously pushed forward. However, Chinese academia has done very little work in the “Sociological Imagination”. In terms of the theory of social movements in the Western developed industrialized countries, theorists of emotion and rationalism schools of thought are criticizing each other and integrating ideas. In the peasant studies that focus on the traditional agricultural countries, the interactions among three ideas – social class small peasants, rational small peasants, and moral small peasants – have been continuous. These three ideas have been referred to as the three different aspects of the term “small peasant” by Huang (1985). In contrast, the research on China’s rural contentious politics, which focuses on rights, rationality, and benefits, not only falls behind in theory, but also does not deserve the broad imagination created by our era.

1.4 The Perspective of This Book

This book takes on a brand new perspective – “vigor” (Qi, 气). “Vigor” is a complex concept in the traditional Chinese culture. Its meaning in this book is: a state in which realistic social conflicts and unrealistic social conflicts integrate. It is the elimination of people’s rights and benefits, and the driving motive behind the resistance to such infringement. It is an expression of one’s dignity by resisting contempt and humiliation. We will describe in depth the derivation of the concept “vigor” and its detailed meaning in the second chapter. Here we will only briefly explain why we employ “vigor” as the main perspective of this book. We will consider the following two aspects.

First, we apply the research perspective of “vigor” in order to overcome the opposition between sense and sensitivity, and rights and emotion in the study in contentious politics.⁴ As mentioned earlier, rationalism, emotion theory, and the theory of moral economy all have their own deviations. Each perspective explains a certain aspect of the complex contentious politics but fails to exclude other perspectives. In fact, the human being is a complex animal that integrates rationalism and emotion, and is at times driven by benefits and at others, driven by morality. Collective actions are even more complicated; therefore, we need an integrated perspective. And due to the domination of rationalism and advantage theory in the research of contemporary China’s rural contentious politics, a correction is urgently needed. “Vigor” is a concept that straddles the ideas of emotion and morality, and can thus push research forward.

Secondly, the concept of “vigor” is used to overcome two kinds of setbacks in the research of Chinese society. Currently, the existing research for the Chinese society has two schools of thought. One is called the “transplant school.” These scholars like to apply the concepts and methods extracted from the research in Western societies directly to the study of Chinese society. Another is called the “experience school.” These scholars focus on field experiments, lacking a theoretical base, and create new concepts according to their own inspiration and a cursory understanding of Western theories, or they simply state some current facts about the rural society. Even though it seems that the practices of these two schools are completely opposite, they are equally useless, and even dangerous, to Chinese academia (Ying 2009c). In my opinion, as researchers of Chinese society, we should first analyze the general Western classical thought selectively and in depth, and, carefully and systematically, arrange the related ideas from the Western “theories of middle range.” We can then combine our understanding of the Chinese culture and our intuition from field experiments with Western ideas. Only then will we be able

⁴There are still a lot of doubts in the academia about whether the social class theory is appropriate in analyzing contemporary China’s contentious politics when both revolution and riot are non-existent. This book will not go deeper into this area.

to develop an appropriate concept in researching China's society. "Vigor" is not a Western idea or my own creation, but a concept with new social connotations we encountered during our field experiments.

1.5 The Categories of Contentious Politics

To categorize the types of contentious politics, different perspectives can be employed. The selection of perspective is dependent on the research problem faced by the researcher. Contemporary China's contentious politics is shaped by the framework of social transformation. Thus, there are two problems of major concern: one concerns the types of structural requirements and restrictions that are provided to the legitimate medium of the contentious politics by the social transformation; the other centers on the differences that arise in relation to the means of organization and mobilization for the contentious politics under these situations. The two dimensions to categorize contemporary China's contentious politics, therefore, are the extent of legalization and the degree of organization of actions.⁵

First, we divide contemporary China's contentious politics into three major categories and seven sub-classes based on the legal dimension.

The first category is legal contentious activity. The basic characteristic of this category is that people bring pressure to the government with rational and legal means, in order to fight for their legitimate rights and benefits. This broad category can also be divided into three sub-types: group administrative litigation, collective petition, and contentious gathering.

The subcategory with the most degree of legitimacy is group administrative litigation. It is allowed, and even encouraged, regardless of whether it takes place in Western democratic countries or transitional countries such as China. Every country allows people to fight for their rights and benefits through the legal institutions in place. Thus, litigation is commonly considered political participation, but not political contentious behavior. Even so, in China group administrative litigation⁶ has its own special feature. This is because the court considers group administrative litigation

⁵A third dimension has been proposed: the degree of social reform pursued by contentious politics (Zhao 2006: p. 3). This argument is mainly to distinguish between revolution and rebellion. Both of them are completely illegal, but what revolution pursues is the fundamental change or the "social revolution" suggested by Skocpol (2007), while rebellion pursues a small degree of social change. However, in modern China, there is no classic "revolution" or "rebellion". So this book will not include this dimension.

⁶Collective litigation is the way the vulnerable groups seek legal relief by joint lawsuits or through legal representatives. The current administrative law does not stipulate collective administrative litigation. Most courts employ separate filing and a joint trial, or separate filing and a divisional trial in their administrative trial practices. We view this judicial practice of administrative disputes as a broad group of litigation (see Fan 2005).

and disputes between citizens and local government sensitive.⁷ Since all district courts are largely controlled by local party committees and governments, the courts always face great pressure and need to be extremely cautious whenever they face sensitive issues like group administrative disputes. Their behavior is determined by China's special "litigation politics" (Ying and Wang 2006; Ying 2008). Usually after people file group administrative litigation, they do not proceed within the provisions of law. The whole process of trial and execution has to utilize a certain degree of contentious means to carry the litigation forward. In this way, both the external and internal workings of the court build a special stage for China's contentious politics (see Wang 2007; Huang 2008).

Collective petition is an action with a certain degree of legitimacy. A collective petition involves vulnerable groups accusing any level of government through letters or in person complaints. There are special organizations for petitions in the Chinese party and government above the county level, and the National People's Congress and courts. Because of the characteristics of China's political system, a large number of people gather in provincial capitals like Beijing in hope of expressing their desires directly to the senior governors and having their problems resolved through collective petitions.⁸ Once senior governors receive the petitioners or make suggestions on the petition cases, their decisions are considered official documents and even more effective than the judicial documents. In some sense, the design and operation of the petition system tend to illustrate the "double-track politics" of Chinese politics since 1949 (Fei 1992). As a right given to the public by the country, the right to file a petition has a very ambiguous legitimacy. The circumstances in which petitions are encouraged or allowed, and the circumstances in which petitions

⁷In 2006, the Supreme Court suggested in the *Notice on Properly Handling the Group Administrative Litigation*: "With the deepening of social reform, the social interest pattern has become increasingly diverse and complex, and the number of administrative disputes also has a growing trend. In particular, the group administrative disputes induced by the social hot issues such as rural land levying, urban housing demolition, enterprise reform, labor and social security, environmental protection is the most prominent. Legally handling group administrative litigation is closely related to people's benefits and the social harmony and stability, so it must be taken seriously by the People's Court." "For the major complex and influential group administrative litigation, we should be initiative and timely to report to local party and legally and properly deal with the litigation under the leadership and coordination of the party committee. We should also further strengthen the communication and integration with the administrative executives in order to obtain the understanding and cooperation from them, and enhance the positive interaction with the judicial and administrative departments. For the trends and tendencies reflected in the litigations, the potential group litigations, and the problems that could affect social stability, we should promptly forward a judicial proposal to make it easy for the party committee and government to take proper measure, and prevent and reduce group administrative disputes from the origin. We should also strengthen the coordination with the news media, correctly guide the public, and prevent malicious speculation of group administrative disputes." http://www.law.lib.com/law/law_view.asp?id=291541

⁸The petition system in current China is very similar to the litigation institution in imperial China (see Ocko 1988). Both of them attempt to ignore the social class in bureaucracy, and establish a direct relationship between the people and the country. Both are unusual ways to resolve disputes. Therefore, many farmers nowadays still refer to petition as to "reach the blue sky" and "bring a hard lawsuit".

should be controlled or restricted, are determined by the practice of power between the country and the petitioners. The degree of ambiguity in the legitimacy of the petition is related to the strategy of problematisation of petition practice (Ying 2001). Due to the nature of the Chinese bureaucracy, the public cannot have their problems corrected directly through the petition process. In order to focus the government's attention on specific issues, the public has to use marginal means that are beyond traditional boundaries, including some "problematisation" ways (for example, they engage in conflictive gathering, or kneel down in front of the government gate or even commit suicide). That is, the problem of public interest has endangered social stability, so the government can no longer avoid these major issues because, although, such problems cause great trouble for the government, the people do not directly violated the law (see O'Brien and Li 1995; Zheng 2005; Xu et al. 2006; Dong 2008).

Even though the level of legitimacy is low, contentious gatherings are still allowed by the government to some extent. The concept "contentious gatherings" originated with Tilly (1978). These gatherings are a way to express the people's demand, and involve at least ten representatives gathering outside of government buildings. But Tilly did not distinguish the concept of being violent or non-violent during these public demonstrations. Considering that it is an important characteristic in analyzing China's contentious politics, we will redefine "contentious gatherings" here: some group representatives apply rational and moderate means to gather during important occasions, while others express their demands by obstructing government officials or expressing their desires on the spot. At times effected groups voluntarily congregate near government headquarters in order to combat the local governments' "local policies." These groups engage in relatively mild protest or constrained harassing in order to exert pressure on the lower level government officials (see Bernstein and Lü 2003; O'Brien and Li 2006; Wu 2007). Tilly (2008) employed a different concept, "local vengeance", which is closely related to "contentious collection".

The second major category in contentious politics is group incidents. These incidents have a very low level of legitimacy and are seldom allowed by the government, but still do not constitute a challenge to the system. A "group incident" is a collective gathering incident that is induced by internal conflicts among people, with a large number of voluntary participants, and is aimed at the government. Violent conflicts and serious illegal actions occur, which negatively impact the community. Clearly, the distinction between group incidents and contentious activities are that group incidents are highly spontaneous, violent, and illegal. The attributes that distinguish group incidents from revolution, rebellion or riot are that their goals do not include challenging the legitimacy of the fundamental social system and that they are caused by inner conflicts among people. These incidents differ from organized crime in that they do not directly wish to loot property, cause destruction or injure people. Instead they originate from a rational and legitimate mind set. Criminal actions are only "unexpected" consequences of group incidents. The features that distinguish group incidents from collective fights are that they are not group disputes among people or pure public security cases, but collective actions aimed at the government, enterprises, or other social managers involving benefits

disputes. Thus, the conflict between people and the government is the background of group incidents. Illegal action is the objective consequence while emotion is the driving force (Li 2007; Shan et al. 2009; Cheng 2009a).

Group incidents can also be divided into two basic types: group incidents focusing on non-profit related groups and group incidents focusing on profit-related groups. Even though both are referred to as group incidents, their motivation and organization have substantial differences. Moreover, the large-scale increase in group incidents focusing on non-profit related groups is an important trend for the development of contentious politics since the 1990s.

The third category of contentious politics is rebellion. Such contentious politics have completely no legitimacy and constitute a direct challenge to the institutional system. This category can also be divided into revolt and revolution. Of course, this is a theoretical classification and there is no such category in contemporary China. The reason to include this category is to use it for comparison and allow people to better understand the properties and mechanisms of legal contentious actions and group incidents.

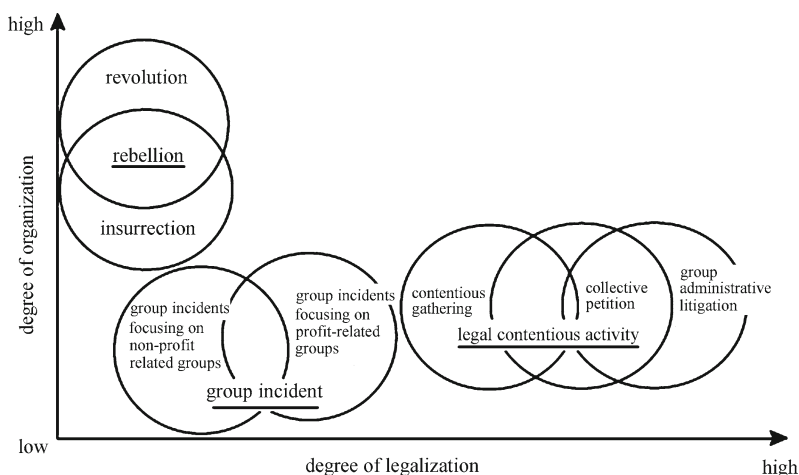
From the perspective of organization, rebellion has the highest level of organization while group incidents have the lowest, and group contentious activities lie in between. Within rebellion, revolution has a significantly higher degree of organization than revolt. Within group contentious activities and group incidents, the difference in the degree of organization is not significant.

Hence we created a graph of modern China's contentious politics according to two dimensions: legalization and organization (Graph 1.1).

1.6 Methodology and Resource

This book will mainly use comparative analysis supplemented with studies from past literature. The five cases studied in this book are located in three places in the southwest and north, each representing the five categories of contentious politics described above: collective petition, contentious gathering, group administrative litigation, group incidents focusing on a profit related group, and group incidents focusing on a non-profit related group. We will briefly summarize the process of survey for the five cases below.

I was on sabbatical in Ping County in the Three Gorges from July 1997 to July 1998. I completed the book *The Story of the Dahe Dam* using the information I collected during this period. The construction of the Dahe Power Station and the problems of the migrants arose in the mid-1970s and Shanyang, which is in Dahe – a district for migrants from the Three Gorges. When I was working on the research on Dahe migrants, I started to pay attention to the problems of Shanyang Three Gorges migrants. For the past 10 years, I have been keeping track of the petitions by Shanyang migrants, and I have returned to Dahe a couple times for field experiments. Most of the information used in my research is obtained from the material sent by the petitioners, my telephone conversations with the petitioners, and the



Graph 1.1 The categories of modern China's contentious politics

interviews I conducted in Beijing in this decade. Shanyang migrants have become the main example in my research on petitions. This is also one of the cases that I have used in an informative study and in most research papers. When I went to the Three Gorges migrant district—Xiazhou—to carry out a survey, I also collected information on a large-scale group incident in 2004. The incident in Xiazhou became an example of one of the categories of contentious politics in my analysis: group incident focusing on non-profit related groups.

It was by accident that I became concerned with the 2005 Southwest Power Station migrants' contentious activities, and travelled to the town of Tianxian in Yinjiang County, which is by the Sanjiang River, to investigate the protest concerning dam construction in May. This incident became the example of contentious gathering in my analysis. On March 21st 2006, there was a massive group incident that involved over 10,000 people in the town of Yinjiang. We conducted research on the event, focusing on profit related groups during July of 2007.

In order to understand the effect of administrative litigation law on farmers' contentious activities, my collaborators and I chose to study the Water City in north China. From July 2004 to September 2009, we went for multiple on-site visits and interviewed relevant staff to collect a large number of documents and archives. These materials were mainly related to two aspects: one concerning the group administrative litigation that occurred in the village of Qingshan in Shanxi County in Water City, the primary case that we study as group administrative litigation; the other one is about the "barefoot lawyer," which was very active in the area. I will use the materials from the field experiments of the "barefoot lawyer" to conduct comparative analysis relating to litigation and petition. In addition, my field experiments in north China also involved some other cases of collective petitions, and I will compare these cases with the collective petition in Ping County.

Consistent with research conventions, all names and locations are pseudonyms.

In addition to using the five cases as fundamental material for analysis, I also include references to secondary literature in the book. I will cite all literature whenever I refer to them and express my thanks for their work.

1.7 The Organization of This Book

The organization of the book is as follows: Chap. 2 will provide a detailed explanation on the origin and evolution of the concept “vigor” and compare it with other Western related concepts. Chapter 3 will discuss how structural profit imbalance and the lack of expression form “vigor” in contentious activities. From Chaps. 4, 5, 6, and 7, we will apply “vigor” to the analysis of motivation and mechanisms of legal contentious activities. Chapter 4 will depict the general development process of several classic cases of legal contention. Such a narration will preserve the relative completion of the case itself. Chapter 5 will examine the local factors that facilitate the initial release of “vigor” and focus on the analysis on the central figure in legal contentious activities – grassroots leaders. Chapter 6 will study how legal contentious activities form a mode of “suppress – rebound” between local governments and people who fight for their rights in the beginning of the conflict. This mode further suppresses “vigor” and the problem in profit imbalance transforms into the conflicts in personality. Chapter 6 will go into how grassroots leaders complete reproduction under such background and how they carry out their organizational strategy. Chapter 7 will turn to the analysis of the action itself rather than people who engage in the activities. It will focus on discussing the wording techniques in legal contentious activities, the selection of action paths, and the logic of actions. Chapter 8 will deal with the mechanism and logic of group incidents that occur when “vigor” gets into a state that is “out of control”. Chapter 9 will investigate the political effects of rural contention in modern China. Chapter 10 will discuss and conclude the book.

Chapter 2

“Vigor” in the Scope of Social Conduct: From Traditional China to Contemporary China

Once people believe that passion is destructive and rationality is invalid, those thoughts that passion and rationality could be used to comprehensively explain human behavior become depressing views of human nature. Therefore, placing the concept of interests between the two traditional ideas, passion and rationality as the motivation of human behavior causes a glimpse of hope to explain human behaviors.

—Hirschman *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph*

The will is the leader of the passion-nature. The passion-nature pervades and animates the body. The will is first and chief, and the passion-nature is subordinate to it. Maintain firm the will, and do no violence to the passion-nature.

—Mencius Gong Sun Chou I

As mentioned earlier, this book applies the research perspective to the concept of “vigor.” One of the purposes is to overcome the shortage of “transplanted schools” and “experienced schools,” and thereby search for theoretical inspirations from the culture and daily lives of the Chinese. Why does this book find “vigor,” a complicated and rather ambiguous concept at the end, while we could apply related Chinese cultural concepts? What connotation does “vigor” have in Chinese culture and how did this connotation evolve? What is the relationship between “vigor” and contentious politics? What are the similarities and differences between “vigor” and Western social theories? To answer these questions, we need to start with the research on Chinese social activities.

Much research has already been conducted on traditional Chinese social conduct.¹ The sociologists from the Republic of China pioneered these studies, followed by the Chinese sociologists overseas, and more recently, there has been a rise of local

¹We follow Weber to apply the meaning of “social conduct” in this book (see Weber 1978).

psychology research, all of which have achieved great gains in their respective areas. Some of these achievements include the research concerning “face (mianzi, 面子),” “favor(renqing, 人情),” and “relations(guanxi, 关系)” and have been recognized by both domestic and overseas scholars (see Ho 1976; Huang 2004: pp. 1–39; Jin 2006a: pp. 60–81; Zhai 2005). It seems as if there is a consensus in this series of research: making every possible effort to maintain the interpersonal harmony is a major feature of the Chinese traditional society.

However, do traditional Chinese really refuse to cast aside all considerations of face and directly address conflicts in most cases? Are patience and concealment the usual method for traditional Chinese to get along? These questions require further analysis. For example, Fei (1992) and his book *From the Soil* suggest that there are “no litigation” in the society. Though this argument depends on his keen insight into China’s etiquette culture, it lacks sufficient historical evidence. Both domestic and foreign researches concerning China’s legal history have proved the opposite of this argument: since Ming and Qing Dynasties, the trend of litigation has started to accelerate (see Famu 2007; Huang 1996; Deng 2007; Xu 2007: pp. 44–72, 114–177). To give another example, we always hear sayings such as “harmony is precious,” “tolerate first,” and “temperament is bad;” however, we can also find sayings such as “complain straightly” and “people living in one breath,” that seem to be contrary to the argument.

Therefore, our research about Chinese social conduct should not be based on settlement or reconciliation. There are differences in the folk culture in Chinese society. Some people may try to avoid conflicts; however, other people may engage in many conflicts. These conflicts may occur in the same place, among the same group of people, or with the same two people. Hence, the problem is: what is the cut-off point between reconciliation and direct conflict for traditional Chinese? In this regard, an analysis ending at the “face” and “favor” is not enough.

I have found during my field research that many collective petitions and group incidents were not based on a conflict surrounding benefits, but to some extent dependent on differences in ethics or fights of personality, or even emotional outbursts (Ying 2007c). Many activists said that they participated in the incidents just because they would not sacrifice their self-respect. I called it the “fight for vigor” in order to distinguish it from the “fight for rights” which is common in Western society. Some other scholars have found that the “fight for vigor” is not only common between farmers and local government departments, but also in the interpersonal relationships within villages. Nowadays, people seem to have greater vigor and unreasonable ambition pervading their daily lives (Wu 2009; Chen 2007).

These findings further drove my research interest towards the embodiment of “vigor” in Chinese traditions. For one thing, it is considered “worthless to compete for one’s vigor;” on the other hand “one can give up food but not vigor”: vigor is probably a pivotal point in understanding traditional Chinese’s pursuits of peace and direct confrontation of conflicts (Ying 2010a). Only when we understand the subtleties of traditional Chinese social conduct can we truly appreciate the change in modern Chinese vigor.

“Vigor” is associated with different complicated areas of Chinese society so I cannot describe every aspect in detail. We can only explore three levels of the use of “vigor” based on the central theme of this book. On the base level, vigor is both a relatively abstract primitive area in the history of Chinese thinking (see Li 2009; Onozawa 2007) and a term about the daily lives of Chinese citizens. Besides, vigor in terms of daily life is both a concept of fortune that is not directly related to the social participants (e.g., topics about whether the economy is booming or not in daily conversations, whether a person is lucky or not, etc.) and a social conduct category that directly relies on social actors. Furthermore, vigor as one kind of social conduct in daily life is not only a category created by the deviation in individual personality and psychology (the stubborn and narrow-minded personalities are illustrated by the sayings such as “like to hold a grudge,” “stingy,” and “lose one’s temper after drinking”), but also a category caused by the complexity of society and cultural factors. Even though the distinctions between these levels are not unconditional, factors of every level affect each other. But to build vigor into an object that can be used for social scientific analysis, we have to clarify the differences among these levels. The vigor studied in this book, which is about China’s rural social features as a driving force for social conduct, is explicitly classified as the last of the above three levels. However, since vigor at this level is closely related to the vigor in Chinese intellectual tradition, we will provide a brief analysis of the history of the meaning of vigor in the first part of this chapter.

It is worthwhile to note that Chinese domestic psychologists have already made significant achievements in researching how to apply concepts including Chinese culture, when studying social behavior and social psychology.² We will also include work conducted by the psychologists. At the same time, we need to point out that there are many researchers who prefer to use positive methods to analyze the Sinicized concepts. For example, the leading psychologist Kuo-Shu Yang suggested an important concept – “local conjunction.” Its meaning at an epistemological level refers to using concepts with local ideas (such as face, fate, and filial piety, etc.) as clues to arguments, and applying quantitative methods to operate these concepts and conduct questionnaires, then collecting material and performing quantitative analysis. We cannot fully deny the value of such a research method. But as Ye (1997) pointed out, whether the localization study is appropriate or not largely depends on people’s degree of consensus about sensitivity to experience and their understanding of the situation under study, rather than the pure verification of facts based on Western scientific logic. Actually, the empirical method makes it hard to capture the basic thinking and behavioral patterns concerning the local traditional problems rooted in people’s minds.

Therefore, Qizheng Ye proposed another form of the localization in social theory – anti-positive tendency of localization. He suggested using “physical and psychological conditions” at the survival level as the center of localization.

²See Yang and Wen (1982) for the origin of the localization in social sciences in the Chinese society in the 1980s.

His “physical and psychological condition” refers to an overall inertial state, developed and exhibited by people as the main subjects with awareness, thoughts, feelings, and responses. On one hand, this state gathers and creates experience; it reflects a fairly stable and continuous disposition. On the other hand, it includes both objective and subjective elements. The concept of “physical and psychological condition” has three aspects of meanings. First, it states that all people’s actions can be viewed as interactive results between their pre-shaped physical and mental status and the outside objective existences. Second, it affirms the possibility of similar physical and psychological conditions created by people’s coexistent historical and cultural contexts. Third, whether it is for an individual or for group, the existence of physical and psychological conditions means that there is an inevitable set of similar values, beliefs, and survival states as prerequisites behind people’s actions, which people often take for granted and are not fully aware. Therefore, the core mission of localization suggested by Ye is to find a philosophy-oriented understanding and interpretation of human civilization. On the surface, localization seems to be an exception built from a particular region, but from a constructive perspective, such an exception is a historical source for the achievement of the “universal” social research. Since the domination of Western academic traditions, Western culture is considered to be the only constructive foundation of knowledge that can be applied “universally” (Ye 2006).

This book is inspired by the research ideas of localization in physical and psychological conditions by Ye, and attempts to use the perspective of “vigor” to appropriately understand traditional Chinese’s daily lives and the logic of their activities.

2.1 Vigor in Traditional Chinese Culture

According to the argument in *Origin of Chinese Characters*, “gas is cloud, and it is pictographic,” gas flows in the air, evaporates and becomes cloud, then disappears and becomes invisible. Therefore, gas can gather and can be scattered, and it is in between tangible and intangible. The Chinese then abstracted the idea of gas that is diffused in the air as gas in a philosophical sense. Its meaning became more extensive and included Chinese people’s view of nature, matters and life. Moreover, as a Chinese concept, the meaning of vigor varies between different historical periods, and has undergone complicated evolutions (see Onozawa 2007). I would like briefly summarize the meanings of vigor.

2.1.1 Three Meanings in Vigor

Vigor in traditional Chinese concepts has three meanings.

2.1.1.1 Physical Meaning

In Chinese philosophy, the concept “vigor” is derived from the material sublimation of clouds, smoke, fog, wind, cold and warm air, and breath that can be directly observed. It is then given a metaphysical definition, and it becomes the origin of everything in the world (Li 2009). This is the physical meaning of vigor.

2.1.1.2 Physiological Meaning

When Xunzi said “Both water and fire have gas but have no life, vegetation has life but no feelings, animals have feelings but have no justice, human beings have vigor, life, feelings, and justice, so they are the most precious” (Xunzi Republic), he only considered “gas” (vigor) as a basic element of the constitution of the world; but when Zhuangzi said “the birth of a man is cohesion of gas. Life exists when the gas gather and stops when the gas disperse.” (*Zhuangzi North Tour*) had given gas a new meaning: the basis of vitality. The fundamental theory of Chinese medicine is developed from this basis: “Between the heaven and the earth, within the world, the gas built nine orifices, five organs, and twelve joints all connected with the air” (Huangdi Neijing). This is the physiological implication of vigor.

2.1.1.3 Psychological Meaning

Vigor also has another meaning: spirit. Spirit in the Chinese historical point of view, refers to human beings (or animals) as the basis and essence of living organisms. Chinese medicine generally believes that spirit and blood constitute a harmonious balance between yin and yang making it the energy of human lives. However, it is inappropriate to categorize “spirit” as a physiological term. As indicated by Ying Yan, “all spirits have a heart of endeavor,” and spirit and vigor link tightly to heart (Yanzi Spring). Spirit is not only the basis of life but also means the desire to excel over others and intrepidity.

2.1.2 Vigor and Aspiration

Confucius has a famous quote with respect to spirit: “Gentlemen have three disciplines: no women during childhood; no fighting during youth; no desire in old age” (The Analects of Confucius). Why did Confucius always tie spirit to discipline? He did this because in the Confucian school, even though spirit is both the basis for human vitality and a means of self-esteem, self-reliance, and courage, it is still not the highest level of moral quality.

Mencius later made it clear: “The will is the leader of the passion-nature. The passion-nature pervades and animates the body. The will is first and chief and the passion-nature is subordinate to it. Maintain firm the will, and do no violence to the passion-nature” (Gong Sun Chou I). In other words, vigor itself does not have

an ethical meaning, but it requires guidance and enhancement from aspiration (ethics or conscience). Xi Zhu once said “The living things with spirits and feelings are human beings and animals; the living things without spirits or feelings are vegetation. When their lives are gone leaving the hull, they are withered...people want to be the most spirited and equip themselves with humanity, justice, etiquette, wisdom, and faith. However animals are fatuous and not cautious. Vegetation droops and dies along with those with feelings” (Zhuzi Essay). This means that to distinguish human beings from those of animals, we should not use animal spirits but use humanity, justice, etiquette, wisdom, and faith. Therefore, people should restrain and conserve their own animal spirits, which is the actual meanings of the phrases, “govern one’s animal spirit” or “build one’s spirit.”

However, we would also like to stress that vigor is not completely different from spirit. Even though vigor itself does not have an ethical sense, it makes up a component of ethical. If vigor is added to justice then it will become what Mencius called “Noble Spirit” (Mencius Gong Sun Chou I), while Noble Spirit is the greatest and strongest among all ideas.

2.1.3 Summary

In traditional Chinese thought, vigor covers everything and it is the basis of all living things in the world. Its direct relation to human beings is that it includes both physiological and psychological meanings. Animal spirit is the foundation and bottom line of human life. On one hand, animal spirit is the vitality of human beings and the defenders of human dignity. On the other hand, it is not the highest realm of mental quality because of its blindness and impulsivity which require management and training to guide and upgrade. However, the close connection between vigor and spirit also make animal spirit a quasi-ethical concept.

As a strict Chinese cultural concept, “animal spirit” is just a category derived from the concept of “vigor,” but what’s studied in this book is “animal spirit” rather than the more general “vigor.” Nevertheless, Chinese people usually use the concept “vigor” in the sense of “animal spirit” in daily life. Since this book studies China’s grassroots social research rather than the history of thought, all the concepts of “vigor” discussed are in the sense of “animal spirit” in order to simplify formulation and focus on the central issue.

2.2 Temper Resistance Through Perseverance, and Establishing Virtue Through Vigor: Vigor in Daily Life

The general meanings of vigor in traditional Chinese thoughts are as discussed above. But this book is really concerned with its connotation in Chinese rural tradition. Even though there exists a certain internal connection between great and little tradition (Redfield 1956), we clearly cannot use the classic Chinese thoughts to directly interpret rural China. A new method is necessary.

In regards to the research topic, this book presents an unprecedented exploration. On the analysis, domestic Chinese scholars have tried applying Chinese cultural perceptions to analyze people's daily lives. For example, Li and Yang (1998) applied historical proverbs to understand the connotation of "perseverance" among Chinese people. We were actually inspired by this approach. It is very difficult to study the little traditions from the official history. Though spirit is related to the local chronicles, it often involves official ideology and prejudicial criticisms such as "aggressive," "combative," and "hostility" (Xu 2007: pp. 114–177). In addition, proverbs are the direct reflections of people's lives and thoughts, and because of their rhyme or ease of circulation, they thus become the most widespread and longest lasting sayings. Though officials sometimes adjust the proverbs for their purposes after they are composed by traditional literati, proverbs still demonstrate folk ideas to a considerable degree (Zhao 2002). Traditional opera, which compared to narrative literature can better reflect folk traditions, is another important starting point.³ Hence, our analysis will employ both folk proverbs and traditional operas. Most of the sayings in this book are quoted from *A Complete Collection of Chinese Proverbs* edited by Duanzheng Wen (2004).⁴ It is estimated by some scholars that there are roughly 300,000 traditional Chinese proverbs (Wu 2000: p. 36), and this book covers about 100,000 of them, which makes it one of the most comprehensive and inclusive textbooks, in regards to Chinese proverbs. The opera cited in this book is from the 12-volume *Collection of Yuan Operas* compiled by Wang et al. (1999) based on the *Selection of Yuan Opera* edited by Jinshu Zang, a scholar from Ming Dynasty.

Due to the complexity and ambiguity in the connotation of vigor, we will first distinguish the real world of rural China from daily lives and contentious politics. Based on these materials, we will then derive the formations of vigor in these two situations, and finally conclude the connotation of vigor in rural China. This section will start by analyzing the different forms of vigor in daily life.

2.2.1 *Temper Resistance Through Perseverance*

Since the Chinese Confucian culture emphasizes cultivating vigor and controlling temper, this tradition must have had great impact on people. Therefore, we often see different advice and warnings of "perseverance,"⁵ which I summarize as "temper

³Some legists recently started researching traditional operas or proverbs (see Su 2006; Xu 2007: pp. 1–43; Huo 2007).

⁴Since there are many citations in this book, we will not cite every page number. Readers who are interested could search and check by alphabetic order.

⁵The *Forbearance* has been summarized by ancients (Xu et al. 2007). And Li and Yang (1998) classified perseverance into ten categories: perseverance in desire, perseverance in emotion, perseverance in temper, perseverance in morality, perseverance in conduct, perseverance in opportunities, perseverance in human relationships, perseverance in treatments, perseverance in wealth, and perseverance in issue handling. These categories can also be generalized into three classes: the perseverance in moral quality, the perseverance in interpersonal relationships, and the perseverance in social achievements.

resistance through perseverance.” However, the display of perseverance in a rural tradition does not fully coincide with the Confucian culture.

2.2.1.1 Temper Resistance Through Perseverance Is a Way to Cultivate One’s Moral Character

We will start from the direct impact of Confucian culture. From Confucius’ “To subdue one’s self and return to propriety, is perfect virtue” (*The Analects of Confucius · Yan Yuan*) to Xunzi’s “all vigor, spirits, feelings, and worries are connected by conduct, and without manner disturbance will arise” (*Xunzi*), both emphasize using manners to cultivate one’s character and control one’s desire. The idea that “harmony is precious” is also stressed. The folk sayings also suggest corresponding ideas.

One proverb says “Getting angry about little things hurts one’s vitality.” What is the “little thing” and what is vitality? Another proverb makes it clearer: “We should not have anger, and we should not lose our manners.” That is, all competitions that are unrelated to spirits are little things that would destroy the harmony of the society. The difference between a gentleman and villain is that “a gentleman has great tolerance, while a villain is quick to get angry.”

There is another saying in the proverbs: “hostility leads to savagery, while harmony leads to good luck.” “Hostility” and “harmony” show two distinct phenomena. Hostility is detrimental to Chinese family fortunes: “if the family lives in harmony, all affairs will prosper,” “fighting does not support the family; people who protect their family will not fight.” If people have to go to the government for trivial things, they will be considered dangerous and treacherous: “three general things that we should not do: beating a tiger, suing an official, and betraying one’s ancestor;” “suing an official and beating a tiger are the equivalent to betraying one’s ancestor.”

Therefore, vigor is subject to cultivation. “Knowledge needs to be studied, and vigor needs to be cultivated.” This cultivation is closely related to tolerance – “there are two treasures for people to live in the world, harmony is the most precious while tolerance is the greatest,” “fighting is not as good as tolerance.” Tolerance will not only allow one to take initiative, but “there is no harm in making a concession, it is better to give in, in order to conduct oneself in society.” Tolerance can also help one to live peacefully, “giving in after gaining respect can make one live longer.” What is more, tolerance can help avoid misfortune. “We should have manners and give up weapons, people who are tolerant can always gain harmony,” and can even “give up little things but make big achievement,” and “harmony brings fortune.”

2.2.1.2 Temper Resistance Through Perseverance Is a Way to Build Human Relationships

Here we will discuss factors with greater rural characteristics that are related to the Confucian culture.

As we all know, the Chinese society is a society that emphasizes human relationships. Confucian ethics states, “What is human relationship? Happiness, anger, sorrow, joy, love, evil, and desire, these seven things cannot be learned to obtain” (*The Book of Rites Ceremony*). In other words, human relationships, people’s natural tendencies, and people who know human relationships can extend their feelings to others from their living environment. The idea can be stated as follows: “what one does not want should not be given to other people” (*The Analects of Confucius*). Furthermore, individuals must have filial piety for their families (especially filial piety and fraternal attachment), friendship with their friends, and human relationships with their acquaintances; the closer the relationship, the more important the human relationship is. People who are unrelated are completely excluded from the circle of human relationship. This is what Fei (1992) defined as the “pattern of difference sequence.”

For rural society, human relationships are still a special situation: the little flow of population defines a long-term social relation. Since people have long been living together, and stay in the same village for generations, despite differences villagers all rely on each other. People are closely related to each other and sometimes they depend on each other and must interact with each other. Moreover, offspring do not necessarily inherit the position of their parents. Therefore, people have to consider how to get along in the future. People must not act selfishly, they cannot only think of personal rewards. This is why people should “build human relationships now for the future” and “endure now to avoid future worries.” There is a proverb that states, “a quarrel can be remembered for ten years.” In fact, in an acquaintance-driven society, a public rupture in human relationships can cause an impact that lasts more than 10 years and can even cause hatred among future generations; “a lawsuit in the current generation can be hatred for three generations.” If people only think of the momentary gratification and thus act on caprice, they are likely to bring trouble to their future and offspring. Therefore, even though people cannot help but react, they have to adjust the degree of their action, give one another space, and compromise with each other. “Be lenient whenever it is possible.” If a family is having a fight with their neighbors, the family should not sue but instead seek civil mediation. This is because “the officials cannot cease conflicts but people themselves can.” Fundamentally, “trees rely on their skin while human beings depend on their face” – face is related to a person’s moral quality, social status, and reputation, unless when they have to, they will not put aside all considerations of their face.⁶ This prevents the other side’s extreme reactions due to injury but is also based on the social functioning logic of “reward” for Chinese (Zhai 2007): saving face in front of others is to protect future face.

⁶There are several discussions on the difference between reputation (lian) and face (mianzi). Due to the limited space, we will omit this point in this book. See Ho (1976), Jin (2006b: pp. 249–269), Zhai (2005: pp. 129–140).

2.2.1.3 Temper Resistance Through Perseverance Is a Way to Avoid Litigations

The Chinese “no lawsuit” culture originates from Confucius: “In hearing litigations, I am like any other body. What is necessary, however, is to cause the people to have no litigations” (*The Analects of Confucius · Yan Yuan*). The Confucian school mainly uses persuasions to avoid lawsuits. In fact, people never dare to start litigation. This isn’t a direct result of the moral perspective, but rather one’s interests. The lack of litigation is a reflection on the adverse effects, or even catastrophic consequences, of suing. So, rather than saying people “hate lawsuits,” we should say they are “afraid of lawsuits.” Xu (2007: pp. 33–40) conducted a comprehensive summary on the psychology of people avoiding litigations in the proverbs. We will directly cite his conclusion and use some of the proverbs from *A Complete Collection of Chinese Proverbs* to support his arguments.

In the public point of view, the consequences of litigations are as follows. First, the consequence is ambiguous because “government officials can stop ten routes, but nine people don’t know,” “winning a lawsuit depends on how many channels you have, while winning a fight depends on how many people are on your side,” “big lawsuit relies on nature but small lawsuit relies on luck.” Second, litigation takes significant time and effort, “a lawsuit strides across multiple winters and autumns.” Third, litigation can hurt our future benefits, “it is easy for people to develop hatred but hard to resolve.” Fourth, litigation can cause physical and mental suffering, “poor people starve at the court,” “the more litigation involved, the more bravery, which is like the more times you cross the Yellow River, the more courage you have.” Fifth, the cost is high, “although the Yamen gate is open wide, you still cannot go in if you do not have money,” “however big litigation, however large amount of money,” “litigation is like a fire, however smart a person, they still cannot escape,” “long litigation can only spend time.” This is a well-known proverb about people’s litigation psychology: “People would rather starve to death but still steal, and would rather forget their grievance but still sue.”

2.2.1.4 Temper Resistance Through Perseverance Is a Way to Bring Pressure

Zhongming Xu suggested that the above summary of people’s litigation psychology, as shown through proverbs, ignores an important point: “People who know how to sue will stop half way but people who do not will sue to the end.” The reason this is unique is that most proverbs are about people not suing, while this one talks about how people only sue half way.

Why “only sue half way?” Huang (1996) found in the research of civil actions in Qing Dynasty that most litigants are neither gentlemen nor trouble makers. They are dutiful citizens and they have to go to the court to solve conflicts or to protect their rights. The problem is that beginning judicial proceedings does not mean the lawsuit will reach conclusion. Many people consider judicial proceedings as a medium to

bring pressure to the other side in order to have an advantage in the mediation process in the village. Hence, to control one's temper through perseverance does not mean one cannot go to the court, but means that people will selectively sue and bring the issue to mediation by pressure. At the same time it does not imply that people will follow the lawsuit to conclusion.

2.2.1.5 Temper Resistance Through Perseverance Is a Way to Follow One's Fate

In the consideration of perseverance for temper resistance, there is another Confucian factor: fate. "The subjects of whom the Master seldom spoke were: profitableness, and also the appointments of heaven, and perfect virtue" (*The Analects of Confucius·Zi Han*). "I do not Murmur against Heaven. I do not grumble against men" (*The Analects of Confucius·Xian Wen*).⁷ But for ordinary people, fate is an important support for the hard working individuals at the bottom of society. In some sense, it is because the concept of fate makes injustice and suffering acceptable in people's mind, so they accept the injustice⁸ – "one's fate is what it is, but what is not in one's fate, it should not be forced to acquire."

2.2.2 Establishing Virtue Through Vigor

After carefully analyzing the material, we found that the emphasis on resisting temper is only one side of rural tradition. In some circumstances, temper outbursts have complete legitimacy. We called this "establishing virtue through vigor." It is illustrated in the following aspects.

2.2.2.1 Cramped Struggle

The fundamental reasoning that Confucianism and the government apply to dissuade people from suing is to not risk big things for the sake of small ones, which is equivalent to losing one's temper in arguments (litigations). However, the "argument" here comes from the governors that live in nice houses without having to worry about food or clothes, which for poor people this is not always the case. Scott (1976) quoted a metaphor about the peasants' living conditions by another scholar, Tony, in his famous book *The Moral Economy of the Peasant: Subsistence and Rebellion in Southeast Asia*: the peasants "have long been standing in the river with water as high as their neck, as soon as a small wave comes there will be big disaster." Suffering is

⁷See Schwartz (1989) for the Confucian thoughts about fate.

⁸See Hinton (1966), Harrell (1987: pp. 90–109), Smith (1894) for an understanding of fate for people living in the bottom of the society.

in fact the basic living condition for farmers in many regions. Because living spaces are crowded, farmers’ are more concerned with actual income than manners. This is often viewed as “arguments” but in fact it is closely related to people’s material bottom line. Therefore, there is also a saying “starving to death is not as good as fighting to death.”

We will use one of the most famous ancient Chinese operas *Snow in Midsummer* as an example to drive our analysis. The main character Er Dou’s father is a scholar but is “extremely poor even though he has read thousands of books,” and he is “away from the family due to poverty” (Hanqing Guan 1999: pp. 182–183). Even though Dr. Sai is a doctor, he is still penniless and frustrated, and thinks of murdering Cai just because he owes her 20 pennies. Zhang and his son threaten Caiso she would marry Zhang. When Cai gets sick, Zhang immediately decides to poison her. Even though these characters in the opera are subject to distinct judgments, we can learn about material limitation at the bottom of the society where Dou’s father, Dr. Sai, and Zhang live. They either send their daughters as gifts to others or threaten other people’s lives. Though Dou suffers large injustices, her grievance does not completely come from Zhang or the corruption by the chief (Su 2006: pp. 121–123). Therefore she says “she could not file a lawsuit but could only tell heaven, and all the grievances in her heart cannot be told.” As a result, when she is treated unjustly she pledges “I hope there will be 3 years of drought in Chuzhou” (Hanqing Guan 1999: p. 206). As suggested by Su (2006: p. 125), there are “joint responsibilities” and “group responsibilities” in the society. Only when a person realizes that he is suffering from injustice will he develop a strong resistance and challenge the society, which is an example of cynicism in Chinese society. We will not discuss the ethical issue of Dou’s pledge; we only wish to illustrate the social background behind such a pledge, which is that the poor people are living in an abyss of misery.

2.2.2.2 Direct Repayment in Confucianism

The more important role of establishing virtue through vigor is beyond the factor of material interests. As mentioned above, the logic of reciprocating one’s kindness for the Chinese is to respect the other party in order to protect one’s future face. The earliest academic analysis about “repayment (bao, 报)” is from Yang (1957) where he focused on the debt of gratitude. Wen (2004: pp. 270–301) followed this research but placed more emphasis on revenge. In fact, gratitude and revenge are the two aspects of operation logic in “repayment.”

The logic of repayment dates back to Confucius. We quoted above that Confucius always linked animal spirits with discipline. But we should note that Confucius used “discipline” but not “forbidden” – discipline must be used with caution. Why did Confucius not criticize private conflicts? As suggested by Qian (2004: pp. 107, 109), “Confucians always talk about courage and not accepting humiliation, and they never directly refuse fight;” “though those with power always have means to resolve

hatred, those without might have a polite way to take revenge.”⁹ This can also be used to explain why Confucius said “recompense injury with justices, and recompense kindness with kindness” (*The Analects of Confucius · Xian Wen*). What is justice? According to Xunzi, “say yes if it is; say no if it is not, that is justice” (*Xunzi*). Therefore people have a new understanding of Confucius’ “no lawsuit” idea: “those who have done an injustice to others know that are illegal; those that fail to file a lawsuit are not ashamed of suing but do not want to fight the injustice” (Cui: Collection of No Reporting). Therefore, we can understand these proverbs: “recompense injury with justices, and recompense hatred with righteousness” and “those who do not repay others’ kindness are not gentlemen, and those who do not avenge are not real men.” For the problems of kindness and hatred and life and death, Chinese people pay more attention to “repayment.”

We will again use the famous Yuan opera – *Zhao Orphan* as an example for analysis. In this eternal opera, there are typical examples of paying a debt of gratitude – Ying Cheng, Chujiu Gongsun. “If you don’t pay a debt of gratitude, how can you meet again; if you see injustice but do not fight for it, then you do not have courage.” There is also a typical example of revenge – Zhao Orphan. In addition, there is not only a lesson by Anjia Tu when he failed to Zhao, but also Zhao Orphan’s resolutions of “beheading and splitting one’s skeleton to worship one’s ancestor, killing nine generations but still not tolerating Tu,” and “killing the whole family of the traitor;” there is both General Han’s sacrifice of his own life to save an orphan, and his hope that “he will guide those that seeking revenge and be remembered as a benefactor” will be fulfilled in 20 years: “Han was still a general after he was sick” (Ji 1999: pp. 614, 630, 615–616, 634, 609). *Zhao Orphan* created a field about repayment – whoever is in a difficult situation will be integrated into it, physically and mentally.¹⁰

2.2.2.3 Recognizable Politics

If people understand the adverse consequences of lawsuits, and they are not pushed to the edge in terms of material living, nor do they have the action logic of “reciprocating for everything” in important things, then would they file a lawsuit for small little things? The idea, “persuade people not to sue, sell cattle and win a cat,” is common sense in life. But we have to ask: would people not sue just because of the weight difference between cattle and cat? How should we understand “trees rely on their skin while human beings depend on their face”?

⁹Qian also suggested in the book that “the exclusion of lawsuits and fights all originated from Mo-tse. Mo-tse is neither etiquette nor conflict;” but “Mo-tse’s idea includes love, and Confucians emphasize etiquette, but both are not enough to stop a fight; that which can stop a conflict is law.” However, compared to the Pre-Qin, the Chinese society since the Qin Dynasty has had “significant use of the law and reductions in conflicts;” but fights and revenge still occurred among people occasionally.

¹⁰For the rise and fall of the ancient China revenge regime suggested in *Zhao Orphan*, see Su (2006: pp. 43–83).

Xiao (1999: p. 858) suggested that people in rural China are known for their desire for peace. But once their fundamental interest are threatened, or when personal emotions are aroused – from the upcoming harvest being stolen to the use of irrigation during droughts, from negligible personal insults to the damages to families or family prestige – they might still fight for things they would like to obtain. Among the four arguments listed by Xiao, the first two belong to the aforementioned fights over material living space, while the latter two belong to the fights over personality and reputation. Since Chinese people “desire peace,” why would these seemingly trivial insults irritate them?

According to moral Chinese tradition, in a rural society where people tend to stay in the same village for generations, when people first start a dispute they are not very sensitive to their rights but tend to accommodate one another and can bear a small loss. As suggested by Terada (1998: pp. 212–213): “if you understand the vulnerability of your life and have some spare capacity, then the cost of avoiding violence in daily life is a common-sense choice. Always make a concession if you can and do not overreact, even when you have justice – so this introduces the social ethics of ‘force’ and respecting tolerance.” But, concession is not always the solution, which is also a consensus. As a result, the instability of one’s legal rights and the ambiguity of facts contribute to the tendency of noncompliance to injustices. Indeed, once people start a dispute, they usually react too excessively to defend their interests. Hence the “anti-compliance” and “excess self-defense” ideas prevail in people’s daily lives. For one thing, Chinese people emphasize patience and community; for another thing, Chinese people do not always back down because they will not be properly treated in their regions if they do. When the other side goes too far, making people suffer injustice and belittling them,¹¹ material interests are no longer important since these behaviors have encroached on people’s survival. Then when patience and community become suppressed and then slowly progress beyond what can be endured, people will rise to persistently defend their human dignity and their fundamental social recognition. Once their reputations are mercilessly offended, people will show their determination and bravery such as “a real man can be killed but not be humiliated, a real man can be injured but his mind cannot be twisted,” and “would rather stand to die but kneel to live.” They will also exhibit brutality by fighting over every little thing.¹²

¹¹Of course, sometimes people will exaggerate in order to gain attention. The proverb “no charge is without a lie” describes such a phenomenon (see Xu 2006: pp. 22–70). But such situations of exaggerating little things and deliberately constructing a sense of injustice do not belong to this type of recognizable politics.

¹²In the villages where people of the same nationality live together and have a close relationship; they always refuse to engage in litigation. But the little arguments that were resolved by face and favors can be accumulated day by day and form an account book in their hearts. When they are offended and cannot tolerate anymore, they will no longer confine themselves merely to the facts but use their memory that “injustice has its origin, and debt has its creditor” to solve the cumulative problems between individuals, households, or families (Ying 2001: p. 364). As pointed out by Shuzo (1998a: p. 14), “Chinese people have a tendency to fully and generally consider in their society that they should not isolate the subject matter but overall consider the two opposite sides, sometimes extending to the people in both parties.”

Shuzo (1999a: p. 13) categorized this Chinese nature as a common-sense justice and balance. However, we prefer Honneth's idea of "fight for recognition." From Honneth (1996), "the motivations for social conflicts and social rebellion are formed from the context of moral experience, while moral experience arises from the destruction of recognition of inner expectation," and "those that were previously considered as outcasts and the contempt that they dealt with privately can be considered the collective moral motivation for the 'fight for recognition.'" Chinese people depend on the logic of retreating for the sake of advancing, struggling at the bottom of the social ladder, and striking back because they are desperate and thus show a determination that "people live for their vigor." This logic concerning vigor is associated with the fundamental problem of how Chinese establish virtue. Even though it contradicts with perseverance on the surface, it indeed instead complements the idea, and the two constitute the complete moral personality and flexible action space.

We will use the most famous upright official in the Chinese traditional operas – Bao – as an example to analyze. The reason why Bao's story has been repeatedly told on the stage is because he represents people's expectations of defeating despots. Bao is regarded by people as the undertaker of "recognized politics." There are 11 Bao operas in Yuan Opera. We will analyze the only one that deals with civil cases – *Longtu Bao Makes a Contract with Smartness*. The reason we chose this opera is because unlike criminal cases, civil cases do not relate to big incidents such as life threatening events or forced marriage (see Xu 2002: pp. 445–462). In addition, people can better understand the "fight for recognition" in those relatively small events.

The story takes place in a family with two brothers in the suburb of Bianliang in the North Song Dynasty. Because of a natural disaster, the harvest was significantly reduced, and the government wanted to expropriate farmers' houses and force them move to other places to make a living (such a migration was called "Chen Shu"). Tianrui Liu, the younger of the two brothers, voluntarily moved out of town with his family. Before they left, Tianrui left a contract with his brother, Tianxiang Liu, stating that he was only leaving because of "Chen Shu" and their private land was not divided up. Unexpectedly, Tianrui Liu and his wife died offsite, leaving their 3-year old son, Anzhu, to be raised by a warm-hearted person. When Anzhu learned about his parents at the age of 18, he went back to his hometown and buried his parents. But he was cheated in the contract by Tianrui Liu and was even beaten up. We can clearly see how the Tianxiang Liu's family was forced into a terrible situation by the government: they "left their hometown because they did not have a harvest," they moved because of the official's command. The elderly brother's family already owed the little brother's family kindness; but the Tianrui Liu couple "took advantage of the brother being out of town and forced to the family to give them the land," and they eventually left their child and died together. The elderly brother's family should have had sympathy, but 10 years had passed they did not even go out to look for Tianrui – "why did he not miss his brother? Why did he not even mention one thing about him?" After Anzhu "suffered from 15 years of loneliness," "he made a long trip back home," and when he finally got back home, his relatives did not greet him and even worried about him taking their wealth and cheated him

for the land in question. Tianxiang Liu – Anzhu’s uncle – was indifferent and allowed his offspring act in an inhuman manner; in the end, Anzhu did not think about it: “it does not matter whether they accept me as a part of the family, but why they beat me over my head.” Even though Anzhu was a kind person and loved peace, “he came back for piety,” “and he did not think about the wealth,” but he was pushed to the court by his ruthless uncle’s family (Anonymous 1999a: pp. 220, 221, 231–232, 238).

2.3 Fight as Vigor Suggests: The Vigor in Contentious Politics

Next we would like to analyze vigor in rural China’s contentious politics. Compared with daily life, there are three characteristics in contentious politics. First, vigor in daily life is the relationship between people while vigor in contentious politics is between people and the country. Second, the subjects of study in daily life are an individual, household, or family, while the subject in contentious politics is a group formed by an individual, household, or family. Finally, the activities of interest in daily life are within the system (including litigation), while the activities under analysis in contentious politics is outside of the system or anti-system.

According to this understanding, China’s rural contentious politics can be divided into three categories: riots (including food riots, anti-rent, and anti-taxation activities¹³), rebellion, and revolution. Here, riot refers to the collective contentious activities initiated by people with the aim of real life goals; rebellion refers to collective contentious activities by people with the aim of overthrowing the state power; revolution refers to collective contentious activities by people under the mobilization of political parties, to use a new ideology and organization to overthrow the state power and build a new social structure. These three categories of contentious politics have large differences,¹⁴ but they have certain common characteristics. We will refer to the general form of vigor in contentious politics, “fight as vigor suggests.” It has the following three meanings.

2.3.1 *The Local Characteristics of Vigor*

The logic of establishing virtue through vigor described above can sometimes be applied outside of the relationship between people and country, individual and group, and inside and outside of the system. Therefore the next step is to extend

¹³Despite the fact that anti-rent and anti-taxation activities have a complex evolution in reality, there is no absolute boundary with riots. But in general, anti-rent and anti-taxation activities do not involve challenges to the legitimacy of state power, while riots directly challenge the legitimacy of state power. See Bernhardt (1992) and Wong (2008).

¹⁴For the differences among food riots, anti-rent and anti-taxation activities, and revolution, see Wong (2008). For the difference between rebellion and revolution, see Perry (1980).

contentious politics into daily life. But most of the time, the logic in contentious politics contradicts that of daily life. Collective contentious activities are not common in the society and protesters are the mainstream crowds in small farming communities as described by “rather be a quiet dog than a trouble-making human.” So we can say that whenever there is contentious politics, there is vigor. Such vigor does not have a general applicability to the whole of rural China but is brought about by specific cultural tradition, ecological environment, and social structure. This is also the embodiment of “moeurs” in rural China suggested by Montesquieu (1949). Where did this vigor with local characteristics come from?

The Confucianism idea in Chinese culture is not religious. Although there are different local religions that are prevalent in the folk culture, these local religions act as an implicit metaphor for empire logistics, but are not subversive to the empire system (Feuchtwang 2001). The real revolutionary factor in China’s secret society and civil religion is the Millennium introduced by Buddhism (Wakeman 1966). The first one to propose the Millennium movement as an ancient form of social movements is the famous historian Eric Hobsbawm. He suggested that the hope for the Millennium was to achieve a thorough change in the world, and the hope of discontinuing the shortages in the world is the essence of a revolutionary movement (Hobsbawm 1969). Due to the intensifying idea of Millennium, the White Lotus Society, which dominated in North China, included radical characteristics in their doctrine. Hence, Naquin (1989) believes that such a society is not popular in China. In other words, some local religions that embrace the idea of the Millennium are spread in certain regions and cause farmers from these regions to have radical ideas that are abnormal to the common folk. Prophecies such as “heaven is dead and the sky should be yellow” (The Yellow Scarves) and “the seventy-two open houses are designed as a manner of gathering” (White Lotus Society) are concise expressions of such radical ideas.

In his study of rebellion and revolution in Huaibei, Perry (1980) explicitly demonstrates the local factors in the origin of farmers’ contentious politics. However, the local factors he stresses are not local religions or local culture, but the unique local living environment. From her point of view, the rise of some local farmers’ contentious politics, to a large extent, are extensions of their protest activities, which they have been engaging in due to the pressures of their the living environment. The proverb “bad surroundings make bad civilians” conveys the essence of the situation.

Philip Kuhn posited an argument for the third origin of the localization of vigor. He emphasized the political consequences of population pressure and population flow in his research on the late Chinese imperial history. From the late seventeenth century to the mid-nineteenth, the population in China rose rapidly from 150 million to 430 million. The rapid population growth had two major impacts on contentious politics: one was that the pressure of population spread to the whole country via population flow. In rural China, where consanguinity was heavily emphasized, the immigrants were surrounded by hostile strangers, the link to the traditional society was weakened or cut off, and only virtual kinship structures, such as secret associations could provide safety, solidarity, and organizational arrangements. Secret

associations were the ideal environment for contentious politics to develop in rural China (Kuhn 1978). The other impact was that the pressure of population growth caused some farmers lose their land and became displaced persons. Those that lost their land usually complied with the traditional etiquette and got rid of the small farmer characteristics of cowardliness and conservation and became very susceptible to the call of contentious politics. There was a proverb that prevailed in the Shandong province: “the rich headed south, the poor headed to Beijing, and those that come to northeast China were driven into a corner.” This described the flow of displaced persons due to the population pressure.

Whether it is the impact of local religion or the pressure from local environment, whether it is the rise of secret associations or the rise of power for displaced people, the local folk culture has transformed from moderate to severe, which has built the foundation for the emergence of contentious politics.

2.3.2 *The Aggressiveness of Vigor*

Since contentious politics arises from localization, what then is the difference between vigor in contentious politics and in daily life? The famous proverb “to defend the weak against the strong” suggests the first change: vigor transforms from a defensive strategy into an aggressive strategy.

Perry (1980) divided the survival strategy for North China farmers into two categories: a predatory strategy with the goal of taking others’ wealth and a defensive strategy in order to prevent outsiders from invading. These classifications originally referred to the survival strategies of the poor and the rich. But here we can reuse this classification to distinguish between the form of vigor in contentious politics and daily life. Even though the logic for establishing virtue through vigor in daily life can sometimes become more aggressive, it is fundamentally a defensive strategy to avoid having one’s material benefits and social status taken away and weakened. Vigor in contentious politics is sometimes based on improving one’s survival situation, sometimes it arises due to a desire to help the weak, and sometimes is only for one’s momentary gratification. Therefore, in a society built by contentious politics, the chivalric spirit “based on righteousness” sometimes comes with the arrogance of “using force to violate a ban” (*Han Feizi*).

We can take a look at a Yuan Opera from *All Men are Brothers – Black Whirlwind Offers Power*. In this opera, the appearance of Jiang Song is a collective portrayal of the vigor of Liangshan heroes who “live in Liangshanpo, never farm; are good at using weapons; know tricks to hijack and have the bravery to steal; every one of the thirty-six brothers has boldness.” Next, Kui Li saved Jiang Song’s old friend Rong Sun, and Kui Li killed the official who framed Rong Sun and Rong Sun’s wife, as they ganged up on the officials. This story is a close description of the Liangshan heroes. Kui Li “defends the weak against the strong,” and this time he saw his brother Rong Sun as the victim of an unjust charge, so he disguised himself and snuck into the jail in order to set him free. “I saved my brother, not only my brother, but also everyone in the jail;” later he thought about the two perpetrators

commenting that, “one is abusive like a cat, one is licentious like a dog”. They are thieves and tramps and make fools of themselves. “Although the marriage is a doomed existence in the prolife, I will cancel once and for all.” “I will tear off his clothes and twist them into a paper spill, dip it with hot blood and write on the white board; this is the 13th leader Black Whirlwind under Jiang Song here at the Yamen,” and “I will bring these two heads to brother Jiang Song in Liangshanpo for credit” (Gao 1999: pp. 551, 557, 573–574, 576–577). Obviously, the major differences between the lake and river people’s revenge and normal people’s justice in return for injustice lie on the initiative and aggressiveness of their activities.

2.3.3 *The Ethicality of Vigor*

The saying “all men within the four seas should be brothers” tells us about the second change of vigor in contentious politics: vigor is transformed from quasi-ethics to ethics.

Regardless of traditional Chinese thoughts or those of the rural population, vigor itself has a quasi-ethicality and is restricted by Confucian ethics. Not only does using perseverance to resist temper require etiquette as a foundation. The act of establishing virtue through vigor can also directly or indirectly affected or restricted by Confucian ethics. But in contentious politics, vigor has risen to a brand-new and supreme form of ethics which is loyalty. Books such as *All Men Are Brothers* and *The Romance of the Three Kingdoms* illustrates examples of such loyalty. For instance, we can see from the Yuan opera *Liu, Guan, and Zhang Be Sworn Brothers* that when Bei Liu, Yu Guan, and Fei Zhang took the pledge of brotherhood, “they butchered a white horse to offer sacrifice to the heaven, and killed a cow to offer as sacrifice to the earth; they did not care about whether they were born on the same day but they wanted to die together; if one person is present, the other two are present, if one person perishes, the other two will perish too,” “tie together congenial brothers and face danger and die together” (Anonymous 1999b: pp. 497, 500) – the morality found in the river and lake regions break down the patriarchal system based on consanguinity, and replace it with “eight sides which share the same territories, people of different last names become a family” and “form an alliance to fight for the righteousness”. Vigor and loyalty therefore become the starting point and goal of social activities (see Sun 1981; Plaks).

Now we can summarize the meaning of vigor as a kind of social conduct in rural China. Vigor in traditional rural China is neither a pure physiological impulsion nor a pure benefit response. It is a passion that integrates instinct, rationality, morality, and benefits. It is a fundamental driving force for social activities which allow the Chinese to escape from difficult conditions, to pursue social dignity, and to realize moral personality. From a passion that needs to be restricted to a passion that could explode,¹⁵ and further to a loyalty that has self-discipline, it encompasses a spectrum

¹⁵In this spectrum, there is another type between the restriction of passion and the outburst of passion: agree outwardly but disagree inwardly (see Zou 1999).

full of tension. Among these, resisting temper through perseverance is the mainstream, establishing virtue through vigor is a supplement, and indulging vigor to do good is a special case. The critical point in resisting temper is to follow the Confucian rules and the small farmers’ rational calculations. In reference to establishing virtue through vigor, though it is also affected by the Confucian ethics and small farmers rationality, it forms a supplement from a different perspectives to temper resistance through perseverance, and becomes a component for Chinese’s to shape their moral personality. As for indulging vigor to do good, the Confucian ideas about vigor are completely overturned and the vigor here rises to loyalty with a supreme ethics status. It is also because of such a relationship between vigor and ethics that vigor receives noble authority when people use perseverance to resist temper. When people use vigor to establish virtue, though, the outburst of vigor has a certain degree of validity as it could run out of control. But when people indulge their vigor to do good, since the vigor itself has been entrusted with ethicalness, it is relieved from any control and is allowed unrestrained freedom.

2.4 The Change of Vigor in Contemporary China

There have been immense changes in rural China as we enter the modern age, especially after the success of the Chinese revolution; despite these changes vigor is still the driving force of social activities for Chinese people to escape difficult situations, to pursue social dignity and to realize moral personality. There is a significant change in the background of human relationships, and the influence of vigor has undergone important corresponding transformations: in the complex spectrum of vigor, the mainstream and the social periphery have swapped positions. Temper resistance through perseverance has moved to the edge, the loyalty in the river and lake regions and religious ethics have been rejected, while establishing virtue through vigor has risen to the mainstream and become influential under the newborn revolutionary spirits. More specifically, the change is performed in the following aspects.

2.4.1 The Transition in Social Structure

In the traditional Chinese society, the social structure is divided into three levels: the country, the people, and elites represented by gentries in between. The transition to contemporary China’s social structure began with the increase in state power and the “society erosion” (Fei 1992), the social stratum of gentry disintegrated gradually, and no new intermediate strata arose. As a result the social structure transformed from three categories to two: people and the country.

There are two political consequences of the vanishing of the intermediate strata. One consequence is that people challenge the country directly while their personal

life is completely determined by the country. This greatly increases the opportunities for direct conflict between the people and the country and makes any dissatisfaction and conflict due to minor problems strongly political (Sun 2005a: p. 129). In addition, the conflicts between the people and the country cannot be resolved by cushion mechanism of face and human relationships in the acquaintance society.¹⁶

Another consequence of this shift is that the traditional folk mediation that constituted an important defusing mechanism has gradually lost its power. Even though in contemporary China, mediation is still encouraged, the traditional way of disputing mediation has been changed and mediation has been classified as political activity and social mobilization. As suggested by Lubman (1967), the new political power “allocates itself as a means of resisting the reconciliation emphasized by the Confucianism, and the tradition of Chinese’s avoidance of fighting with the country. The new political power provides an absolute standard about right and wrong for mediation; it is not like the mediation by subtle human communications to avoid harassment in the acquaintance society.” Hence, the conflicts between people are now hard to recognize as mediation in the traditional sense.

2.4.2 The Unification of Revolutionary Ethics

The traditional Chinese society is a society ruled by virtues based on a core of Confucian ethics. At the end of the Qing Dynasty and during the period of the Republic of China, there was the fall of Confucian ethics and the whole country was left with a vacuum in terms of ethical standards. The politics no longer connected with the ethics order, and the virtuous rule was replaced by the martial rule of “whoever has the gun is the bandit.” Since 1949, the Chinese Communist Party has not only thoroughly defeated the warlord regime under the Nationalist Party, but also constructed a new virtuous rule with the core of revolutionary ethics nationwide (Schwartz 1996; Ying 2009b). The contentious spirit of “fight with heaven, endless joy; fight with the earth, endless joy; fight with people, endless joy” and especially the class contentious spirits have become the fundamental features of the new virtuous rule. A grassroots official who has long been working in the villages summarized his revolution experience and cadre image as “having courage to pull the king down” (see Seybolt 1996). In fact, such a dauntless and contentious spirit is not only seen in grassroots officials but also ordinary farmers. To gain equality by contention, to acquire freedom by revolution, and to become apolitical subject by liberation are qualities instilled in farmers to a certain extent.

¹⁶However, under the situation in which the country has built effective control over the society and effective mobilization, the conflicts between people and the country are never public rebellions or disturbances but the “rightful resistance” (O’Brien and Li 2006), namely, to resist the local policy by the local government or the illegal actions by grassroots leaders through law and policy or government senior officials. This resistance is public, quasi-institutional, or half-institutional. A petition is a very typical legal contention.

2.4.3 The Rise of the Demand for Equality

Although desire for equality has been an inherent tradition in Chinese small farmer society, it not only suffers suppression by the ritual order culturally, but it is also subject to restrictions by a number of complex factors. As a result of these complications, farmers recognize the patriarch-oriented class social structure inside the villages. The Chinese revolution has removed village politics and economic power. The pursuit of equality by the small farmers has been greatly strengthened with the “turnover” of new politics and the validity of class conflicts (Lu 2004). The rise in the demand for equality increases the competition among people, and if slightly careless, it can bring about quarrels. People might just look at the present and not consider the future; people might just consider themselves but not their descendants; people might only care about the benefits but forget about self-respect. As a result of these changed considerations the village can become overwhelmed with hostility.

2.4.4 The Increase in the Consciousness of Rights

The development of a consciousness about rights in traditional China has been encumbered by many restrictions. Since the modern age, the Chinese citizens have improved their consciousness of rights, the independent spirits and the values of personality have been emphasized. For instance, this consciousness about rights is clearly demonstrated in families. The family revolution in modern China has broken down the old style family system and has generally achieved gender equality. Freedom, equality, and independence have been generally accepted. But it is also because of the emphasis on the independence of personality that many conflicts that were previously benign have become very sensitive. Hence, the increase in the consciousness concerning rights in the family did not weaken the family status nor did it allow the modern Chinese to have happy lives outside of their family. The opposite actually occurred, since there is no longer a patriarchy to maintain the stable structure of a family, the family relations become frailer and more sensitive (Wu 2009).

2.4.5 Summary

The traditional suppression mechanism to vigor in the contemporary Chinese society has been expiring gradually, while the revolution spirits and consciousness of rights are providing political legitimacy and ethical validity to the rise of people’s vigor. Establishing virtue through vigor has been at the center of the spectrum of vigor. This has brought about a complicated historical influence: on one hand, the

villages are slowly getting rid of the restrictions that arose from patriarchy and male chauvinism. The primacy of subjectivity of individual has been sufficiently accepted. On the other hand, the human relationship, family politics, and the relationship between farmers and the country have become more complex and hard to grasp.

Certainly conflicts, equality, and rights are concepts that arose after the revolution and are subject to some conditions, which can be summarized as the absolute obedience towards the supreme leaders or the “national interest” representing the supreme leaders. Therefore, we can see contradicting phenomena: on one hand, conflicts have no prohibited area and have the vigor to pull the king down; while on the other hand, there is unprecedented obedience, silence, and loyalty – resisting temper by perseverance. People desire equality in small matters, while simultaneously tolerating an unprecedented imbalance at the country, district, and industrial levels. On one hand, there is a consciousness of rights within a family; while on the other hand, the unprecedented subject of the kingdom consciousness and the patriarchy behavior prevail in the society. In fact, as in traditional China, the changes and traditional interpretation of vigor in contemporary China integrate with each other.

2.5 Vigor and Related Concepts: A Comparison Study of Chinese and Western Societies

If we want a more comprehensive understanding of the Chinese implication of vigor, we will need to briefly compare the related Western concepts. The few related Western concepts are spiritedness, passions, and emotions.

2.5.1 The Transformation of the Meaning of Spiritedness from Ancient to Modern Society

2.5.1.1 *Thymos (Thumos): The Ancient Greek Etymology of Spiritedness*

Thymos (thumos) is the ancient Greek origin of the English expression spiritedness. It is a life condition associated with breath and blood and represents the intrinsic driving force of people’s pursuit of dignity. In the Homer epic poem, thymos refers to the mental feeling of what is right and what brings about dignity and honor. People use this to obtain what they deserve, protect the distributions of their wealth and reputation, and defend justice and order. But because of the ambiguity about what they deserve and doubt concerning the legitimacy of the system, vigor can cause conflicts and therefore requires control (X.F. Liu et al. 2007: pp. 1–15).

Even though Plato publicly opposed the Greek poets, especially Homer, his exploration of the meaning of thymos and Homer’s similar pursuit have something in common. Plato agreed to the view that thymos drives people to try to fight for

the respect, reward, and punishment that they deserve. However, Plato describes thymos as the association between desire and rationality. In “Republic,” Plato divided the soul into three parts: nous (intellect), epithumia (appetite or desire), and thymos. Desire refers to the body’s needs such as hunger, thirst, and sex. The most direct expression of thymos is anger, but it does not explicitly suggest what people are angry about. It demonstrates overcoming basic desire rather than achieving a certain goal. The desire itself is incomplete and its goal comes from something else. The desires that are related to body come from the self-preservation instinct. Thymos puts honor above money and life; it uses honor, victory, and courage as the highest standards to judge right or wrong. Therefore, thymos has a dual nature: on one hand, the lack of education and training will cause honor to lead to jealousy, aggressiveness to violence, courage to barbarism, and anger to caprice. On the other hand, thymos is a channel to upgrade desire to a higher calling. It is the loyal obedience and ally of rationality and it helps to tame the unlimited expansion of desire. Justice comes from the appropriate combination of courage and moderation in a strict sense. The three parts of the soul correspond to the three classes in the city-states: the ruler corresponds to rationality, the guardian-soldier corresponds to thymos, and the craftsman-farmer corresponds to desire. Sensibility and rationality are the virtues of ruler, mild manners but bravery are the virtues of guardian-soldier, and moderation and restraint are the virtues of craftsman-soldier. However, prudence is the virtue that spans all three classes and three categories of soul. In short, though Plato did not deny the value of thymos in maintaining city-states and personality, he believed that thymos should be restricted by elegance and philosophy (Bloom 1968: pp. 376c, 410b, 410d, 439e–411c, 441e, 442c, 348–351, 372–379).

According to Aristotle, the meaning of thymos is narrowed because the bravery from one’s own rationality is replaced by the courage praised by Homer. Though Aristotle recognized that courage includes rationality, and thymos, thymos itself is not a moral virtue of courage while rationality is the touchstone of courage. The context of thymos has undergone fundamental change in modern ideology. This change can be separated into two processes.

2.5.1.2 From “Spiritedness” to “Passions”: The First Evolution of Modern Thoughts

Hobbes is one of the founders of modern Western thought. In his masterpiece *Leviathan*, we can no longer find an important concept in Plato’s works – spiritedness (thymos). It is replaced by a new word: passion.¹⁷

According to Plato, passion is different from desire; but for Hobbes, passion is a person’s inner life activity or spiritual self-awareness. When people tend to

¹⁷In both English of *Leviathan* published in 1651 and the Latin version published in 1668, we cannot find spiritedness or thymos. The book does use the word “spirit” multiple times, but it refers to a god in a religious sense. The one that is close to “spiritedness” in his book is “passions.” See Hobbes (1991, 1994).

something, it will be present as a desire; when people try to escape something, it will show as revulsion. These are considered prototypes of people's different passions. Obviously, for Hobbes, desire is part of the passion transforming Plato's rationality – passion – desire into a two division classification (Hobbes 1991).

In addition, Plato claims that rationality is above passion or desire and it is the foundation of the natural law; but for Hobbes, passion becomes the basis for natural law and the fundamental motives of human behavior and passion (or will¹⁸) has a priority relative to rationality. Among a variety of passions, the passion of self-preservation and the fear of death caused by violence become the only sources of justice and morality.

Plato also claims that power does not mean power in the political science sense, nor does it connect with passions; but according to Hobbes, power is the core of political science (Mansfield 1993) and power becomes the external manifestation of passion. "In the first place, I put for a general inclination of all mankind, a perpetual and restless desire of Power after power, that cease only in Death" (Hobbes 1996: p. 70). The most relevant part of Hobbes' philosophy is the power philosophy – a human being is the complex of power, desire is the longing to gain power, pride is the illusion of power, honor is the evaluation of power, life is the long-lasting operation of power, and death is the absolute loss of power (Oakeshott 1975).

Plato finally claims that passion and honor are connected, while Hobbes claims that only some lower level of passion is associated with honor.¹⁹ From Hobbes' point of view, there are two basic passions for human beings, one is the passion to control others and to pursue the highest power; the other passion is the fear of and escape from death and the pursuit of one's own safety. Though the former one brings about pride, it will not cause people to suffer from disaster. In contrast, though the latter lacks glory, it ensures the safety of one's life. The former is a higher level of passion which is an open natural desire and the virtue of campaign; the latter is a lower level of passion which is a restrained natural desire and the virtue of peace and obedience. It is a passion to wake up people's natural rationality; while it is not prudent, it could make people prudent (Ying 2006: p. 194). Although it is hard to restrain people's pride, people face the threat of death in every conflict. Even if one kills an enemy, there could still exist "the same dangers faced by the others." The potential threat of a violent death and "the unexpected disaster one has encountered" will eventually inspire the passionate fear of death and awaken humanity's natural rationality. One will then realize their dangerous situation and adhere to the lessons from natural law. In fact, Hobbes claims that honor is almost directly equivalent to vanity.

¹⁸According to Hobbes (1996: p. 44), will is the last appetite or aversion immediately adhering to the action, or to the omission thereof.

¹⁹Somebody still considers honor to be one of the elements of passion in Hobbes' thoughts and believes that those that receive honor and those that suffer from fear can respond with rational reactions towards natural situations. This is a simplistic interpretation of Hobbes' thoughts (X.F. Liu et al. 2007: pp. 67–79).

Vanity makes people blind and the fear of death caused by violence has the power to make people clear. The confrontation between vanity and fear is in opposition of the just and unjust, the opposition of the virtues of aristocracy and middle-class, and the opposition of natural desire and natural rationality (Leo Strauss 1996).

However, we should note that the rationality Hobbes suggests is completely different from the rationality mentioned by Plato. For Hobbes, the rationality that constitutes constraint of passion is another passion of human beings – interest. Of course, the second evolution of modern thoughts is derived here.

2.5.1.3 From “Passions” to “Emotions”: The Second Evolution of Modern Thoughts

The passion suggested by Hobbes in the seventeenth century is given a new definition in the eighteenth and nineteenth centuries – emotions. How did such evolution happen?

Though the passions described by Hobbes helped build the modern political system, they are dangerous and unstable things that require taming. According to the study conducted by Hirschman, people at that time believed that there were three ways to control passions: depress or suppress passions, domesticate and harness passions, or use the relatively harmless passions to offset or check the more dangerous and destructive passions. Broadly speaking, the ideas suggested by Augustine and Calvin belong to the first method, the idea suggested by Pascal, Vico, Adam Smith, Hegel, and Mandeville belong to the second, and the idea suggested by Bacon, Spinoza, Hume, and the Federal Party belong to the third. Hobbes’ idea is complex, as his political view is the same as those advocated by Augustine and Calvin. Along with the social contract theory, his idea constitutes an important source of checks and balances. The historical development eventually works as a way to check passions. Pursuing interests with both reason and passions divert, check, and balance passions with its constancy and harmlessness (Hirschman 1997).

The passions described by Hobbes, and related word “affections,”²⁰ both originated from Augustine and Aquinas and therefore are influenced by Christian ideals. The secularization process started during the rational era has attempted to divert from theological concepts and include more philosophical ideas in an effort to eventually make them fully scientific. So passions and affections were first replaced by sentiment and moral sentiment, and finally replaced by emotions. The concept of emotions was originally put forward in the *Essay Concerning Human Understanding* by Hume and then given a more explicit definition by Thomas Brown. According to Brown, emotions are feelings that are neither all sensorial nor irrational. Though this religious and scientific definition involves things that are unrelated, its connection

²⁰In Christian thoughts, passions are the soul movements for the lower type animals while affections are the good soul movements for the higher level rational animals.

with cognition and morality is clear-cut. This definition was later further developed by Spencer and Darwin, and eventually received recognition in the *Principles of Psychology* by William James: it is the perception that body changes were induced by special incentives (Dixon 2003: pp. 20–25). Though nowadays it seems that interests have successfully isolated and tamed passions, the cycle between interests and passions still exists (Cheng 2009b). The resurgence of the ideas of emotions, interests, and rationality in the Western social movement theory suggests that emotions and rationality, passions and interests, and instinct and cognition cannot be isolated.

2.5.2 Vigor, Spiritedness, Passions, and Emotions

From the above discussion, we can tell that there are similar concepts to Chinese vigor in Western society. However, no matter which word, spiritedness (thymos) or passions or emotions, their connotations and mechanisms have similarities and differences to the corresponding Chinese concepts.

2.5.2.1 The Physical and Psychological Foundation of Vigor

Vigor is the internal driving force for people to pursue dignity and realize personality and social activities in both the Chinese and Western world. However, the physical and psychological foundations differ in the two ideologies. For thymos, though it is a living condition related to a human's breath, it is only associated with the respiratory system and is an integral part of the living system. In terms of vigor in the Chinese culture, it is not only about the living system but about the unification of body and soul. This is a unique understanding of vigor; therefore, in the Western studies of Chinese literature, there are more than ten different translations of vigor but none can accurately and completely express its original meaning.²¹ An important reason for such differences is that there is fundamental distinction between the emphasis on the unification of the body and soul in Chinese culture and the emphasis on the separation of the body and soul in Western culture.

For instance, we can observe the latter from the discussion of Hobbes' view on passions. From his point of view, animals have two meaningful activities. One is the life-sustaining activity that starts at birth and continues until death. This activity includes blood flow, pulse, respiration, digestion, nutrition, excretion, etc.; this activity does not require the aid of active thought. The other activity is the motions that make animal life pleasant, which is also called the voluntary motion. It follows the way they design to walk, talk, move their limbs, etc. Passions are indeed the

²¹Bunga Fukui (2007: pp. 514–515) lists the following English translations of vigor (气): breath, ether, material force, subtle spirits, air, vapor, stream, vital fluid, temperature, energy, and anger.

starting point of voluntary motion (Hobbes 1996: p. 37–38). Obviously, these two activities are separated according to Hobbes. But for Chinese culture, the body and soul are connected with vigor and together constitute a continuum (see Huang 1999).

2.5.2.2 The Ethical Foundation of Vigor

The ideas of vigor in both the Chinese and Western worlds are of a somewhat ethical nature. Though it is generally not considered the highest ethic, it is regarded as the channel to the highest ethic. But the foundations of the Chinese ethics differ from that of the Western ethics. Roughly speaking, both the ancient Chinese Confucian ethics based on consanguinity and the village community, and contemporary China’s new virtual rule based on the political community are dependent on the collectivism ethics. The Western world, on the other hand, relies on individualism ethics.²² Under the influence of human relations, favor and face, the Chinese society is even more ethical. The natural rights and individualism in the Western society lead to non-morality and neutrality.²³ Therefore, recognizing the passions of self-preservation as the only source of absolute value is only one step away from nihilism.²⁴

2.5.2.3 Vigor, Force, and Power

Vigor is the internal engine of life in both the Chinese and Western worlds and provides the passion to defend people’s dignity. Vigor in Chinese culture and force in Western culture (e.g. Leibniz’s thoughts) constitute opposing relationships in natural philosophy and ethics (Chen 2005: pp. 47–77). But since the modernization of Western world, they employed a positive attitude about passions and evolved from force to power. Later they used benefits to tame passions and transformed passions into emotions to get rid of their abuse. Therefore, the society is now centered on power, rationality, and interests and manifests an external control. Ye (2006:

²²Of course, the division of collectivism, individualism, is complex and we will not discuss in this book. For more information, please see Z.F. Yang (1994), G.S. Yang (1988: pp. 87–142), and Zhai (2005: pp. 181–205).

²³Though this could be an exaggeration, Schmitt (2008) was keenly aware of Hobbes’s Leviathan, which allowed neutralization, technicalization in the modern countries.

²⁴As pointed out by Strauss (1953): if the passion of self-preservation is the only source of justice and morality, then the basic morality is not an obligation but a right. All obligations are derived from the fundamental and never abandoned self-preservation rights. Therefore, there is no absolute or unconditional obligation; obligations have a binding effect only when their implementation does not compromise people’s self-preservation. Only the right of self-preservation is unconditional or absolute...the power of the country has an insurmountable boundary in natural rights rather than immoral facts.

pp. 35–36) summarized the Western social force as “life-chance control,” which means that an individual or a community has favorable conditions to ensure the control of its own or its members’ external environment, to seek to maintain an independent survival opportunity or guarantee the development of personality. From this strong “life-chance control,” we can see that: “the traditional Westerner has been a hero in searching, a Promethean biological and metaphysical rebel. He has been constantly looking for his own freedom and progress, and therefore he attempts to distinguish his precursor and himself and control this precursor” (Tarnas 1991).

While the traditional Chinese culture has a more feminine color, the theory of vigor lacks the concept of power. The politics is oriented on self-cultivation and emphasizes the rule of virtue. When faced with interpersonal conflicts, the traditional Chinese culture stresses with the importance of kindness and obtaining mastery by striking only after the enemy has struck. Of course, there has been significant changes in how contemporary Chinese react in these situations.

2.5.2.4 Summary

Although the related Western concepts have undergone complicated changes, we can observe two fundamental clues in these changes. One is the differentiation of rationality and emotion. Whether it is the classical trichotomy or modern dichotomy, whether it is the difference between rationality and passion or between benefits and emotion, they are all stressed. The reasoning is shown in the analysis of social activities, with the most typical example being the Weber social theory that distinguishes rational action from emotional action (Weber 1978); more specifically, it can be seen in the analysis in social movements where the emotional mobilization paradigm and resource mobilization paradigm alternate. But for the Chinese, vigor integrates with body and mind, and rational action and emotional action often combine in one movement.

The other clue into modern Western thought is atomism. Hobbes first established the direction of passion in modern Western world – self-preservation; the idea of “using ambition to resist ambition” (Hamilton et al. 1980) was eventually implemented in the American democracy. This direction also suffered from some criticism. For example, Hegel (1807) believes that a conciliatory society can only be considered as an ethical community composed of free citizens. He uses intersubjectivity in place of atomism and uses a pattern of mutual recognition between individuals to replace the pattern of conflicts between people (see Honneth 1996; Wang 2008). Therefore, social conflicts also show two complementary patterns: “fight for rights” (Jhering 2007) and “fight for recognition.” “Recognition” in the broad sense contains rights and the three forms of recognition defined by Hegel – love, law, and solidarity are shown in three relations – original relations, rights relation and value relations, respectively. And they also connect with the three parts that build personality – physical integrity, social improvement, and human dignity, respectively (Honneth 1996). However, “recognition” in the narrow sense is directly

related to value and dignity. The two forms of social conflicts in the Western society, discussed above, can be instructive for us in understanding the difference between the meanings of vigor for Chinese and Western societies. We should note first that the two forms exist in both the Chinese and Western societies, and we cannot use the comparison between recognition and rights to simplify the comparison study between Chinese and Western societies. We should also note the “dispositif” of the two forms in the Chinese and Western societies differ from each other (Deleuze 1992). The recognition concept suggested by Hegel is based on the transformation from contractual state to ethical state²⁵ in the Western world. But the Western society nowadays finds it difficult to complete such a transformation. Hence, for the analysis of modern society, the development of history is still based on Hobbes’ mode and the passions of social actors are more aptly shown as fighting for their own rights and interests. China is certainly not the ethical country in the Hegelian sense, but it is undeniable that the traditional Chinese society has characteristics of strong ethical standards and a relationship base. And these are of special significance in the matters of face and favor in the Chinese society.

²⁵“Country is the reality of ethics; it’s the ethical spirit of the self-aware entity. This ethical spirit considers itself and knows itself and completes everything and only those it knows” (Hegel 1911).

Chapter 3

The Structural Background of Contemporary China's Contentious Politics: The Cohesion of Vigor

It was the best of times, it was the worst of times; it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair; we had everything before us, we had nothing before us, we were all going direct to heaven, we were all going direct the other way – in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.

—Dickens *A Tale of Two Cities*

There are rationality and vigor between the heaven and the earth. Rationality is macroscopic and the foundation of living things; vigor is concrete and microscopic and the substantiation of living things. People must be born with rationality to have personality and must be born with vigor to have shape. Though personality and shape are parts of the human being, they should be distinguished from each other and should not be confused.

—Chu Hsi *In Response to Doffer Huang*

As described in the previous chapter, whether it is in traditional China or in contemporary China, vigor is the fundamental driving force of contentious politics. The vigor in collective contentious politics is not an individual's groundless emotions or restlessness under certain situations. The cohesion of vigor is due to structural factors. This chapter will analyze the structural background of contemporary China's contentious politics.

3.1 The Changes in the Governance Pattern and Interest Structure in Chinese Society Since the Mid-1990s

A strange phenomenon has occurred in the Chinese economy since the 1990s: the coexistence of sustained rapid economic growth and deflation. Some economists called it “shrink-expand phenomenon” (Liu 2002; Gong and Lin 2007). In fact, the “shrink-expand phenomenon” is even more complicated than what is suggested by the economists: not only is there deflation accompanying the rapid economic growth, but so prominent social problems. Therefore, our analysis of the “shrink-expand phenomenon” of prosperity and recession, and peak and trough is not restricted to pure economic analysis of excessive investment, but examines the sustained economic growth and political consequences in the perspective of “governance”.¹

3.1.1 The Governance Foundation for China's Sustained Economic Growth

If we were to study China's economic growth since the economic reform assuming that economics was the sole driving force, we can clearly see three stages: the reform in the micro-management system and the adjustment to the industrial structure in the 1980s, the comprehensive progress of marketization since 1992, and the expansion of foreign investments and the importation of technology from globalization since 2001. But the development of Chinese economy is firmly embedded in the state and the society. Therefore, only by studying the relationships between the market and state and the market and society in depth, can we clarify the political and social governance foundations of sustained economic growth. Only then can we truly understand the growth and complex history of Chinese economy.

3.1.1.1 The National Governance Under Market Transformation

There have always been diverse opinions on how to understand the influence of the state on market structure or market transformation. One popular argument centers on whether to employ the “Washington Consensus” or the “Post-Washington Consensus.” The former emphasizes the developing strategy of privatization, liberalization, and macro stability, and is based on the firm belief in the free market, and

¹The concept of “governance” originally referred to the management of public affairs that were not within the government's specific responsibility by citizens who were involved in it and cooperated with government (see Stoker 2000). In this book, “governance” has two meanings: one is that government not only has the responsibility to push forward economic construction but also is responsible for protecting social equality and managing public affairs; the other is about the impact of non-government and non-market sectors on public affairs (usually refer to the civil society).

Table 3.1 Functions of the state

	Addressing market failure			Improving equity	
Minimal functions	Providing pure public goods			Protecting the poor	
	Defense			Antipoverty programs	
	Law and order			Disaster relief	
	Macroeconomic management				
Intermediate functions	Public health	Addressing externalities:	Regulating monopoly:	Overcoming imperfect information:	Providing social insurance:
	Education	Utility regulation	Anti-trust	Insurance	Redistributive pensions
	Environmental protection			Financial regulation Consumer protection	Family allowances Unemployment insurance Redistribution
Activist functions	Coordinating private activity:				
	Fostering markets			Asset redistribution	
	Cluster initiatives				

attempts to weaken or even minimize the role of the state. The latter gives the state a dominant position in strategies for economic development (Williamson 2003; Stiglitz 1998). This debate is usually referred to as the difference in the economic development strategy for the U.S and for East Asia. However, further studies have suggested that the American economic development model is not entirely neo-liberal. Especially since the New Deal by Roosevelt, the state has played an important role in the market. Hence, there are some scholars that apply the pendulum movement of globalization to explain the American economic development model: in an era of rising globalization, the neo-liberalism of market power becomes the mainstream thought influencing national decision-making; while during the period of globalization reversal, the state is usually regarded as an effective means to mitigate the negative impact from market power (Gao 2008). However, such a distinction for different countries or different periods of development is not sufficient to explain the complexity of current problems with governance. Therefore, we will apply the analytical perspective by an American scholar, Francis Fukuyama, on national problems: we should not generally talk about the power of the state in market structure. Instead we should analyze the scope and intensity of the influence of the state, which differentiates the different functions of the state (Fukuyama 2007).

According to the World Bank Report (1997), the functions of the state are divided into minimal, intermediate, and activist functions in addressing market failures and improving equity, respectively (see Table 3.1).

Then, what is the relationship between the state and market since the Chinese economic reform? We can divide the period between 1978 and 2008 into three stages. The relationship between the state and market has both inherited traditional characteristics and undergone significant changes during these three stages.

The first stage of economic reform started in 1978 and ended in 1992. The goal of this stage was to disband the “totalitarian society,” which reflected the weakening in the intensity and scope of state control, the increase in the free flow of resources, and the enlargement of the space of resource flow. However, this stage was not a pure process to get rid of state power. On the surface, the goal was “totalitarian removal” and “politics removal.” It ensured the domination of state control with a dual system, and allowed for the integration of non-political factors such as globalization, development doctrine, and a market system to express and build a specific allocation system (Qu et al. 2009). In this stage, rather than saying that the state is exiting, we should consider the state to be applying more subtle ways of maintaining control through a reconfiguration of ideology.

The second stage of economic reform was from 1992 to 2000, which was a period of complete marketization. In this stage, on one hand, the market was emerging, private economy was growing, and social self-organization had some degree of development. On the other hand, the state removed the market control of secret monitoring and hidden arrangements, formally established market ideology, and openly, largely, and deeply became involved in market activities. If the first stage was the confrontation between the state power and non-state power in the market, then in the second stage, both powers formed a force inside the market system. However, these two powers were not equal to each other, and the state force had a leading role in market control.

The third stage of economic reform was from 2000 to 2008, and it constructed a new sort of totalitarian control through marketization. It is a type of totalitarian control because state power defeated non-state power. The state used market ideology to rebuild the legitimacy of the system. However, it also enhanced its economic power via a variety of market controls (including the tax reform), and strengthened the domination of the society in the name of maintaining social stability. It is new because compared to the 1978 totalitarian control; this new totalitarian control had a more solid economic support, more pragmatic discourse, more flexible technology, and more elasticity (Qu et al. 2009).

In general, in the 30-year transformation from a “redistribution system” to a market system, the state has shown strong power in positively responding to market failures. Thus, the country has played a leading role in market construction and industrial policy determinations. And the state's power in resource redistribution has also undergone a rapid development.

The state demonstrated a strong capability for market construction through the completion of a “governance reform” over the past 30 years. If the pre-reform Chinese society was a social mobilization system with a core of the “new virtue rule” (Ying 2009b), then after 30 years of reform, the Chinese society has evolved into an “administration absorbing politics” (Jin 1997; Kang 2002) market mobilization system. In this system, the country has set up a unique bureaucracy.

According to Weber (1978), bureaucracy has three characteristics: strict adherence to the rules within the bureaucracy, professionally trained bureaucratic officials, and a legally built and strictly enforced hierarchy of bureaucracy as the authority. From this perspective, Weber compared bureaucracy and the amateur gentry's administration and concluded that the strength of bureaucracy is its "complete" efficiency (Schluchter 2004).

The bureaucracy in China since the economic reform can be described by the last two characteristics summarized by Weber. Since the 12th CPC National Congress in 1982, in the specialized election of bureaucratic officials, the country has set a basic standard for official selections. Candidates are professional, young, and well-educated. In the management of bureaucratic officials and centralized leadership of professional decision making, one of the four primary criteria is "revolutionary," which is a means of ensuring political control. And since the implementation of *Provisional Regulations on National Civil Servants* in 1993, the "revolutionary" criterion has been rationalized instrumentally.

However, the actual operation of bureaucracy in China is rarely in strict accordance with the rule. In contrast, "flexibility" becomes the way in which such a bureaucracy runs (Center of Changes in Institutions and Social Structure 1997). According to Weber, the prevalence of flexibility impedes on the efficiency of bureaucracy. In some sense, the flexibility of bureaucracy in China just improves the efficiency of the operations. This is mainly due to three reasons.

The Gradual Market Transition Path

It was a huge transformation of Chinese society to change into a market system. And this transformation was conducted under the scrutiny of the political regime and dominant ideology. Therefore, there are some inconsistencies between the existing principles or rules and the requirements of a market transformation (Sun 2002). Hence, flexibility contributes to the implementation of a gradual market transition.

Economic Decentralization Brings About Mandatory Economic Growth

Williamson, a new institutional economist, analyzed the U.S industrial and commercial enterprises with U-shaped and M-shaped models. Qian (2003) applied this model in planning the economic system of the Soviet Union and China. In their view, there has always been multi-level and multi-region management in China's planned system, which is the M-shaped organizational structure. As a result, the economic reform in China since 1979 has formed the Chinese characteristic of maintaining the market's "economic federalism." As well, economic decentralization has played a significant role in economic growth. Regions differ greatly in China and the rules and requirements for unification are very general. Thus, the actual implementation must rely on the local governments. However, we must notice that China has always been a model of highly centralized political power, both before

and after the economic reform. This centralization has two direct effects on the mandatory economic growth in China. On one hand, it formed a competitive system for local officials, where they compete to improve the GDP, and this directly promotes economic growth (Zhou 2007; Zhou 2009; Zhang and Zhou 2008). On the other hand, it forces the local officials to maintain social stability through “the political science of stability and unity,” which claims that failing to maintain social stability will lead to a decline in the officials’ political performances. Therefore the transaction cost of institutional transformation is greatly reduced.

The Importance of Human Relationships in the Operation of Chinese Society

Chinese society is based on a tradition of human relationships. Human relationships and implicit rules act as a “lubricant” to allow flexibility in the operation of the society. And in many circumstances, being honest can sometimes lead to achieving nothing. In particular, in the early stage of economic development, relationships become the method for compliance which costs less than the rules (Wang 2006).

Therefore, we can see the three elements – unified leadership, professional talents, and flexibility – constitute the Chinese bureaucracy’s efficiency in promoting the market economy’s development. With the goal of economic development, the unification of leadership ensures that all levels of government are operated with the goal of efficient economic performance. With requirement of professionalism, professional skills, especially an economic background, become the basic requirement in the selection of civil servants. With a background in economic decentralization and flexibility, the governments can overcome ideological obstacles, freely intervene in market operations, and focus on GDP growth. The governance mechanism gradually developed after 1978 plays a vital role in China’s sustained economic growth.

The “tax distribution” system that the central government implemented in 1994 was a turning point in the further development of the national governance. On one hand, through this tax reform, the state greatly enhanced its ability to obtain resources, profoundly changed the income distribution to central government and local government, and significantly changed local governments’ intervention in the economy. On the other hand, the flexible operation of local governments, especially in market intervention, has become more prevalent and concealed (Zhou 2006b).

In order to solve social conflicts in various socio-economic areas, the central government has gradually implemented a new way of governing based on “scientific development” since the twenty-first century. This new concept transforms the government’s operating behavior into a public service-oriented governance system, and makes institutionalization, standardization, and modernization the core issues of administration and supervision. The government reform of the administrative bureaucracy meets both the requirement of an export-oriented economy and international standards, and has the original intention of benefiting people. But the establishment and strengthening of technical governance also leads to the government’s full penetration of citizens’ social lives, excess government intervention, high administrative costs, and insufficient room for social development (Qu et al. 2009).

3.1.1.2 The Social Foundation Behind the Economic Miracle

The Urban-Rural Dual Structure

Economists often talk about the comparative advantage of labor resources as an integral part of China's economic growth. This advantage is clearly built upon the urban-rural structure. Before the economic reform, China established a solid barrier between urban and rural areas through a registered residence system, the unitary purchase and sale of agricultural products, and the people's commune system. This barrier was a means to realize the primitive industrial advancement through a national low-cost monopoly and to ensure the urban citizen's welfare through the block of labor flow.

Since the economic reform, the unitary purchase and sale of agricultural products and the people's commune system were abolished. But the most important institutional basis for urban-rural segregation – the registered residence system – remains. Moreover, since the mid-1990s, because of the combined effect of power and market, the barrier between urban and rural areas has not been broken, but instead has been strengthened. It is the existence of this barrier that makes labor resources a comparative advantage in market competition. The country sticks to the urban-rural system but also allows and encourages the rural labor force to move to urban areas. This makes cheap rural labor an important factor in economic growth. Especially since entering the WTO in 2001, the influx of foreign investment has provided positive opportunities for comparative advantage in the labor force due to the urban-rural segregation. It has also led to the formation of China's export-oriented economic structure. Since joining the WTO, China's amount of foreign trade has increased from \$474.3 billion in 2000 to \$2.5616 trillion in 2008, and the surplus has exploded: \$32 billion in 2004, \$101.9 billion in 2005, \$177.5 billion in 2006, and \$295.4 billion in 2008.² In this typical export-oriented economy, China has become a labor abundant “world factory” that is known for its inexpensiveness.

The Population Effect Under Family Planning

People's living quality has seen an obvious improvement since the economic reform, not only because of the total economic growth and industrial structure adjustments but also due to the population effects of the family planning policy introduced in 1980. The total fertility rate in 1971 was 5.4 %, while the total fertility

²Custom Head Office, 2007, *The 20 Years Custom Law Witness China's 20 Years of Development*, http://www.customs.gov.cn/tabid/399/ctl/InfoDetail/InfoID/73724/mid/60432/Default.aspx?ContainerSrc=%5BG%5DContainers%2F_default%2FNo+Container; Custom Head Office, 2009, *China's Foreign Trade Reached \$2.56 Trillion in 2008*, <http://www.customs.gov.cn/publish/portal0/tab2453/module72494/info157554.htm>

rate in 1990 was close to the replacement level (2.1 %), and it dropped to 1.74 % in 2005³ (of course, the family planning policy directly impacted the decline in the fertility rate, but economic and social development impacted it, as well). The decline in the fertility rate allows a considerable degree of mitigations in population, resources, and environmental pressure. A population growth rate that is lower than the economic growth rate greatly improves the quality of the population and the quality of people's lives. The improvement in the quality of the population further boosts economic development.

3.1.2 The Governing Issues Behind Chinese Economic Growth

The 30-year consecutive rapid economic growth has greatly enhanced people's living quality, and China has also gained national strength and an increasing influence in international affairs. However, this growth pattern has also led to many serious problems. The problems at the economic level are mainly the serious imbalance between investment and consumption, the significant shortage in domestic demand, the significant income gap and the disparities in social status, high unemployment, severe environmental problems, excess resource consumption, as well as the segmentation and reconstruction of the inter-regional market (Wang et al. 2007; Li and Sato 2004). But these problems are much more than pure economic problems. They are actually also governing issues.

3.1.2.1 National Governing Issues

Dislocation and Imbalance in State Functions

As mentioned earlier, in addressing market failure and improving equity the state functions are divided into minimal, intermediate, and activist. Since the Chinese market transition in the 1990s, what national operation problems have arisen?

First, in addressing market failure, there had been obvious problems. In other words, the state has shown high intensity in activist functions (e.g. promoting market development), while it has shown full recession in minimal functions (e.g. providing pure public goods, legal order improvement, and responding to major security incidents) and intermediate functions (e.g. improving education quality and environmental protection).

We will use coal production safety as an example. Though coal mining is a high-risk industry all over the world with high occupational fatalities, China's security

³State Census Office, 1993, *1990 Census Data*, Beijing: China Statistics Press; 1994, *Common Population Data*, Beijing, China Population Publisher; Population and Family Planning, 2007, *Population and Family Planning Statistical Journal – 2006 Key Data of Sample Survey of National Population and Family Planning* No. 2.

indicator is the highest in the world. In 2002, China's fatality rate was 160 times that of the U.S., 60 times that of South Africa, and 10 times that of India. During different stages in China's economic reform, coal mining production safety drastically changed. There was significant improvement in the 1980s, and the lowest mortality rate occurred between 1991 and 1992. But after 1992, the mortality rate has continued to rise and has become higher since 2000. The reasons are complex and one of the most important ones is that the county and township governments are both the regulators and the operators of the mines. Local governments ignore violations of safety regulations in order to increase tax revenue. Some officials that are responsible for issuing business licenses even collude with the coal owners and establish solid interest leagues (Wang 2007; Sun 2007).

Secondly, there is a serious imbalance between addressing market failure and improving equity. The fundamental development strategy determined at the beginning of the economic reform was "to give priority to efficiency and give consideration to fairness." But there have been problems with alternative development and efficiency taking a large precedence over fairness during the process of economic reform. Many local governments actively engage in market activities that they are not supposed to be involved in but disappear from the social activities they should be involved in.

The tax reform in 1994 reinforced the state's ability to extract resources, but it did not correct the skewed social structure through effective redistribution. In contrast, this resource extraction started the marketization of social welfare, which worsened the interest imbalance problem. After the elimination of state welfare housing in 1994, the housing reform started. The health care system reform was initiated in 1996. In 2000, the education system began a process of industrialization. This series of reforms suggests that the state given up their role in housing, care for the elderly, health care, and education and left them to individuals through the market.

To use health care reform as an example, in 1978, this government expenditure accounted for 32.16 %, social expenditures accounted for 47.71 %, and individual spending accounted for 20.43 % of total health care expenditures. In 1985, at the beginning of economic reform, the government expenditures rose to 38.58 %, social spending decreased to 32.95 %, and individual spending increased to 28.46 %. After 1990, government expenditures and social expenditures both experienced sharp declines, and in 2002, government expenditures accounted for 15.21 %, social expenditures accounted for 26.45 %, and individual spending rose up to 58.34 % of all expenditures. Such a change means the responsibility of disease treatment is undertaken by patients themselves, instead of being supported by government or relying on social commitment. In comparing China to other countries: public expenditures accounted for an average of over 70 % of total health expenditures in developed countries, and 57 % in moderately developed countries, while the proportion in China was only 37.2 %. Therefore, some scholars have asserted that China's market-oriented health care reform is generally unsuccessful (Shi et al. 2007). This conclusion caused strong resonance in the society.

The country started a number of important policy adjustments in 2005, such as a complete abolition of agricultural tax, a significant expansion of health insurance coverage, the regulation of the real estate market, and an income tax reform. These policies mean that the country is making an effort to achieve social equity. But due to a variety of factors, many reforms have become just another “legal” exploitation to people. There have been scholars suggesting a “worm effect,” that no matter what adjustments are made, people’s welfare and freedom will not be achieved (Qin 2008).

For the impact of tax reform on the relationship between the country and the people, the inherent “absorbing” relationship (where the country takes what is produced by people) did not change into a “service” relationship, but is becoming a “shell” and “floating” relationship (where the government looks like a shelter but does little for the people). Meanwhile, the local governments acquire a large amount of land at a low cost and construct large-scale sources of “land revenue.” The conflicts between governments and farmers are becoming even more acute (Zhou 2006a, 2007). Some grassroots political power has even been invaded by vicious power (Yu 2010).

The Strong Connection Between Power and Money, Proliferation of Rent-Seeking Behavior

The active involvement of the state in the market economy plays an important role in sustained economic growth. On the other hand, some serious problems arise. For example, rent-seeking phenomena began as early as the 1980s, before the beginning of comprehensive marketization. The dual-track system became the channel for interest groups to obtain wealth at the time. There are estimates regarding rent-seeking in 1988: the dual-track differences in our goods, capital, and foreign exchange were worth over 200 billion Yuan, accounting for 20 % of the total national income in 1988; the price difference, exchange rate difference, interest difference, and other rent totaled 456.9 billion Yuan, accounting for about 40 % of the national income (1.1738 trillion Yuan) (Hu 1993).

With the merger of tax reform and exchange rate, the pricing of most goods and services have already been marketed and the old dual-track system has faded out. However, the rental price has not decreased but shown an upward trend. Therefore, a new “dual-track” came into being: based on the background of public power, the government search from bottom to top and take over the existing goods and services pricing system that is already marketed. Along with elements of the pricing system such as capital, land, and labor force that are not marketed, and monopoly pricing in the state-owned enterprises and disorder transfer of rent-seeking, the government establish a huge total rental value (Zhong 2005). There are some scholars that gave an estimate on the scale of non-normal income including rent in 2004. The preliminary result suggested that the non-normal income distribution scale was 5.69529 trillion Yuan, accounting for 35.64 % of gross domestic product. This scale equals 1.8 times

that of the national finance.⁴ In some sense, the tax reform was to regulate government behaviors, along with strengthening the centralization of the central budget. However, an unexpected consequence of the “upward shift of property right and downward shift of power” was to strengthen the role of local government as a stakeholder, which allows them to transform from the “helping hand” of market economy into the “grabbing hand” of market economy (Chen and Gu 2008: pp. 287–311). Since 2002, the major goal of the Chinese farmers’ collective events changed from those surrounding tax problems into those surrounding land issues.

Special Interest Groups’ Serious Erosion of the National Interest

The market economy, which is experiencing rapid development under the special Chinese politics and social background, has involved a number of special interest groups. From the background of the formation of these groups, the common features are the close connection between political power and capital, the ability to create monopoly power with power, the ability to achieve exclusivity and monopoly, and in turn the use of capital to strengthen power, influence government decision making, and achieve profits. Though these interest groups are closely related to political power (since without the macro background of political intervention, it would be hard to establish a macro structure of current interest groups), in actual operation, they show the distinctive Chinese thinking that power should be hidden and capital operation in front. The benefits of capital link different interest groups, monopolize resources and obtain excessive profits, divide the market, and form camps that seriously impact market fairness and social justice. These camps include: the financial sector with capital being the main operation subject, a considerable number of the state-owned monopolies, some strong private enterprises and real estate companies with support from the government. The four camps represent the operation subjects of current Chinese interest groups. Each camp is also closely connected with government and market, constituting a vested interest chain. Financial sector, monopoly, some private enterprises, and some real estate companies are the center of these interest chains. Above these chains are closely related executive departments and institutions; below these chains are a variety of small and medium-sized market subjects. In addition, some cultural and academic elites are attached to these chains, becoming the typical dependence of interest groups. They erode the national interest and seek special illegal interests by illegally monopolizing scarce resources, seeking political representation, constructing legitimacy by experts, and distorting justice (see Zhou 2009).

⁴Gao, A Value Estimation on China’s non-normal income distribution in 2004, http://finance.cecn/macro/jjxr/mjzlbk/ghq/200709/14/t20070914_12611451.shtml

3.1.2.2 The Crisis in Social Governance

The social governance mechanism discussed here is also called the non-market governance mechanism which is a “coordinated market economy system” that is different from the “free market economy system.” This non-market governance mechanism mainly involves contracts based on social relations, and emphasizes the balance of various social forces, cooperation in competition, and highly organized self-management of citizens (Gao 2008). The Chinese historical tradition and the current situation do not have the conditions for the development of a free market system, and the operation of bureaucracy is based on social relations and flexibility. Therefore, the development of non-market governance has an important role in China's abandonment of the “bad market economy” and move towards a “good market economy”.⁵ But it is precisely at this point that there are still serious problems in the Chinese society.

The Imbalance and Stereotypes Regarding Social Class

To adjust to the social structure in the market economy system, a strong and independent middle class is critical. But the problem in China's current social hierarchy is the slow development of a new middle class and the constant differentiation and atrophy of the traditional middle class, which are the urban residents.⁶ At the same time, the social elites are accumulating more wealth, receiving more resources, and forming an alliance with economic elites, political elites, and intellectual elites in order to trade different types of capital and enhance their influence in national decision making. Some of those that were in the middle tier fell to the bottom of the society after being laid off, and those that were on the interest margin at the beginning of the economic reform and the vulnerable groups (e.g. farmers) have gradually taken the position as the bearer of economic reform. The Chinese society has a two-pole development trend: the upper class is a growing oligarchy, while the bottom class is becoming fragmented. Moreover, this hierarchical structure of wealth disparity has begun to finalize in recent years with specific performance as: the formation of boundaries between social classes, the decline in movement between the classes, the formation of recognition within classes, and the formation of a means for social class reproduction (Sun 2005b).

We will use the urban-rural dual structure as an example again here. The large flow of workers into the cities can bring revenue to their families. However, from

⁵Yingyi Qian initiated the concepts of “good market economy” and “bad market economy.” These concepts focus on whether the market economy has a legitimate foundation (Qian 2003). We believe that in addition, whether market economy has a foundation of civil society and whether it is built upon the balance of social power are important symbols of its quality.

⁶See Sun (2005a) for the distinction between middle class and “quasi-middle class” urban residents.

the perspective of social structure, because of the unfair treatment to migrant workers, the majority of revenue created by the migrant workers is seized by the city. As well, the migration of young workers exacerbates the situation in rural areas, causing a constant decline in agricultural income. The gap between urban and rural areas stays the same due to institutional barriers and migrant workers constant flow and hard work.

Loose Social Organizations

A big change since China's social reform is the increase in the organization of social life. Many cities, and even some rural areas, have social communities with modern public organization. Since joining the WTO in 2001, China's entry into the globalization process has made the Non-Government Organizations (NGOs) further develop under the background of "international connections." A rough estimate suggests that the number of registered social organizations in China rose from about 6,000 before 1978 to 230,000 by the end of 2001, while unregistered organizations are estimated at about 1.4 million (Wang 2002).

Though the number of NGOs in China experienced a rapid increase, in general, their autonomy is still very limited. They depend on the government institutionally, which is shown as institutional hierarchical dependence, organizational dependence, operational network dependence, property right dependence, and social trust dependence. Therefore, the NGOs actually have the characteristic of isomorphism with the government organizations (Shen 2007). They may depend heavily on foreign investments, but there are problems such as legitimate constraints, lack of professionalism, and a weak foundation of grassroots departments. As for the current status of Chinese NGOs, it is still difficult for them to truly have a substantial impact on Chinese society.

The Lack of Direction in Social Recognition

If the social discussions were the social consensus at the beginning of the reform, then since 2001, social recognition has become somewhat directionless. It is manifested in the following aspects.

First, a fierce debate on the asset loss in SOEs launched by Larry Lang in 2004 questioned the legitimacy of the property right reform of state-owned enterprise. It thus brought about a reconsideration of market orientation reform and caused people to question if we are facing a "bad economy." This discussion marked the disintegration of the traditional reform consensus and the new reform concept was to be built upon the reconsiderations.

Second, the involvement in globalization, bureaucratic governance, modernization, professionalism, the "international connection" in the whole social governance, experts' monopolistic discussions, and the sharp social conflicts at the bottom of the society, cause the society to look like an embarrassment.

Third, with the advent of the consuming society and network society, the traditional identity and social recognition have been weakened and individualism, fragmentation, and even virtualization have become the major features of the survival of the younger generations.

The Distortions of Interest Expression

China's interest structure has undergone tremendous changes during the 30-year reform. The pattern of totality, unity, and homogenization has been broken down and the various regions, units, and identity groups have become relatively independent and diverse interest groups. At the same time, the gaps between different interest groups are widening gradually. Especially after joining the WTO in 2001, globalization has caused a more obvious social fracture and a more prominent interest imbalance. The vulnerable groups represented by landless peasants, migrant laborers, urban lay-off workers, and relocation households have been formed. They not only lack the opportunities and resource to gather wealth, but their legal rights and survival basis have been hurt. When their interests are being harmed, because of the lack of organizational resources and the limitation of the current maintenance mode, they are not able to effectively integrate their interests, form common interest demands, or protect their own benefits through interest expression. Therefore, when the vulnerable groups have conflicts with the power groups, they are often speechless and helpless, and sometimes have to seek ways outside of the system to fight for their interests (Sun et al. 2010). More specifically, these problems are shown in the following aspects.

First, they lack the institution for interest expression organizations. Farmers do not have a farmers' organization; labor unions help with the supplementary welfare function but lack the interest expression.

Second, they lack the channel to legally express their interests. Though litigation is the most legitimate way to express interest, the Chinese courts are extremely cautious in handling the sensitive and collective cases. So people face three difficult problems: it is "difficult to file a lawsuit, difficult to win a lawsuit, and difficult to implement policies" when they go to the courts. Moreover, the time of long lawsuits and the high cost of litigation add to people's hardship psychology regarding litigations (Ying 2008a). Petition is an interest expression means with Chinese characteristics but its legitimacy is very ambiguous: between the senior governments' opinions and the local governments' opinions, individual petition and step by step petition and stride over petition, and normal times and sensitive periods, there are legitimacy gaps (Ying 2004). These gaps make petition a very risky and tricky way to express their interest. As a result, on one hand, vulnerable groups like migrant workers and urban lay-off workers, who have almost no channel to express their interest or ability to negotiate, can neither impact the policy making that is vital to their interest nor protect their own benefits and rights through negotiation. On the other hand, the strong groups that possess a large amount of the resources have various channels and means to influence the public decision making.

Third, they lack a rational way of compromising. Some governments and business owners often use procrastination and evasiveness to avoid social interest conflicts, which can actually intensify conflicts. The vulnerable groups often use means that are too drastic to try to force the governments to solve problems; while the governments or business owners often use high-pressure means to maintain the social stability and contribute to their governmental performance. Under this distorted “procrastinate – intensify high pressure” mode, the governments, business owners, vulnerable groups that directly encounter the problems, and the whole society have paid a heavy price for these irrational interactions. One of the biggest problems with the current dominant stability idea lies in the opposition between the people’s interest expression and social stability (Sun et al. 2010).

The four factors that constitute the social governance crisis also influence one another. Though they are not enough to affect the political stability or create a large scale social turbulence, the social interest conflicts are very severe. Therefore, we observe a “petition peak” with the rapid sustained economic growth in China. Though the 30-year economic reform has achieved sustained economic growth, this traditional economic development has also resulted in serious political and social issues. The “shrink-expand” phenomenon in Chinese society is exactly the result of this double-edged sword of traditional economic development: on one hand, the economic output is forced to grow; on the other hand, the foundation of the economy is constantly eroding.

3.2 Blind Developments and the Prominent Problem of Migration

Since this book studies many cases of contentious activities involving reservoir migrants, we will specifically analyze the blind development and migrant problems that have followed it since the mid-1990s. These problems are strong examples of the change of governance and interest structure discussed above.

From 1949 to 1979, a total of more than 86,000 reservoirs were constructed with a total capacity of 466 billion m³. The number of reservoir migrants was as high as ten million, which was the highest in the world. Under the planned economy, the construction of reservoirs considered only the economic benefits but not the migration problems. Thus, the government stressed the scarification of reservoir residents one-sidedly using “organizational militarization, action combat, and life collectivization,” which resulted in the situation of an “advanced power plant with a lagging reservoir area and arduous migrant lives” (Tong 2009: p. 311, 346). There are also many production and living arrangement problems in reservoir migration. The living quality for migrants is often lower than their original life quality and some migrants even fall to the point of extreme poverty. The average net per capita income of reservoir migrants from the direct central reservoirs was 572 Yuan which was only 47 % of the farmers’ net per capita income, the average net per capita income of reservoir migrants was 782 Yuan in 1996 which was equal to 40 % of that of the

farmers.⁷ The reservoir migrant problems are the repeated and intricate products of the institutionalization of the planned system.

In the 1980s, the country started to apply some supportive policies to address the reservoir migrant issues that arose before the economic reform. The government also slowed down the pace of new hydropower projects, which to some extent alleviated the reservoir migrant problems. But the delayed construction of hydropower projects has undergone big changes since the 1990s. The main factors are as follows.

First, the establishment of the market system has brought a new peak to China's economic reform, and the demand for energy has therefore increased due to the sustained rapid economic development. The Three Gorges Project launched in 1992 is an important symbol. Though these were large state projects designed for comprehensive benefits, the most important consideration was obviously to resolve the energy crisis in the middle and lower reaches of the Long River region (Cheng 1996).

Secondly, the power system reform contributed to the disordered development of hydropower. In March 2003, the state council approved the electricity reform program which was intended to break the long-term monopoly in the electric industry. This program would divide the power asset which was originally managed by the State Power Corporation into an electricity generation and electricity network service. For electricity generation, five nationwide power generating groups would be developed and a system of selective power supply distribution, network auction, separation of generations and networks, and transmission and distribution would be built. Since under the current regulatory environment, the water and electricity rent are almost free, whichever hydropower company constructs a river dam first will automatically obtain the right to use the water resource, and other hydropower companies will not be able to acquire such rights. Thus the low cost of hydropower projects can be directly converted into profitable advantages in the competition among power groups. The rapid increase in the investment in hydropower projects made the major power groups start to quickly develop in the western region where there are rich hydropower resources (Shen 2005).

Thirdly, under the background of tax distribution reform, some local governments in the western regions started to pay attention to the construction of hydropower projects. In 1994, the central government launched the tax and fiscal system reforms and started to implement the tax distribution system. Though the tax distribution system made local governments and local businesses start to "decouple," the local government's benefit-orientated nature has not been changed. On the contrary, the awareness of being the benefit subject to the local governments has greatly improved under the expenditure pressure. For the local governments, since the GDP growth is still the core of political performance, they urgently seek new government spending that they can freely control to ease the expenditure

⁷Department of Water Resource: *Water Poverty Alleviation and the Dynamics of Reservoir Development*, 4, 1997.

pressure and maintain the trend of GDP growth (Qu et al. 2009). Some local governments in the eastern part consider their national economy and fiscal income the key to urbanization and land development. The local governments in the western part of China try to find a new way out. And the support of hydropower projects is an important step. Though they usually launch a hydropower project once they take the office, they have to pay value-added tax, income tax, and state tax. But the local governments can retain about 5 % of the income. Although most of these hydropower projects move from west to east, the eastern regions usually lower the price. But there is no doubt that these projects have considerable effects on the western regions' economy (Chen 2007: pp. 286–290). We will use the example of the planned Nu River 13-level cascade hydropower station. If this power station is constructed, the annual output could reach 36 billion Yuan, contributing to a taxable income of 8 billion Yuan, and the local governments could receive 2.7 billion Yuan. So Lu River Autonomous Prefecture, could achieve an annual increase of 1 billion Yuan in government fiscal income. Lu River Autonomous Prefecture annual income as of 2003 was only 1.3 billion Yuan (Yi 2005). Taking the Manwan Hydropower Station as an example, this power station created total tax revenue of 210 million Yuan in 2002, the state government received about 100 million, and the provincial and local governments received 50 million and 60 million, respectively. The hydro companies invest in these projects, while local governments are responsible for allocating migrants. Local governments hope to gain more money by allocating migrants, but for the success of such “transactions,” the migrants have to accept very low migration compensation and sometimes this compensation is a deferred payment. The initial investment on the Manwan Hydropower Station was 3 billion Yuan and the migrant compensation was 30 million Yuan. Later the investment was increased to 4 billion Yuan and the migration compensation was raised to 80 million Yuan, accounting for 2 % of the investment. If we divide 80 million by 7,000, we can see that each person gets a compensation of about 10,000 Yuan and this does not include some potential abuse by the local governments. This migration compensation does not go directly to the migrants. These funds cover urban and rural road construction, land purchase, and housing construction. In the case of the Xiaowan Power Station, the government gave the migration compensation to real estate developers and let them build houses. Not to mention that this is standardized housing without local characteristics and low quality, the discounted price for the new houses is even higher than the cost of land purchase and housing construction. The migrants have lost their survival means. Not only can they not move into new houses, but they also might have to pay a fee for relocation. On the surface, these houses are built by reinforced concrete, so people's living conditions have been improved. But in reality, the survival means have changed when people move in and their living conditions become worse. The construction of a power station can never provide development opportunities for the local residents; though there might be employment or trading opportunities during the construction, the power station involves high-tech management, which migrants can never engage in (Yu 2004).

We can tell that in the blind development and power delivery from west to east, the relevant beneficiaries include: the central government, local governments where power is exported from (western local governments), local governments where power is imported to (eastern local governments), hydro companies, power users, and migrants. Since China's current power is operated in a monopoly, the local governments where power is imported to, the eastern power users, and hydropower companies receive the largest amount of benefits.⁸ The local governments where power is being exported to and the central government receive a certain amount of profits, and the migrants are the only ones in this distributive structure that end up worse off. On one hand, low migration cost is the premise for blind development. It is not only the human capital and social capital that cannot be compensated, but the standard compensation for reservoir migrants is far lower than the compensation for land acquisition in eastern areas and what is suggested in the *People's Republic of China Land Administration Law* amended in 2007. On the other hand, local residents are also the direct and long-term victims of environmental pollutions brought by the development of hydropower.

For rural migrants, they always face problems of low quality land in resettlements, a weak foundation for industrial structure adjustment. There are also issues of empty industry, the difficult placement of workers, and asset loss (Ying 2010b).

Of course, we should note that the current reservoir migration problems still differ significantly from that in the planned economy era. The reservoir migration in the planned economy was carried out under a system of high political pressure and social mobilization. Almost all large and middle-sized reservoir migrations were called national action and migration problems were not taken seriously. Under the market system, though reservoir migrations are still considered "involuntary migrations," there is still a certain degree of politics, but they are no longer projects without any bargaining room. After all, in addition to the Three Gorges Project, most hydropower projects are joint projects by the local governments and power groups, and these projects might not have gained the central government's support. More importantly, the migration issue is a matter of overall stability and unity, which has obtained high priority. Especially since the twenty-first century, the idea of scientific development emphasizes an orientation around people. This gives those involuntary migrants the right to speak to some extent. Alternatively, the contentious activities undertaken by reservoir migrants who have not received proper compensation for their interests now have some legitimacy.

⁸For example, in 2002, 11.7 billion kwh of electricity was delivered into Guangdong province bringing a profit of 30 billion Yuan to Guangdong province but only 1 billion to Yunan, Guizhou, and Guangxi provinces in total (Liu 2007: p. 9).

Chapter 4

A Narration of the Legal Contention Process

The World Commission on Dams has found that the lives, livelihoods, cultures, and religions of indigenous populations are negatively affected by dams. Due to unfair structures, cultural differences, discrimination, and marginalization in economy and politics, the dam construction and management usually ignore indigenous and tribal people's needs. These people do not have a sufficient ability to fight for fair treatment, and therefore suffer only from negative impacts but do not enjoy benefits from the dam.

—Manhao et al. *World Commission on Dams Citizen Guide*

All flesh is for the heart.

—Ying Yan *Spring and Autumn Annals*

As mentioned in the introduction, we selected three cases in southwest and north China to represent the three types of contentions. This chapter will provide an overview of the development of the three cases. The analyses of grassroots leaders and grassroots mobilizations in Chaps. 5, 6, and 7 are based on these cases. The narrations and analyses on the two types of collective incidents will be presented in Chap. 8.

4.1 The Collective Petitions of Shanyang Migrants

Shanyang is an economically backward town in southwestern China. A river called “Dahe” passes through the town. Since 1976, there has been a constant stream of large-scale collective petitions. The petitions can be divided into two stages, both of which are related to the hydropower station located in Shanyang. In 1975, the local administration constructed a middle-sized hydropower station – the Dahe Power Station. Some of the Shenyang farmers became migrants of Dahe Power station. Simultaneously, because of the land compensation issues, they faced a long, arduous,

tortuous, and even terrifying petition contention, which was not resolved until 1994 (Ying 2001). Since 1994, due to the construction of the Three Gorges Project, the Dahe Power Station was completely submerged, rendering it nonoperational. As a result, the Dahe migrants had to undergo a secondary migration. More towns were then involved in the migration. In 1997, the Shanyang migrants started a new round of collective petitions. According to rough estimates, over the past decade, there have been hundreds of petitioners to the city and Beijing. The Shanyang migrant petition was the earliest, most influential, most representative, and most complicated case among the Three Gorges migrant petitions. Here is an introduction to this case.

A survey of the time period spanning from November 1991 to January 1992, conducted by the Chang River Water Resource Commission, suggests that the total number of migrants from the Three Gorges reservoir was 846,200, of which farmers accounted for 361,500.

There were two ways of resettlement for these 360,000 rural migrants. One was local resettlement to nearby towns. The other method of resettlement was outside resettlement to locations further away. This resettlement policy underwent a major adjustment in 1999. Before 1999, the resettlement planning for rural migrants focused on reclaiming wasteland, operation diversification, and local resettlement. The estimated number of migrants that were relocated to other provinces was just 83,000. Due to the limitation in potential development in the Three Gorges Reservoir, the government had to move more people out of town in 1999. From 2000 to 2004, a total of 96,000 Chongqing migrants were relocated to coastal cities and 11 cities along the rivers. Including the 45,000 individuals from Hubei and other reservoirs in Chongqing and 25,000 other volunteers, the Three Gorges reservoir housed a total of 166,000 migrants that were relocated to towns in other regions of China. These people accounted for 41 % of the total rural migrants.

There is a saying in the Three Gorges reservoir area, “the Three Gorges migrants look at Ping County while the Ping County migrants look at Shanyang town.” There are three reasons why the town of Shanyang, in Ping County, became the people’s and the government’s focus of attention.

First, the number of rural migrants was high. Ping County’s total number of migrants and farmers both ranked second among the Three Gorges reservoir counties, while Shanyang is the biggest town for Three Gorges rural migrants. The number of migrants from Ping County totaled 109,800, of which 45,300 belonged to agricultural population; the number of migrants from Shanyang was up to 11,700, of which 10,500 were agricultural populations (nearly half of the town’s population). Rural migration has always been the priority and difficulty for migrant resettlement.

Secondly, because of the mountainous terrain and harsh natural conditions, 90 % of the migrants had to be relocated outside of the region. Outside resettlement is much more difficult than local resettlement.

More importantly, the people of Ping County are known for obstinate folk culture, which was recorded in *County*: “intelligent and extraordinary, stubborn and with no fear of officials.” The Dahe migrant petitions have become the model for other Shanyang petitions.

During the new round of increased petitions, the central figure was Kewang Zhou. Kewang Zhou was born into a farming family in Shanyang in 1940. He was later recruited by the Dahe Shipping Company and was an active leader in a rebellion organization during the “Cultural Revolution.” He returned to the town of Shanyang after retirement. Although Kewang Zhou possesses only a primary school education, he experienced a great deal during his time working outside of the region. As a result he has become an aggressive, outspoken, and articulate individual. When he became aware of the serious problems associated with insufficient migrant compensation and “fake migration,” he rushed to the forefront of collective petitions.

The petition process under the leadership of Kewang Zhou can be divided into four stages.

4.1.1 From Letters and Visits to the Beginning of Collective Petitions: October 1997 to March 2000

In July 1997, the rural migrant resettlement work in Ping County started. The local government mobilized rural migrants to relocate but did not release the corresponding compensation standards. Under a strong demand from migrants, in October, the Ping County government released a compensation standard for rural migrants. The announcement of the file caused uproar because the standards were so low. For example, there were three different compensation levels for the civil structured houses in flooded regions (urban residents, town residents, and rural residents have different prices). Even the urban residents who received the highest compensation price could not rebuild a house of the same quality. Since the county’s compensation standard was too low and the state was highly propagating the development prospects of the Three Gorges migrants, the Shanyang migrants naturally thought that the local government was to blame. The migrants also experienced migration fees, and government officials embezzled resettlement funds through “fake migration”¹ and false declarations. All these problems led the people to jointly complain to the central government.

In October 1997, the Shanyang migrants selected a group of representatives and joined two retired cadres to visit the neighboring four counties. Their goal was to investigate whether the compensation standard in Shanyang County was lower than the standards in the neighboring counties and to determine if the local officials reduced the compensation funds through corruption. The Shanyang officials learned of this investigation and tried to threaten and coerce the two retired cadres to give up their support of the petitioners. As a result, the two cadres, as well as a number of representatives, gave up their support for the petition. The remaining representatives,

¹“Fake migration” refers to those farmers whose lands and houses were not submerged by reservoir but tried to bribe the local officials in order to be included on the migrant list and receive resettlement compensation.

most notably Kewang Zhou and Zhengxing Liu, continued their support of the petition. Kewang Zhou was not a rural migrant (he was a retired worker who still received monthly wages), nor did he have good education. However, he continued to vehemently support the petition due to his rural upbringing and sympathy for the farmers' hardships. Due to his outspoken nature and experiences outside Shanyang, he became the main representative of the farmers' petition. Zhengxing Liu was a village head in Shanyang and because of his outspoken and courageous nature he had some prestige in the village. Under the leadership of Zhou and Liu, they wrote a letter to the central government and attached an official seal of the 69 village groups. The letter was sent to the central party and various other government officials on November 20th.

In January 1998, Kewang Zhou petitioned for the first time during the Municipal People's Congress and sent them materials reflecting the government officials' "fake migration".

At the same time, the letters of millions of people received careful attention from the central government and city officials. On February 11th, a joint city, town, and county group entered Shanyang and were stationed there. However, this group concluded that the "insufficient compensation" problem was nonexistent and that the complaints arose as a result of a misunderstanding by the migrants' representatives. They further found that "fake migration" did exist and required treatment, but the situation was not as serious as stated in the letter. The group also criticized the migrant representatives of improper motives while organizing the petitions.

These results obviously did not convince Kewang Zhou, Zhengxing Liu and the other migrant representatives. As a result, they prepared a three township joint petition to send directly to Beijing. This large-scaled Beijing petition was miscarried due to the local government's successful division of petition representatives. But in May and June of 1998, Kewang Zhou still sent his second and third letters to Beijing and quietly went to the city in order to convince the government that the "fake migration" problem that was not truly resolved.

During 1998 and February 2000, Kewang Zhou repeatedly wrote letters and sent people to Beijing. But due to the conclusion of the investigation by the joint working group, their petitions were fruitless.

The long petition process had cost them a great deal of money. Due to the Shanyang migrants' support of these petitions, the expenses were split amongst every Shanyang migrant.

4.1.2 The Upgrade of Contentious Gatherings and Collective Petitions: March 2000 to March 2001

In May 1999, the central government implemented a large policy adjustment for the Three Gorges migrants in order to encourage more rural migrants to resettle out of town. According to the Three Gorges Construction Committee, the Ping County migrants would be required to relocate beginning in March 2000. The government said that "organized relocation" would be helpful to management and migrant

supporters. But the Shanyang migrants faced this relocation policy with fierce opposition. From their point of view, this policy severely violated the policy of “multi-channel, multi-form, and multi-method resettlement” proposed in the *Three Gorges Construction Project Resettlement Ordinance*² issued in 1993. Moreover, the Shanyang migrants had found a better way to independently relocate and had purchased houses or stores in other places. More importantly, the locations for migrants arranged by the government were in fact in poor areas where employment opportunities were not available. All the migrants could get from relocating was simply registration. Some locations were even hard to find a place to live in. The government’s tough practices led to a new wave of Shanyang migrants’ contentions.

The migrant representatives, again led by Kewang Zhou, mobilized the local residents, initiated contentious gathering means, and increased the intensity of collective petitions. The measures they took included the following.

4.1.2.1 Migrant’s Face to Face Query or Debate with Local Officials

In the summer of 2000, Kewang Zhou organized hundreds of migrants and walked dozens of kilometers from Shanyang to the County government. They asked to choose where to relocate, sufficient compensation for resettlements, and a resolution to the “fake migration” problems.

In the same year, when the county government officials tried to mobilize the Shanyang migrants for relocation, Kewang Zhou and other petition representatives publicly debated with the officials, claiming that if the problems were not resolved the migrants would not move.

4.1.2.2 Improving Organization, Becoming Familiar with the Policies, and Strengthening Migration Related Information Communications

In the past, though Shanyang migrants engaged in petition activities, their petitions were not organized or institutionalized. In view of the situation, Kewang Zhou saw the need to strengthen and organize the migrants. As a result he established a “Shanyang Migrants Monitoring Association” on December 18th 2000. The members of this association included 15 representatives from different villages with five active petitioners comprising the core members. Kewang Zhou stressed that the goal of the association was to oversee the local governments’ implementation and support of the central government’s Three Gorges migrant policy. To their surprise, the establishment of this association was a major policy violation and was used as the main evidence against the group.

There were two key issues that were addressed following the formation of the monitoring association. One was to study the Three Gorges migrant related documents and

²*Three Gorges Construction Project Resettlement Ordinance* <http://www.chinaresettlement.com/regu/c-law01.htm> (17 August 2007).

policies. The other was to collect detailed information on local officials' corruption, misappropriation of migrant funds, false submersion of lands, and fake reports of migrant numbers. They also made a series of petition materials.

4.1.2.3 Increase of the Intensity of Beijing Petitioning

Kewang Zhou first sent people to Beijing to petition starting in April of 2000. In September and December 2000 and March 2001, Kewang Zhou went to Beijing for petitions three times himself.

4.1.2.4 Contact with Oversea Media

Facing a situation of fruitless petitions and no response from local institutions and media, Kewang Zhou started to contact oversea media. He hoped to get attention from the Chinese government on the migrant issues by increasing foreign exposure to his people's plight.

On September 28th 2000, the migrant representatives, Kewang Zhou and Dingqiu Du, visited reporter Becker from Hong Kong's *South China Morning Post* in Beijing. The *South China Morning Post* soon reported the issue and posted photos of the two migrants. The article created a backlash from the local government against the migrant representatives.

4.1.3 Imprisonment: From March 2001 to March 2004

In March 2001, Kewang Zhou and two other migrant representatives travelled to Beijing to once again petition the government. The local government lied to the Beijing officials and said that Zhou and the two representatives were illegal organization leaders and engaged in secret communications with foreign associations. These false accusations led to their arrest by the authorities in Beijing. But the Beijing officials soon found that they were just ordinary petitioners and released them the next day.

Three of the four migrant representatives, including Zhou, were arrested in Beijing while the other member was arrested in Ping County. After the arrest, the local officials ran into difficulties. The petition itself was not cause for conviction, reporting to the foreign press could not be classified as "endangering national security," and the so-called illegal association "Shanyang Migrant Monitoring Association" was not formally established until December 2000 and did not encourage any events that would have threatened security. But since the Ping County officials repeatedly put pressure to the court, the Ping County court later convicted Zhou and the three migrant representatives of "disturbing social order" for the formation of the "Shanyang Migrant Monitoring Association" and sentenced Zhou to prison for

3 years and the other three representatives for 2 years. This was the first case among the Three Gorges migrants in which petitioners were sentenced.

4.1.4 A One-Way Petition Trip: March 2004 to November 2010

On March 11th 2004, Kewang Zhou was released from prison. Though he was tortured in prison, he still insisted upon the legitimacy and legality of his behaviors. He received a thank you letter from the Shanyang migrants during the last spring festival of his imprisonment. The letter said that “The Shanyang migrants have made a big sacrifice for the Three Gorges project. The Shanyang migrants have always had a tradition to fight corruption and all evil forces. Kewang Zhou was the vanguard in this complicated struggle.” After he was released, the migrants gave him a silk banner. All of these things gave him great encouragement.

His original house had been destroyed. He rented a two-bedroom apartment in Shanyang Xinchang to settle down and insisted on collecting information about “empty registration” (where migrants registered in new locations but could not afford to buy a new apartment). In the meantime, he started to file accusations for his own unjust imprisonment. His accusations were repeatedly rejected, thus he had been forced to embark on a life of endless petitions.

In August 2007, Kewang Zhou with ten collective petition representatives went to Beijing to petition again. Some Shanyang migrants whose accounts had been moved to other places still continued to petition to the local governments, while some went back to Shanyang to build temporary housing (see Deng 2005). Until his death in November 2010, Zhou worked diligently on the petitions for his people.

4.2 The Contentious Gathering in Silver River

On February 18th 2004, a local daily paper published an article entitled *The Lion Roaring Power Station*, which attracted the attention of Sanmen River villagers. In March, a group of people came to Tianxian County’s Silver River to measure houses and foundations, and they said it was to prepare for the “Study of the Feasibility of the Lion Roaring Hydropower Station” conducted by a design institute. At the end of July, there was once again a local rumor saying that the *Sanmen River Midstream Hydropower Planning Report* had been approved by the National Development and Reform Commission. And the “Lion Roaring Hydropower Project” had been recommended as the recent development project. In August, the Y provincial development and reform commission submitted the *Water Transfer Project*, which was approved. According to this plan, the Lion Roaring project would be a series of large hydropower stations in the middle reaches and lower reaches of Sanmen River.

It would be a strategic project for the Sanmen River cascade development and the water source for the “Deliver West Power to the East” project in the Y province.

According to the High Dam plan, nearly 200,000 mu of fields near the Sanmen River would be flooded and nearly 100,000 people would be forced to migrate. Of those that would be displaced, ethnic minorities accounted for more than 70 %. However, the Sanmen River valley was famous for its fertile fields and granary where people could live comfortable lives. As a result a vast majority of these people refused to relocate. Peiqiao Huang from the Qing Dynasty who went to Tibet through the Sanmen River valley praised its beauty in his book *Tibet Figure* saying, “linger river, ridges and peaks, villages and houses, like the Jiangnan landscapes.” In addition, the Lion Roaring landscape was selected as a World Natural Heritage site in July 2003. The development of the hydropower station would not only destroy the local residents’ lives but also affect this world heritage site. Under the active influence of an NGO, Xiaozhong Zhou started an anti-dam contentious gathering.

The personal background of Xiaozhong Zhou was quite complicated. Zhou’s father joined the revolution before 1949 but due to his background, he was persecuted in the “Cultural Revolution.” Xiaozhong Zhou travelled during his childhood. After the “Cultural Revolution,” he was admitted to a community college and taught in a secondary school in the city after he graduated. Later he resigned and returned to their village to take care of his mother and work with a small business. Because of his high education, eloquence, and willingness to speak out, he was quite respected in the village. Primarily due to his performance in the “5·13 Incident” in Xiangzhu in 1997, he became a local representative.

The “5·13 Incident” was caused by a mineral company disposing of their industrial wastewater in local rivers, thus contaminating the village’s drinking water. Over the span of several months, the villagers began to suffer from dizziness, vomiting and diarrhea. The livestock even started to lose their hair and the fish in the ponds died en masse. Because of the firm’s background and their contacts in government, the repeated petitions of the villagers were ignored. The villages later could not even place long distance calls or send documents in the mail. Xiaozhong Zhou gathered 4,000 signatures for a petition and had a person carry it to Beijing, leaving under the cover of night. On May 13th, over 3,000 people gathered together to negotiate with the town government. Though the entire process of negotiation was in good order, Xiaozhong Zhou and three other leaders were arrested and sent to the county detention center. However, the final outcome of the 2-month struggle was that Zhou and the other three leaders were released and the government decided to move the site of the company, arrange treatment for the sick villagers, and build a new water diversion for the whole village. The “5·13 Incident” reached a satisfactory conclusion, and the villagers even built a monument in memory of the success.

The Sanmen River anti-dam movement led by Xiaozhong Zhou had gone through four stages.

4.2.1 NGOs' Mobilization (June to October 2004)

After being informed of the dam construction in the Sanmen River, the villagers of Xiangzhu did not know how to react. The person who mobilized them was a scholar who grew up by the Sanmen River and was working in Beijing at the time. This scholar, whose name is Weizhong Kong, returned to the village in June 2004 and started to visit Xiaozhong Zhou, Jiali Kong (Weizhong Kong's father), and other local prestigious people and recommend them to attend a "Sustainable Development Course for the Reservoir Resettlement" in July by an NGO "Green Watershed" in Y province.

The leader of the "Green River Basin," Xiaogang Yu, had been working on the effective protection and utilization of natural resources through participatory watershed management since 2001. He also founded a sustainable, cost-sharing, and benefit-sharing ecological economic plan. It included applying public survey methodology to assess the social impact and the environmental consequences of the dams. As an anti-dam environmental organization, the "Green Watershed" played an important role in the contentious debate concerning the construction of a dam on the Nu River in 2003 (see Jin and He 2008).

From July 21st to July 25th, 2004, the Green Watershed held a course, "Sustainable Development Course for the Reservoir Resettlement," for dozens of local resident representatives in the Sanmen River basin. The course's goals were to both summarize the lessons from past reservoir migration and mobilize the anti-dam movement. Xiaozhong Zhou and other attendees spoke with great effect at the meeting. Xiaozhong Zhou said that if they were to move, they would not only lose land, trees, the habitat for their cattle and sheep, roads, ponds, temples, schools, their family tombs, and their scenic spots, but also their family loves, friendships, social relations, and the influential circle of the town. The "influential circle of the town" proposed by Xiaozhong Zhou referred to the custom in which people from the area surrounding the river were respectful and had friends everywhere. He further pointed out that the generations of relatives, friends, and social relations were intangible assets and provide the foundation for labor exchange and mutual support of weddings and funerals. Lastly, the attendees agreed that the construction of the Lion Roar Hydropower Station should be stopped and that people need to live in harmony with nature. They agreed that they were responsible for the protection of the Sanmen River basin and their folk culture.

In August 2004, under the leadership of Xiaogang Yu, some village representatives, including Xiaozhong Zhou and Jiali Kong, visited power stations in Kuwan and several other locations to learn about the living conditions of the local migrants. This trip became known as the "photo voice," and allowed the villagers who both had been and would be hurt from the hydropower stations to voice their views and display their lives through the camera. The Green Watershed provided the cameras and film. Because of the low compensation for migrant resettlement, the Kuwan hydropower station, completed in 1993, became the most affordable option for the government and thus a model for future projects. However, the improper resettlement compensation

problems were soon exposed. Once the compensation funds were exhausted, half of the migrants were forced to pick up garbage for a living. The Xinhua News later published the *10 Years of the Kuwan Power Station, the Impoverishment of Reservoir Area People*, which caught the attention of the government. This report led to changes in the resettlement structure that made the process much more pleasant for those involved. Despite improvements, when Xiaozhong Zhou went for a visit, he could still see the miserable living conditions forced upon the Kuwan migrants. This furthered their determination of the anti-dam movement.

Acting on a recommendation by Xiaogang Yu, Xiaozhong Zhou attended the United Nation Seminar on Hydropower and Sustainable Development in October 2004. He actively promoted the local residents' right to participate in the seminar. This was the first time that Chinese farmers had attended an international conference that was related to their future. This also allowed the long-suffering migrants to voice their opinions in a public setting. In the same month, another grassroots leader, Jiali Kong from the Sanmen River area, represented the Chinese farmers at the International Conference on Natural Resources and Cooperation for Mekong River and the International Union of Nature Conservation in Thailand. He expressed his anti-dam aspirations.

In conjunction with Weizhong Kong's active campaign, on September 26th 2004, nine environmental organizations issued a declaration in Beijing. They employed a platform based on avoiding geologic hazards, protecting the ecological environment, preserving cultural diversity, and paying attention to people's living conditions, in an effort to convince the authorities to stop the construction of Lion Roar Hydropower Station.

4.2.2 Local Mobilization (From October 2004 to March 2006)

The period prior to October 2004 consisted of outside mobilization by Xiaozhong Zhou and other grassroots leaders. After October focus shifted to creating action by those involved.

Xiaozhong Zhou and the other grassroots leaders founded a "Green Farmers Ecological Study Group" and posted all the reports about the Sanmen River dam construction publically. The documentary *The Voice of Nu River*, about the Nu River Xiaoshaba villagers' interview concerning the Kuwan Power Station and produced by Lihong Shi from the Beijing "Wild China Film," was also sent to the grassroots leaders by the Beijing environmental protection volunteers. Many villagers turned out to watch the documentary. Xiaozhong Zhou organized villagers to study the related state laws and migration policies. They also studied the river ecology, environmental conditions, and the policies for World Natural Heritage sites. They also read the NGO recommended *World Commission on Dams Citizen's Guide* and collected and delivered the relevant national policies, academic discussions and information to the media in order to inform the public. The NGO helped them compile the *Lion Roar Valley Basin Compilation of Information*, and they distributed this

document to the villagers. They also arranged a joint signature by the villagers to express their desire to stay. They also directly communicated with the government officials hoping to impress them and receive understanding and support to defend their homeland. At the same time, they voluntarily organized a theater troupe to express their ideas of love of homeland and desire to stay through theatrical performances. Most of the expenses to organize these activities were raised from outside sources by Xiaozhong Zhou's relations and their gradually expanding influence. At that time, the Sanmen Villagers expressed their desire to avoid relocation by, but the government had not provided any formal response.

4.2.3 A Mobilization Without Grassroots Leaders ("3·21 Incident" in 2006)

Since the government had not responded to the anti-dam demand by the Sanmen River villagers but actively sped up the hydropower station work, a serious group event took place in 2006 as a result. The anti-dam movement, led by Xiaozhong Zhou, was nonviolent in nature so they did not organize the event. But this event itself became part of the Sanmen anti-dam movement. For the details of this event, please refer to Chap. 8 in this book.

4.2.4 The Stalemate Between Grassroots Activities and the Local Government (Post "3·21 Incident" in 2006)

In the final settlement of the "3·21 Incident", the government promised that they would not construct dams in the area without the consent of a majority of Sanmen River residents. However, the government would not give up the plan of dam construction entirely. Therefore, the situation came to stalemate.

4.3 The Group Administrative Litigation in Water City's Qingshan Village

Qingshan is a mid-level economic development town that is located along the Yellow River. In December 1999, the River Bureau of Water City in Pingxi County wanted to extract local soil with which to reinforce the second phase project of the Yellow River Dyke. Failing to follow formal guidelines, the bureau negotiated directly with the Qingshan Village Committee and agreed to borrow 25.5 mu of soil. The village head did not hold a village meeting but independently agreed a price of 3,000 Yuan per mu for extracted soil. A villager, Liangsheng Tian, learned of the

deal and enlisted the help of Sengmin Li and several others to mobilize the villagers in order to fight against the bureaus' actions. Since Liangsheng Tian had facial paralysis, was crippled, and suffered from several other illnesses, most of the organizational activities were conducted by ShengminLi. Despite his limitations, Tian was the soul of the entire movement.

Liangsheng Tian was born in 1945 and left school after only 7 years of education. His early exit from the education system was driven by his physical disabilities. After dropping out, he opened a small shop in the village. Though it is difficult for him to either speak or walk, he has a very calm and clear mind, and he considers problems comprehensively and rationally. Because of his problem solving skills and calm demeanor he gained a certain level of prestige amongst the villagers. The collective contentions he led went through four main stages.

4.3.1 Prevent Soil Extraction and Seek Compensation Through Petitions and Contentious Gathering (From December 1999 to December 2000)

When Liangsheng Tian was informed about the Pingxi County Bureau of the River's plans for soil extraction, he characterized this behavior as "land occupation" claiming that they did not go through the legal procedures. As a result he convinced the villagers to stop the construction at the scene. On March 10th 2000, under pressure from the villagers, the bureau signed a supplementary agreement with the village committee to increase the compensation per mu by 1,000 Yuan. Despite the increase, Liangsheng Tian and others still believed that this compensation was too low and requested a higher level of compensation from the bureau on March 15th. After this request was rejected, the villagers went back the work site to halt construction. The County Public Security Bureau came to investigate the situation, which put pressure on the villagers. Despite their presence, the security force did not take any coercive measures. Later, the construction team was forced to evacuate. Liangsheng Tian told Shengmin Li to petition in the County Land Agency. On April 14th, the County Land Agency ruled, finding that the Bureau of the River did not go through the proper legal procedures and issued a suspension notice. But on April 27th, the county government suggested that this project belonged to the Yellow River emergency project, which implied that it should be "constructed specially and urgently." This time the government followed the correct procedures and so the notice of suspension was withdrawn. Due these new developments, the villagers were very dissatisfied and hundreds of people returned to the dyke to impede construction. Due to the urgency of the project, the Bureau of the River was forced to select a new site. Since then, Liangsheng Tian has repeatedly arranged the villagers to file petitions asking for compensation from the Bureau of the River. Among them, over 100 petitions were sent to the county, about 70–80 to the city, and about 20 to the province.

4.3.2 Attempt to Obtain the Village Committee's Power and Prevent Second Plowing (From December 2000 to May 2001)

After successfully preventing soil extraction, Liangsheng Tian and Shengmin Li turned their attention to the village committee that had agreed to sell land to the bureau. First the village committee head was issued a warning by the senior authorities as a result of multiple village petitions. Then the village committee's broadcast was taken away, making it difficult for them to work. On December 8th at 10 pm, the county sent 32 police cars to investigate. At 10 pm the next day, the town government sent people to bring Shengmin Li and other representatives to a village talk. These measures put great pressure on the village representatives. Since the government did not find "evidence" against Liangsheng Tian and Shengmin Li, especially since the county public security bureau was criticized for abusive force against other villages, the county did not use severe measures but instead undertook softer means.

The county Bureau of Land Management issued a decision on December 12th that double plowing must be completed by May 2001. The Bureau of River started the double plowing on February 25th 2001. But Liangsheng Tian believed that compensating villagers according to the land requisition standard was the fundamental way to solve the problem, and therefore they decided to impede the double plowing. On May 15th, the county government issued a double plowing decision but the villagers once again stopped it.

4.3.3 815 Villagers' Joint Lawsuit with the County Government (From May 2001 to November 2001)

Liangsheng Tian and the other people decided to leverage all the legal means to fight for their lands. Regardless of petitions, reconsideration, or lawsuit, they were determined to fight until they received compensation. All the costs were covered by funds raised by the villagers. In order to encourage the enthusiasm of the villagers, Liangsheng Tian formed a fund-raising program: each villager could voluntarily contribute 1–100 Yuan, but no matter the contribution, villagers would be repaid double if they won the lawsuit. Those who did not participate would not get any refund.

In May 2001, Liangsheng Tian and Shengmin Li convened a meeting of 815 villagers and travelled to the municipal government, demanding a withdrawal of the double plowing decision. On July 30th, the government upheld their original decision. Liangsheng Tian then filed a lawsuit against the county government for their illegal use of land, claiming that the double plowing decision violated the law. However, the case failed to convince the court. Their accusation of illegal use of land exceeded the limits of jurisdiction and was dismissed, while they also lost the lawsuit that claimed double plowing was illegal.

4.3.4 Re-election of Village Committees, the Integrated Use of Collective Litigations and Administrative Reconsiderations (From November 2001 to November 2003)

Liangsheng Tian and the other people then turned their hope on the City Intermediate Court. They re-elected the village committees prior to the lawsuit causing the committees to become legal representatives. In November 2001, Shengmin Li was elected the director of the village committee, while Liangsheng Tian was elected the associate director. Several other contentions activists were elected as members. On the day of the hearing, in order to exert political pressure, Liangsheng Tian and Shengmin Li also organized a petition signed by hundreds of villagers. However, the city intermediate court still dismissed their lawsuit. On February 2002, the judicial committees from the city intermediate court discussed the case and decided to dismiss their litigation on illegal land use. For the lawsuit of illegal double plowing, though Liangsheng Tian and Shengmin Li had already been elected as responsible persons, since this was an appeal case Tian and Li still did not have formal identities for the lawsuit. Therefore, the city intermediate court overturned the county court's judgment and dismissed the plaintiff's litigation since Liangsheng Tian and the other 814 villagers did not qualify as plaintiffs.

Their lawsuit against the county government for its illegal use of the land had come to an end at the city intermediate court. But their lawsuit against the government's decision on double plowing still had hope due to the revocation of county court decision of the first instance. At the same time, Liangsheng Tian also decided to start a lawsuit concerning the county government's illegal return to work on April 27th 2000. This was to ensure the success of the lawsuits.

On April 19th 2002, Shengmin Li and Liangsheng Tian, on behalf of the village committee, filed another lawsuit against the county government for its double plowing. On June 26th, the county court suggested that the county level land department was not in charge of land compensation, but rather the county and revoked the May 15th 2001 double plowing decision by the county government. As a result, Liangsheng Tian and the other people won their first lawsuit. However, this verdict did not mention issues concerning compensation from the county government and the Bureau of the River. Therefore, the victory had no real significance.

However, on April 27th 2002, they filed a lawsuit against the county government for their illegal resumption of work. The county court dismissed it, since they should first have files administrative reconsideration. They then appealed to the city intermediate court, but the court maintained the county court's ruling.

In response, Liangsheng Tian and the other leaders appealed to the municipal government for administrative reconsideration. The end result was that the county government's return to work decision was maintained.

On December 30th 2002, the Qingshan village committee again filed a lawsuit against the county government for their decision to resume work. On March 13th 2003, the county court again decided to maintain the original decision. On April 29th, the village committee again appealed. The court suggested in May that, due to

the application of law, they needed to wait for relevant authorities' reply and the proceeding was suspended. This case was dragged out until November 18th 2003 before the final result was announced. The court maintained the original decision in support of the county government's return to work decision and therefore dismissed the plaintiffs' case. But they added a sentence at the end of the court verdict: "since the appellor, the Qingshan Village Committee, suffered loss from the third party, Pingxi County Yellow River Bureau of the River, for its use of land, the third party should compensate in accordance to the law." Liangsheng Tian lost the suit and could not appeal the decision, but won a large victory at the same time for getting compensation. In order to resolve the conflict, in November 2003, after the city intermediate court issued the court verdict, the court committees mediated and eventually the Pingxi County Bureau of River agreed to pay a land compensation of 230,000 Yuan to the village committee. After Shengmin Li and Liangsheng Tian received the money, they returned the money to the villagers according to their commitments.

Here we compare the basic elements of the three cases in the following table (Table 4.1).

Table 4.1 Comparison of the elements in legal contentions

Elements\locations	Silver river	Qingshan	Shanyang
Major forms of legal contentions	Contentious gathering	Collective administrative litigation	Collective petition
Did local farmers have experience in legal contentions?	Yes (5·13 Incident)	No	Yes (Dahe petition)
Major grassroots leader	Xiaozhong Zhou	Liangsheng Tian	Kewang Zhou
Did the major grassroots leader have experience in legal contentions?	Yes	No	Yes
Major funding source	Outside	Fundraising (double repay)	Fundraiseing; self Supply
Did they have outside support?	Yes (media's attention, NGO's attention and economic support)	No	Yes (foreign media's attention)
Did they have a name for the activity organization	No	No	Yes (Migrant Monitoring Association)
The result for the major grassroots leader	Safe; still working	Elected as the associate director of village committee; retired	Imprisoned for 3 years; passed away

Chapter 5

The Initial Release of Vigor and the Formation of Grassroots Leaders

The working class did not rise like the sun at an appointed time. It was present at its own making..... I emphasize that it is an historical phenomenon. I do not see class as a “structure,” nor even as a “category,” but as something which in fact happens (and can be shown to have happened) in human relationships.

—E.P. Thompson *Making of English Working Class*

It's not enough to talk about people's characteristics without talking about vigor. It does not make sense to talk about people's vigor without talking about their characteristics.

—Yi Cheng Chengs' *Posthumous Papers*

We have pointed out in the previous analysis on China's traditional contentious politics that group contention is not the norm in rural society, and the contention organizers and participants seldom represent the mainstream crowds of the peasant society. Vigor occurs in the form of contentious politics with local characteristics. In other words, the cultural traditions, ecological environments, and social structures in specific regions all affect vigor. Similarly, in contemporary rural China, though there are structural and local reasons for the formation of vigor, the final manifestation of vigor is a part of contentious politics that results from local factors. Of course, many of the local factors in the traditional society are basically non-existent now. For example, the secret societies of the past had completely disappeared by 1949. Though folk religions have experienced a great degree of revival since the 1980s, they do not possess the features of political contention. Though the large population flow is unprecedented, the long-term stability of the rural land system prevents migrants from becoming displaced persons. However, there are still some traditional factors that exist today, such as some region-specific material pressure, as suggested by Perry (1980). Of course, most of the local factors in question have emerged from the contemporary Chinese background.

5.1 The Local Factors in the Initial Release of Vigor

5.1.1 *The Pressure of the Living Environment*

The living environment mentioned by Perry (1980) is based mainly on the natural ecological factors, while the living environment discussed here will rely on its social ecological sense. The lifeblood of the farmers is their land. The society established after 1949 greatly enhanced people's ability to overcome natural disasters, and the national idea of unification mobilized support from all over the country to help wherever there was difficulty. This situation lasted until the 1980s. Therefore, the droughts and floods and other natural disasters that the farmers' lands suffered generally did not become the source of political contentions. However, damage to the land caused by human factors was likely to cause contentious activities. For the rural areas, there were two places that were prone to contention.

One was the valleys of the Midwest. This was mainly due to the particular interest by the central and local governments, most notably western government, in constructing hydropower stations in the region. The construction of hydropower stations was certainly a good thing for the country's energy infrastructure and local fiscal revenue. However, the resulting migration problems led to many of the contentious activities. Both the Shanyang case and Silver River case studied in this book belonged to this category. In fact, Qingshan was always in the valley but the contention was not caused by the hydropower station construction but by the reinforcement of the Yellow River Dyke.

The other place prone to contention is the suburban areas of eastern China. With the establishment of the market system and the tax reform in the 1990s, the urban land construction has drastically slowed, and the means of local financial growth have undergone dramatic changes. The rapid urbanization in the eastern regions has therefore gained sufficient momentum and land development has become the key to maintaining GDP growth and fiscal revenue growth (Zhou 2007). But in this process, farmers whose lands were expropriated received a rather low compensation. Therefore, in the twenty-first century, when the agricultural tax has been abolished, the landless farmers have become the main force in farmer contentions.

5.1.2 *Triggered by Moral Shocks*

The initial release of vigor was triggered by a second local factor, moral shocks. "Moral shocks" is a term proposed by Jasper (1995, 1998). It refers to the occurrence of unexpected events or the release of unexpected information at the beginning of a social movement, which angers people and makes them inclined to participate in collective activities, regardless of whether they are mobilized. It was those events, which were on the verge of explosion, which caused the "moral shocks" that transformed "vigor" from a condensation state to a release state. It is

worth noting that the idea of “moral shock” proposed by Jasper differs from the idea of “cognitive liberation” by McAdam (1982). “Cognitive liberation” is a shared cognitive transformation in the awareness of potential participants; “moral shock” is a shocking phenomenon that imposes a violent impact on the moral sentiments of the potential participants, and thus brings out their enthusiasm in the collective activities. For example, in the Shanyang case, the villagers thought they found evidence in the local newspapers of local government’s misappropriation of compensation funds from the central government. In the Silver River case, the villagers became aware of the local government’s secret plans: they were going to turn the villagers into power station migrants. In the Qingshan case, the villagers learned of the secret sale of land by the village committee to the Bureau of River. These are examples of “moral shock” events.

5.1.3 The Continuation of the Historical Traditions

The third factor is the local folk customs. The toughness of local folk custom, the farmers’ experience with participating in contentious activities, and their degree of success, have a major impact on the new contentious activities because they directly relate to the ability and reputation of the grassroots leaders, the cohesive strength of the farmers, the recognition of the activities, and the expectation of the success of the activities. For instance, the “cunning and stubborn, no fear for the authorities” folk custom in Ping County has been displayed in continuous collective petitions. The Dahe migrants went through nearly 20 years of group contention surrounding compensation for their lands. Then when the Dahe Power Station was completely submerged by the Three Gorges project and the Dahe migrants became secondary migrants, they quickly started a new large-scale collective petition. In the contentious gathering in the Silver River town, we can clearly see the direct impact of the 1997 “5·13 incident” on the contentious activities since 2004.

5.1.4 The Import of External Resource

The fourth local factor is the import of external resources. The resource shortage in rural areas was a major obstacle for the rise of contentious politics. But because of the 30 year economic reform and the basic establishment of the market system in the 1990s, the political and social environments have become relatively loose, making it possible for outside resources to have a direct or indirect impact on the rise of local contentious politics. These external resources include attention from the media before and after the rise of contentious activities, outside funds or assistance with the laws, and the government support that the grassroots leaders obtain through relatives and friends. Whether or not participants have external resources not only affects the total amount of resources the grassroots leaders can use, but more

importantly, it relates to their ability to expand the political opportunities for their activities and developments, to secure a shelter to protect them, and to improve the legitimacy of their collective activities. For example, we can see from the Silver River case that an NGO called “Green Watershed” provided guidance and support for the Silver River farmers’ contentious activities. However, we should note that the influence of this outside resource is inconsequential compared to the impact of professionally organized mobilization in Western society. This external resource is more like an indirect support in the periphery of the contentious activities. Whether groups can organize a successful contention, whether the contention can be carried out, and the direction in which the contention is heading depends on the grassroots mobilization and the grassroots leaders that we will discuss below.

5.1.5 The Emergence of Grassroots Leaders

The fifth local factor is the emergence of grassroots leaders. This is rather important and complicated and therefore we will separate this analysis in the next section.

5.2 The Grassroots Mobilization and Grassroots Leaders

5.2.1 The Origin and Meaning of Grassroots Mobilization

The western collective action and social movements generally refer to the highly organized political group activities outside of the system. Since McCarthy and Zald (1973), “professionalization” has become an important term in the West, especially in the American studies of social movements. The occupational organizations and their level of professionalization are the striking features of Western social movements. But in China, the antagonistic political activities, found outside of system, always cause legality difficulties. China’s contentious politics can be described as a non-professional institutional environment, which is almost entirely without occupational organization and grassroots mobilization.

In the early 1980s, due to the strong dissatisfaction with the Western academia’s elite view of history, a group of mostly Indian scholars, who focus their studies on modern South Asian history, created a school of “subaltern studies” (see Liu et al. 2005). The basic purpose of the subaltern studies was to study the autonomy of lower class farmer politics relative to elite politics, as well as how the unique structure of lower class awareness shapes the lower class politics. For example, Partha Chatterjee, a school representative, suggested that the existing analytical framework of the state and society was not appropriate to explain how the lower classes in third world countries create a non-mainstream democratic space in social relations. The lower classes are not the representatives of the mainstream ideas either in the

country or the civil society. They are the mobilized subjects of the social elites and once the political power is distributed, they will become disposable subjects. However, in most situations, the lower classes have to rely on the state and the middle class for survival. In this process, their goal is neither to seize the state system nor to obtain civil society leadership. The lower classes want to open up an intermediate temporary space, which is called the “political society” (Chatterjee 1998). In other words, the emphasis of lower class and the elites should be applied to different political operations, where the logic for political actions is different. This is a distinct feature of the Indian researchers’ subaltern studies on collective action.

The subaltern school is of great significance to the study of Chinese problems beyond the limitation of Western social movement theories. In particular, the autonomy of lower class farmers should be the foundation of our analysis of farmers’ expression of group interests. However, the subaltern school has its own limitations. The early work by this group focused on significant events such as peasant revolutions and therefore emphasized the unification of farmers. However, as Scott (1985) criticized: “most lower classes have no interest or ambition in changing the state structure or the law. What they care about is Hobsbawm’s ‘minimizing the adverse effect from the system.’ The formal and organizational political activities, even if secretive and revolutionary, typically belong to the middle class and intellectuals; it’s always fruitless to look for peasant politics in this area.” Scott thus analyzes the everyday form of peasant resistance. However, we also need to pay special attention to the lower class politics of peasant revolution and peasant resistance, which is known as the “rightful resistance” (O’Brien 1996: pp. 31–55). Chatterjee then proposed the concept of a “political society,” switching the focus of research from lower class studies to the study of the action forms of “rightful resistance.” However, this change in focus caused a problem for the school: fragmentation. According to Chatterjee (1998), the subaltern history is fragmented, discontinuous, and incomplete. The subaltern internal awareness is split up and it’s constructed by the experiences and elements of dominate and subordinate classes. If in the history dominated by the elites, the lower class’s life is indeed fragmented and they must defend their autonomy, then how should we understand Chatterjee’s “political society?” Without organization can the activists construct a contentious and organized “political society”? Will self-interest and conservativeness cause the small farmers become free-riders (Olson 1965), and therefore make it impossible for group incidents to take place?

We use grassroots mobilization as the starting point for the study of farmers’ contentious politics in order to surpass the research paradigms of the Western social movements and the Eastern subaltern studies. The social movement research paradigm refers to the resource mobilization and political process theories, which have mainstream status in the Western world, especially in the U.S. The common feature of these theories is that organization and networking are the keys to studying social movement mobilization. However, elite-led, formally organized, and professional mobilization contentious activity is not completely applicable to China at the current stage. The characteristics of grassroots movements emphasized by the subaltern

school are actually more instructive. Nevertheless, the fragmentation in subaltern studies emphasizes only grassroots, and ignores mobilization; it only demonstrates the straight antagonism between the elites and the lower class, but not the lower class activists' importance in the expression of farmers' group interests. The focus of grassroots mobilization is to go beyond the simple opposition between the organizational elite politics and the non-organizational lower class politics and to completely understand the complexity of lower class farmer politics.

The concept of "grassroots mobilization" has various definitions and a very broad usage (from within institution electoral activities to social movements outside of the system) (see Castells 1984; Norris and Cable 1994: pp. 247–268). From this book's research perspective, we define "grassroots mobilization" as follows: the subaltern people's voluntary mobilization by those who share the same interest and passions, but not as much as those who are already involved in the contentious group activities. Those who initiate the mobilization and lead the contentious activities are called "grassroots leaders" or "protest leaders" (for "protest leaders," see Li and O'Brien 2008).¹ The active participants in the contentious activities, who later become the backbone of these activities, are called "grassroots activists." We will use the terms "grassroots leaders" or "grassroots activists" depending on the situation, and we will sometimes collectively refer to grassroots leaders and activists as "grassroots participants."

5.2.2 The Relationship Between Grassroots Leaders and the Outbreak of Contentious Activities

We mentioned in the previous section that the initial release of vigor is not only due to structural factors but also due to a number of local factors. These factors must be present at the same time. For example, the grassroots leaders are not indispensable at the beginning of the activities. For the Silver River, Qingshan, and Shanyang migration cases, it was indeed Xiaozhong Zhou, Liangsheng Tian, and Kewang Zhou that mobilized the people to start activities. However, the Dahe migration case is different – Shaorong Xu did not appear until a few years after the group incident started. Before that, the Dahe migrants were basically leaderless. Though in some situations they elected team leaders as petition representatives, the roles of the team leaders were limited and the positions should not be referred to as "grassroots leaders." The collective "complaints" to the town governments were sparse and unorganized (Ying 2001: pp. 50–61).

¹We should note that there are already some grassroots organizations that are led by intellectuals from the lower class and involve environmental protection or rural construction. There is a large difference in the operation of the subaltern mobilization by outside intellectual elites with strong concepts and the voluntary mobilization by local interest victims. This book on grassroots mobilization and grassroots leaders mainly refers to the latter one.

If we carefully distinguish the two types of cases, we can see that in the cases where grassroots leaders appear before contentious activities occur, the damage to the group interests is relatively hidden and grassroots mobilizations are needed to make a majority of farmers realize the seriousness of the problem. In the cases of contentious activities before the rise of grassroots leaders, the damage to group interests is quite obvious and widespread and further mobilization is not needed for farmers to recognize the seriousness of the problem. For example, when the construction of the Silver River Hydropower Station was in the planning stages, most of the villagers were not aware of the potential threats to their lives. The soil extraction by the Ping county Bureau of River in Qingshan was about 6 km away from the village and most of the villagers did not know about it. But even if they did, they would not associate soil with land acquisition. The low compensation problem for the Shanyang migrants required migrants to learn about the resettlement compensation policy. Furthermore, in order to even know about the “fake migration” problem, migrants would have to have the opportunity to read the migrant list, which is not commonly available to the migrants. Therefore only with the mobilization by grassroots leaders can farmers come to a consensus in a relatively short period of time. In the Ping County Dahe migrant case, the migrants witnessed the erosion of migrants’ lands, and the impact was direct and serious. Therefore, when the common interests were harmed, the migrants had to take action, even without any formal mobilization. The role of grassroots leaders was limited to adjusting the organization and means of actions and struggles, rather than initiate the activity. In most cases, contentious activities, led by villagers without grassroots leaders, erupt instantly due to a seemingly insignificant event that had been kept hidden. The group incidents analyzed later in this book belong to this situation. Though we did not select a sufficient number of cases to infer how the pure spontaneous events attributed to the total number of group incidents, we can at least state that there is no fixed pattern for mobilization. The severe damage to the group interest itself is the most powerful mobilizing factor. The breakout of contentious politics under such a condition can be categorized as “natural” because it is the inevitable result of damage to group interests. It can also be categorized as “sudden” because of the unpredictability of the contentions and inability to predict the form it will take, when it will occur, and what will cause the rise of the contention (see Bernstein and Lü 2003). Grassroots leaders can enter in the middle of the group incidents or they may be nonexistent throughout the process.

5.2.3 The Rise of Grassroots Leaders from the Features

In the contentious activities where grassroots leaders are present, how can we explain the generation of grassroots leaders? After ruling out the possibility of professional organizations’ direct mobilization and recruitment in Chinese rural society, the most obvious explanation for the initial rise of grassroots leaders is their characteristics. This interpretation is often influenced by polarized morals. One extreme

considers grassroots leaders as villains with ulterior motives, who want to promote contention between people and the government and realize personal desires in the name of public goods. The other extreme believes that grassroots leaders are idealistic heroes with strong altruistic spirits, who do not fear power and are willing to take on added responsibilities. We have to recognize that all of the grassroots leaders have similar characteristics. In our opinion, regardless of the private interest theory or the dedication theory, and regardless of the character flaw theory or the noble theory, the aforementioned are oversimplified moral judgments about grassroots leaders.

The grassroots leaders we analyze are not foreign elites or intellectuals, but part of rural society. First, when the rural survival conditions are destroyed, the grassroots leaders are either the direct victims or are closely associated with the victims' interests.² They appear not only to speak for the people but also for themselves. Secondly, the leaders of group contentions have to take huge risks, but they can also gain great reputations both during and following the contention process. It is true that they are invested in the public interest, but it is undeniable that their self-interests are the driving force behind their actions. In this sense, their public mind is not purely altruistic.

Moreover, after the grassroots leaders become involved in the activities, they are always concerned with their own safety. Thus, other than the group interest, maximizing their security becomes their primary concern. The grassroots leaders always express their determination and courage to make sacrifices during their mobilization. Therefore, in some cases, it is possible that the goal of grassroots leaders deviates from that of farmers' group activities. For instance, in the Dahe migrant petition, since Shaorong Xu risked retaliation from the local officials, his major goal of group activities in the later period was not to maximize migrants economic benefits, but to ensure the safety of petition representatives by bringing down the local officials (Ying 2001: pp. 320–323). Of course, we can see that grassroots leaders' "selfishness" is intertwined with their "public heart".

Grassroots leaders always view themselves as representatives of the lower class, but can they really represent the lower class? An Indian scholar, Spivak, has a famous paper *Can the Subaltern Speak?*, which criticizes the subaltern studies. She claims that although they try to speak for the subaltern, they still apply a Western colonizer expression, and therefore the analyzed subject of colonized subaltern is not changed. I have noticed that during our research on Dahe migrants, Shaorong Xu's action logic cannot be a voice for the poor in the rural areas (Ying 2001: p. 87). This is because the protestors provided the contentious weapons he used. In other words, the grassroots leaders themselves did not produce weapons that were different from the political elites' weapons, but the political subjectivity cannot be solved by people's

² Yu (2007a) divided the rise of grassroots leaders into three categories: to defend the weak against the strong, to be motivated by drastic alternatives, or a combination of both. Indeed, the cases he analyzed cover few cases of the pure defense of the weak against the strong.

romanticism (Winant 1990). Similarly, the subaltern political subjectivity cannot be solved by grassroots leaders' romanticism. Though grassroots leaders are consciously acting on behalf of the people, their action logics do not necessarily reflect their awareness of the situations. In the Chinese society, though subaltern politics and elite politics have different goals, they share the same action logic.

But on the other hand, the "free rider" problem faced by the group activities make it necessary for the grassroots leaders to have a special idealist spirit. In Western society, the major difficulty in collective action is the drain on participants' money and time (Olson 1965), while these factors are not very influential in the Chinese society.

First, the firm belief of the farmers in equity and that group pressure can solve the money problem. An assumption of the Olson's theory is that people are rational. If this assumption is imposed on the small farmers, they would then become the "rational small farmers" (Popkin 1979). Indeed, the survival ethics and rational calculations are just different sides of small farmers (see Huang 1985). In different activities, different sides of small farmers are presented. For Chinese farmers' group contentions, the situations that threaten their living conditions force them to form a collective identity. While some farmers may not be willing to organize or to participate in contentious gatherings, they can still show monetary support. Those that do not take part in fundraising will face tremendous pressure in their communities. Such communities have strong equity beliefs, are familiar with each other, and have gotten along for generations. Thus, in rural China, grassroots leaders can solve the low-cost group activities through fundraising.³

Secondly, the time contribution required of grassroots leaders is not a difficulty. Since there is a surplus of labor and the pace of living is relatively slow in the society, time is an abundant resource. In addition, participants can also ask for compensation for overtime through fundraising to solve the time problem.

Therefore, money and time do not constitute major obstacles for Chinese grassroots leaders' mobilization. But the defining characteristic of grassroots leaders is their moral actions. This is because there is a dual psychological impact on the group interest victims in the contentious activities. On one hand, since there are numerous participants and the law is not responsible for the public, they can encourage each other and tend to "voice" rather than to "exit" (see Hirschman 1970), tend to fight until the end rather than give up halfway, and tend to work through all grievances. On the other hand, since small farmers like to compare themselves with each other and have a strong belief in equity, grassroots leaders can neither gain economic benefits (they share economic benefits with the contention participants after the success of the contentions) nor political benefits.⁴ Although they can achieve

³Of course, transforming fundraising into investments, as Liangsheng Tian would, greatly increases the enthusiasm of the participating farmers'. Yet, this encouragement mechanism of rational investment is based on the coexistence of morality and justice.

⁴Some villages might elect leadership to the village committee after the group incidents, but this benefits the elite politics, as much as it benefits the farmers. The grassroots leaders are still farmers, and the village cadres are elected every 3 years.

prestige, they have to bare the risks that “petitions destroy a family” and “no good deed goes unpunished.” Thus, most people are reluctant to speak out and would rather hide in the crowd. Almost all of the grassroots leaders experienced a rise to power that was like a two-edge Damocles sword. For the subaltern people who lack moral courage and righteousness, it is difficult for them to make the decision to become a pioneer.

However, if our analysis of the creation of grassroots leaders only focuses on their characteristics, we are oversimplifying the problem. In fact, there are more complicated social factors behind grassroots leaders’ outspoken and perverse personalities. Therefore, we will focus on the social mechanics interpretation of the rise of grassroots leaders in the next section.

5.2.4 The Social Interpretation of the Rise of Grassroots Leaders

The grassroots leaders all seem to be the same type of personnel from the perspective of their characteristics. In other words, there is a special “vigor” common among grassroots leaders. But in reality, there are two kinds of grassroots leaders with different social generation mechanisms.⁵

The first type of grassroots leader has never worked as an ordinary farmer in rural society. They have always had great interest in politics and they have a deep engagement in politics. Most of them have participated in political movements, group contentions, or petitions. They have a high level of education, broad social experience, higher than normal capabilities, and a deep understanding of laws and policies.

⁵Bernstein and Lü (2003) classify grassroots leaders into three types: “trouble maker,” civil elite, and village cadres. Their analysis focuses on farmers’ anti-tax activities before the abolition of agricultural tax, while these activities included both farmers’ individual struggles and farmers’ group struggles. Therefore, their classification does not fully consider the special requirements for the grassroots leaders in the group contentious activities. Li and O’Brien (2008) divide grassroots leaders into two categories: one is the “public figures” from the beginning of the contentious activities that have always been interested in politics and have some organizational skills; the other is the normal farmers that are not interested in politics before the contentious activities. They become public figures due to their characteristics, experience (such as army experience), and education. Li and O’Brien’s classification gives us important inspirations and our classification is generally consistent with theirs. But ours has two differences than theirs. The first difference lies in the classification of characters. For example, we place veterans in the first class rather than the second class because the military is a big school and the army gives the soldiers strong political consciousness and awareness of rules. And therefore military training and comradeship allows the veterans to have relatively strong leadership and more social resources. Yu (2007a) also proves this idea. As another example, I did not include religious and clan leaders because though they are parts of the rural folk elites, either the revival of clan or the rise of folk religion is highly sensitive in Chinese society. These religious leaders or clan leaders seldom organize group conflicts directly, or they would be severely attacked for the sake of political heterogeneity. The second difference is that my analysis emphasizes the impact of life history on the complicated characteristics of the first type of grassroots leaders.

They are also familiar with the logic that governments use to deal with problems. And thus these grassroots leaders enjoy a certain social prestige. This type of grassroots leader includes: non-agricultural workers living in rural areas (such as rural teachers, retired workers or retired cadres), former or incumbent village cadres, veterans, etc.

Grassroots leaders have grassroots. But those living in rural areas are not necessarily farmers and some of those registered as farmers might not be agricultural laborers. A national survey shows that the rural population in fact consists of eight classes: agricultural laborers, migrant workers, employed workers, rural intellectuals, individual workers businessmen, private sector owners, township managers, and rural managers (Lu 2002: pp. 170–171). We pay particular attention to two classes here. The first class includes those that were born in the rural areas and attended at least secondary school or military school outside of the village, or were formal workers or even national officials, and then for some reason, returned to the villages and lived as ordinary villagers. The other class is the rural intellectual group, namely, the rural teachers. Though these two classes of people account for a very small proportion of the rural population, they have the easiest path to becoming grassroots leaders. These people either return from a higher level of the society or have a relatively deep recognition of the higher classes of the society. They enjoy a high status in the rural areas, but it is impossible for them to climb further up the social ladder. This special and awkward status always requires them to use their complex set of abilities. For instance, the fates of Xiaozhong Zhou, Shaorong Xu, and Kewang Zhou are directly related to the “cultural revolution.” If Xiaozhong Zhou’s father was not put to death during the “cultural revolution,” Xiaozhong Zhou would not have endured as many hardships or returned to the village to take care of his mother. If the “cultural revolution” had not occurred, Shaorong Xu might have gone to college. The individual developments for Shaorong Xu and Kewang Zhou were later restricted due to their active participation in the “cultural revolution” (but they were not one of the “three kinds of people” that were severely punished after the “cultural revolution”). Those who went through the “cultural revolution” experienced the complicated transformation of the equity spirit advocated during the Mao era and their own encounters. On one hand, they might have relatively high ideals, which bring a fresh thinking to the subaltern class. On the other hand, it is inevitable that they would bring about some sort of resentment (for the resentment sociological analysis, see Liu 1998: pp. 385–434). If they have a distinct idealistic temperament, then when their whole lives are trapped in the “subaltern,”⁶ even if they retain

⁶Some people call the grassroots leaders, “fighting elites.” We should distinguish the meaning of “elite,” in regards to grassroots leaders. According to Pareto, who founded the modern elite theory, the real elite do not refer to the more talented people but those who directly or indirectly allocate and dominate people in politics. The meaning of elite relies on its domination of people. In other words, Pareto is concerned with the direct confrontation between the ruling elites and the powerless people (see Bottomore 1993). Another representative in the elite theory is Mosca (1896). Unlike Pareto, he stressed the diversity of social benefits represented by the elites and the close relationship between the elites and the people through sub-elites or the “new middle class.” Though the concept of “elite” employed by Mosca is a lot broader, he probably still finds it difficult to

the fighting spirit, it is impossible for them to fight with a pure abstract idea or heroic temperament. In some sense, the grassroots leaders' launch of contentious activities is associated with both their courage and their grievances.

In general, these people who are already village leaders are most likely to "stand up" to prove their high ethical standards and meet the social expectations (see Li and O'Brien 2008).

The second type of grassroots leaders are those that arise from the ranks of the ordinary villagers. Though they do not have strong abilities like some of the other farmers, as a result of a great interest in politics, or the local governments' labels as "trouble makers," they suddenly rise from the crowd, or more precisely, they are "pushed" to the foreground of the political life.

This change is the mixed result of the following factors. First, they are the direct interest victim. Secondly, they have some resources and capabilities, a sophisticated understanding of culture and politics, or a certain degree of organizational ability. They may be articulate, resourceful, extraordinarily courageous, or may have been businessmen with a better economic background than other farmers. Finally and most importantly, the rise and existence of the first type of grassroots leaders would directly encourage and drive the second type of grassroots leader to engage in contentious activities. In Dahe migrant case, we can see that Shaorong Xu belongs to the first type of grassroots leaders, who stood out and put forward the formation of the activist community. And Xueping Wang and Qisheng Wu are the second type of grassroots leaders who appeared later (Ying 2001). In the Shanyang and Silver River migration cases, we can also see the cooperation between the first type of grassroots leaders, Kewang Zhou and Xiaozhong Zhou, and the second type grassroots leaders, Zhengxing Liu, Dingqiu Du, and Jiali Kong.

Compared to the first type of grassroots leaders, the second type has a certain degree of scalability in politics. The "grassroots leaders" or grassroots activists do not have fixed identities. They are rather just temporary roles that are defined in certain respects (see Olive and Marvell 1992); their political activities are random. Therefore, it is possible that after they participate in a group incident, they would not participate again. However, since the next chapters in this book will analyze the continued operation mechanism of grassroots leaders, we assume that both the first and second types of grassroots leaders find it difficult to exit the political stage once they enter it.

accept the concept of "peasant elite." As a result, it makes the stratification of the elite concept, the division between the upper class and the lower class, rather ambiguous. Since the term "elite" has been used to refer to talented people in different classes and in different fields, we should not apply the arguments of "peasant elites" or "rural elites." However, we should note that there is an important distinction between rural elites and general elites. There is high possibility for general elites to improve, while it is rather impossible for the rural elites to be promoted to general elites. Due to the rigid constraint of the registration system, and also due to the urban-rural division, the Chinese farmers are trapped in the lowest class of society, which has the strongest inheritance, lowest rate of flow, and least opportunity to improve. Therefore, "rural elites" are better defined as "farmers" than "elites." To avoid confusion, we will not use "fighting elites" in this book but instead use "grassroots leaders," "grassroots activists," or "grassroots participants."

Chapter 6

The Intensification of Vigor and the Grassroots Participants' Organizational Strategies

If conflict breaks out in a group that has consistently tried to prevent expression of hostile feelings, it will be particularly intense for two reasons. First, because the conflict does not merely aim at resolving the immediate issue which led to its outbreak; all accumulated grievances which were denied expression previously are apt to emerge at this occasion. Second, because the total personality involvement of the group members makes for mobilization of all sentiments in the conduct of the struggle.

—Lewis A. Coser *The Functions of Social Conflict*

Gas is originally nihilistic and intangible. Gas comes into being when sense exists and becomes tangible when they gather. All phenomena have opposing sides. The directions of the opposing sides must be contrary to each other. Opposition leads to hatred, hatred leads to conflict, and the result to a conflict has to be attributed to reconciliation.

—Zhai Zhang Zheng Meng

As it is discussed above, regardless of the morally shocking incidents, the import of external resources or the rise of grassroots leaders, there is a certain contingency and randomness in the initial release of vigor. In particular, the role of grassroots leaders seems to be both critical and ambiguous. No matter the base of moral courage, interest consideration, or life grievances, their rise has a certain degree of randomness. However, in the cases under study, in the period as short as 4 or 5 years, or as long as a decade, the contentious activities are both tortuous and hard to advance; they are both unpredictable and well organized. Though grassroots participants suffer from the activities, and are even thrown into jail, they are still as firm and persistent as ever. Obviously, those factors of contingency, randomness, and anger are not enough to support these long-lasting contentions.

Therefore, we have to consider: why did the grassroots participants insist on the contentions when their resources were limited and they were in a hostile environment?

What incentives and structural conditions drive this phenomenon? What are the differences in these incentives and conditions between the 1980s and 1990s? This chapter will first analyze these questions.

A second, related question is: under the institutional background of the contemporary Chinese society, is it a taboo to establish a political organization outside of the system, especially contentious political organizations. However, the long-lasting contentions must rely on efficient organization? Then, how did the grassroots community establish and operate their organizational networks and mobilization mechanisms? Compared to the organizational mechanisms in the 1980s, what are the differences?

6.1 “Suppress-Bounce” Mode and the Intensification of Vigor

6.1.1 The System Logic of the Suppression of Contentious Activities by Local Governments

In almost all of the cases I studied, whether the rural contentions are directed against the local governments (county and township governments) or not, the local government's first reaction is to suppress the grassroots leaders to control the contention. Does this mean that the local governments are overly sensitive to offenses against their power and lack a basic sympathy for the farmers? Or are some of the local government officials angry because their evils were exposed? For the answers to these questions, our analysis needs to go beyond the level of personal moral character and reach the perspective of the system operation.

We can summarize the changes in governance since 1978 through two aspects. One is the switch from shaping new socialists (Ying 2009b) to promoting economic development as the central goal of governance. The other is the important change in the means of governance, which is the change from planned means to a means of integrating power and market in the economic governance, and the change from class struggles into stability in social and political governance. According to Rong (1998), the management methods in which governments specify a time limit for the subordinate governments to complete tasks, the materialized evaluation, and the reward system together are called the “pressure system.” This is indeed an appropriate summary of the important changes that Chinese local governing logic underwent after the economic reform. However, the pressure is not just from the task of achieving the indicated GDP growth. The huge pressure for the local government also comes from some noneconomic factors. For instance, the implementation of family planning control and the social stability situation can affect officials' promoting opportunities and award qualifications.

Since the 1990s and especially the twenty-first century, with the worsening of the social interest imbalance, the social stability task has become the top priority for the local government. The task is presented as the following aspects.

First, the local governments are facing increasing pressure from the senior governments. Under the background of a highly differentiated social structure and a heavily skewed interest distribution, because of the lack of institutionalized interest expression, China’s current stability work has fallen into a vicious cycle: the more we emphasize social stability and strengthen stability work, the less tolerable the governments, especially the local governments, are of the lower class’ interest expressions. The more the lower class lacks interest expression, the more skewed interest distribution is and the greater the damage they suffer. The more serious the damage the lower class suffers, the more intense the interest conflict is, and the more discontent they are. The more dissatisfied the lower class is, the more likely they are to use methods outside of the system, and sometimes even violent means, to express their dissatisfaction, which would lead to more severe social conflicts. The more intense the social conflicts are, the more effort the governments have to put into social stability work, thus forming a vicious cycle (Sun et al. 2010).

The pressure of maintaining social stability is mostly shown in the performance evaluation system. We will use the evaluation mechanism in S Province as an example. In June 1990, S Province issued the *Management Scheme for City and Local Governments to Complete Petition Work*. This document is divided into three major categories: (1) the senior officials pay high attention to the stability problem, 7 points; (2) the organization business construction, 16 points; (3) the task completion, 77 points, including the control of Beijing petitions, collective petitions, and five other contents. S Province then formulated the implementation details according to this document. For example, for a county assigned 60 points for a local government to complete the different petition tasks, among which, the control of collective petition accounts for 10 points, 3 points will be deducted if a county level petition takes place; 5 points will be deducted if a city or province level petition takes place; 10 points will be deducted if a Beijing petition arises; 15 points will be deducted if no more than two cases of cross level petition occur in a year, 1 point will be deducted if an additional case arises, and 2 points will be deducted if an additional city and province case takes place, and 5 points will be deducted if an additional Beijing petition takes place (Zhang 2007). This stability evaluation method is similar throughout the country. The ideal measure of the so-called “stability” is zero petitions, especially no collective petitions and no Beijing petitions. Thus, stability becomes control.

Since 1996, this pressure has further skewed the responsibility for the local governments. For example, a city in the S Province emphasized petition control responsibility through a thorough management system and required that more than 80 % of petitions should be solved at the grassroots level and 70 % be solved within the city and district level. In 2000, this city issued the *Notice about Local Implementation and Leader Accountability on Serious and Major Social Stability Issues*, which places even more responsibility on the local governments to maintain social stability (Zhang 2007).

Second, the local governments are facing higher costs to maintain stability. In recent years, the stability maintenance costs have risen sharply and become a prominent issue in the current stability work. For instance, the social stability maintenance expenditure in Guangzhou in 2007 was up to 4.4 billion Yuan, which far exceeded the social security expenditure of 3.52 billion Yuan.¹ This suggests that the various factors for stability have become a significant proportion of the local government's general expenditure. Due to the enormous pressure from "zero petition" and "one-vote veto," governments at all levels consider stability maintenance as the primary task and spend a lot of human and material resources not only to establish the "stability maintenance," "comprehensive management," and other agencies, but to set up stability maintenance special funds. They attempt to alleviate social conflicts by flexible economic means. For local governments at all levels, "buying safety" has become an increasingly popular idea of stability work. Though this idea can solve some of people's difficult living conditions and alleviate some of the social conflicts, it greatly increases the stability maintenance costs. Now the stability maintenance model also requires a lot of human input. In all sensitive periods or sensitive events, local governments often have to engage in large-scale mobilization and monitor key regions and personnel to ensure safety. For potential "trouble makers," governments have to assign multiple officials to perform 24-h monitoring. Such stability maintenance causes tremendous pressure for the grassroots cadres. Local governments sometimes call together large number of volunteers or actively cooperate with relevant departments to maintain social order. Since most volunteers themselves are street officials or resident commission staff members, their own work load is already quite heavy and volunteering makes it more difficult (Sun et al. 2010).

Third, the local governments are losing patience with the stability maintenance. There are complex origins in the contentious group activities. How can local governments solve the problems at the grassroots levels and end the conflicts in their embryonic stage? Here we should see the fundamental dilemma faced by the local governments. On one hand, local governments must ensure the realization of the stability. On the other hand, local governments, especially the township governments which directly face the farmers, have very limited resources and power (the origin of a considerable number of administrative disputes are the governments' limited power and resources²), and the legal benefits the rural officials receive are small, which make it hard for them to work patiently for the people. Therefore, the local governments completely lose the balance of responsibility, rights, and interests. From the perspective of organizational sociology, the goal of incentive design in organization is in favor of the organization's objectives. However, if the incentive design is not consistent with the actual organizational operation

¹Xiao Shu, *Why don't stability Maintenance Price Fall down?* Oriental Morning Post, June 29, 2009.

²Since the petition problems received high national attention in 2002, governments at all levels have invested a lot of energy to solve the problems, yet the situation is still very serious (Zhao, *Face the Serious Petition Situation Directly*, Southern Weekend, April 5, 2007). This is sufficient to prove the assertion of "80 % of the petitions should be solved at the grassroots level" is a little too rash (Zhou 2001b).

logic, and if the local governments face a rather impossible task and bear impossible responsibilities, the official goal of the organization will likely be replaced by grassroots officials’ interest-oriented goals (Zhou 2008). The politics of stability and unity has caused higher level governments to require lower level governments to eliminate the conflicts at their origin. However, the local governments have no ability or motive to resolve the group contentions at the origin, but they have the important task of barring Beijing petitions and severe incidents. It is hard for them to calmly face the complexity of grassroots conflicts and therefore difficult for them to solve the problems fundamentally. They only have the weapon of high pressure, which is to cut off all channels for contentious participants to talk to the senior governments at the beginning of the group contentions. From the perspective of long term effects, this action is the wrong approach to solve immediate difficulties without considering serious future consequences. It cannot fundamentally end the conflict but can further intensify the development of group contentions. From the perspective of immediate effects, such suppression can lead to some disagreement among grassroots participants and make the conflicts fall into an exhausted state in the short run, or at least, avoid the conflicts to be revealed to the senior governments.

6.1.2 Attack and Pull

The grassroots participants expect the local government to suppress them when they engage in contentious activities, but when the minor suppression becomes reality; people are still quite shocked by it. At the same time, local governments will complement them with some small profits to accelerate their internal disagreements. In particular, since the 1990s when the stability maintenance costs soared, more local governments have increased their efforts to draw the grassroots participants to their side and “buy safety.” In the Shanyang petition, the initial leader to organize the great petition was a retired cadre. After the petition was sent, the township government exerted pressure on this retired cadre. They threatened him with punishment, but they also agreed to pay thousands of Yuan for his personal reimbursement of medical expenses. As a result, this cadre withdrew from the later petition activities. In the farmers’ right protest in Hengyang City Hunan Province (Yu 2007a), the local governments tried to wheedle the farmers by naming them “burden alleviation representatives.” Among the 14 burden alleviation representatives in Zha River County Yantian District, only 6 were willing to stay. Rongjun Peng, the most important right protection elite in Hengyang, summarized the government’s handling of petitions: they “threaten those who are honest and know little about the policies; they use soft means to get around those who understand the policies and laws.”

Though solving benefit problems with benefits is better than solving benefit problems with high pressure, “buying safety” as a means of stability maintenance has serious defects. The “buying safety” behavior has no legal basis, and therefore in practice, it depends on officials’ personal judgments, which lack clear principle and normalization. In dealing with the special cases that are “reasonable but

outside of the legal system,” the primary goal of government spending is only to settle the conflicts. But this could stimulate people’s opportunistic expectations and tendency to “solve small conflicts in mild ways, solve big conflicts with harsh means, and not solve problems without creating disturbance.” Thus, in the absence of institutional resource support, people sometimes deliberately choose special periods and sensitive areas to ask for a variety of appropriate and inappropriate demands and force the governments to make concessions under the pressure of maintaining social stability (Sun et al. 2010).

On the other hand, since the solution of group contentions mainly aims to the draw the grassroots participants over to the governments’ side, rather than compensating the interest victims, the inevitable difference of opinions among grassroots participants arise. Some grassroots participants might risk the bad reputation as “traitors” and exit the activities under the pressure and temptations. But these means do not always work for some others, especially the grassroots leaders. As a result, the local governments have to go back to high pressure in the end. In addition, when group contentions first arise, the attacks by the local governments are only tentative, threatening, and integrating both attacks and drawing the participants to their sides. When the grassroots leaders are not swayed by temptations and insist on contentions, they will have to face the real attacks. Though we mentioned earlier that there is an institutional background for the local governments to attack the grassroots participants, under the same institutional background, different officials could show different virtues. In a number of situations, some officials are cruel and merciless in the suppression activities. The major forms of suppression are as follows: threatening, rumoring, harassing, confiscating, hiring vicious people, and incriminating. Among these, the last three means are the worst.

We will use a series of events in Ping County in recent years as examples.

On the night of March 21st 1999, Xiangdong Zhao, a migrant representative in Lanling, was stabbed six times by the triads hired by the town secretary due to his repeated reports of the secretary’s corruption and migrant fund abuse. This is the first part of the “3·21 Incident.”

On March 21st 2002, the police tried to arrest the Shanyang migrant, Jianxi Liu, and his wife because he contradicted a leader in the Ping County Politics and Law Commission about the migrant resettlement. Liu was released under the help of the migrants, so only his wife was arrested. The next day, the County Public Security Bureau arrested a few people who were also concerned with the contention. The Liu family and two other migrants were sentenced at court. Liu’s father died soon after he was released. This is the second part of the “3·21 Incident.”

On July 31st 2002, since the migrant issue had reached a very serious condition, 56 migrants from Shanyang decided to arrange a collective petition in Beijing and headed to Beijing immediately. Ping County fabricated lies and called out the police to arrest most of the migrants. A few migrants that escaped went to Beijing and reported the situation. Beijing immediately required Ping County to release the arrested migrants. Though Ping County was forced to release the migrants, they sentenced several migrant representatives to punishment a year later. One of the representatives suffered from mental illness after he was released. This is the “7·31 Incident.”

6.1.3 “*Suppress-Bounce*” Mode and the Intensification of Vigor

When the local governments further suppress petitions (which the grassroots participants find very unreasonable), it causes the situation for the grassroots participants to deteriorate. The nature of the problem has changed: the primary objective of farmer’s group contentions have changed from obtaining group benefits to protecting their own safety, dignity, and recognition. This encounter further intensifies farmers’ vigor.

When vigor was first released, the grassroots participants were acting for their own benefit and the situations were still under control. But when vigor was further intensified, causing them to fight against the local governments’ fierce attacks, the farmers realized how serious the situation was and gained an “informed disenchantment” (Gallagher 2006). This disenchantment on one hand strengthened their determination to fight until the end to take down the officials and gain their own basic recognition. On the other hand, it forced them to be more strategic in planning and carrying out their activities. The attack on grassroots participants was supposed to control the group contentions. It was unexpected that this attack cut off the grassroots participants’ escape, which became a new mobilization factor for group contentions. This is called the “suppress-bounce” mode.³

Jhering (1915) described the image of westerners as “struggling for law”: “It is not a mere money-interest which urges the person whose rights have been infringed upon to institute legal proceedings, but moral pain at the wrong which has been endured. He is not concerned simply with recovering the object...but with forcing recognition of his rights. An inner voice tells him that he should not retreat, that it is not the worthless object that is at stake but his own personality, his feeling of legal right, his self-respect – in short, the lawsuit ceases to appear to him in the guise of a mere question of interest and becomes a question of character.” In comparison, the Chinese farmers’ contentious character undergoes a “struggle for recognition” (Honneth 1996). The common feature of the two types of struggles is that the fighters all suffer from ethical pain, their problem transforms from an interest problem to a personality problem, and they both refuse to give in. The difference between the two lies in the fact that the Chinese farmers believe in the “struggle for recognition” and do not have much trust in the legal system. What they advocate is human dignity and social recognition rather than the legal “rights;” rather than basing their ideas on Jhering’s legitimacy, what they advocate is based more on “common sense justice” (Shiga Shuzo 1998a: p. 13). Thus, once Chinese farmers’ contentions are driven by vigor, they will be persistent and resolute.

³For the re-mobilization of the relationship between suppression and contentious activities, see (Bernstein and Lü 2003: p. 149; Tang 2005: p. 48; Goldstone and Tilly 2001: pp. 80, 81).

6.2 The Structural Conditions for Grassroots Mobilization

In order to better understand the stability and reproducibility of grassroots mobilization, in addition to the effect of direct stimulation, we also need to consider the structural conditions for grassroots mobilization.

6.2.1 *An Incentive System from Top to Bottom*

We have discussed the effects of the politics of stability and unity on local governments' suppression. But the politics of stability and unity affects not only the logic of action but provides direct incentives for grassroots mobilization. The complex effect can be clearly seen in the petition system set up after 1949. Here we will briefly summarize the historical evolution and operation of the petition system.

6.2.1.1 Historical Division of the Petition System

The People's Republic of China Administrative Council's (now the State Council) promulgation of the *Decisions on Handling People's Petitions and Meeting with People* on June 7, 1951 is generally viewed as the starting point for the formal establishment of the petition system (Diao 1996). Obviously, this system was a political invention born out of the Chinese Communist Party's mass line. Its history can be divided into four periods according to its basic functions.

Petitions for Mass Mobilization: From June 1951 to January 1979

Before the economic reform, the political movement was a key factor in restricting the functions of petitions. Every political movement is followed by a massive involvement and a rapid increase of petitions. The petitions were mostly about revealing other people's problems. Towards the end of the movement, more petitions were about revealing problems within the movement and implementing policies. A considerable amount of the time after the movement ended, most of the petitions were about implementing policies (Diao 1996: p. 5). Since the political movements almost never paused in that era, revealing problems and requesting redress became the two major alternating themes.

Shue (1980) found in her study of land reform that there was a "correction" phenomenon that frequently appeared in Chinese society. But she only considered this correction as the quality of cadres in the policy implementations rather than realizing a complicated power effect from "correction" and "redress." On one hand, the prevalence of class analysis and class struggles, error correction beyond the appropriate limits, the logic of being raised without restriction under the militarized system or the

bureaucratic system (Yang 2009), and the heavy reliance and development of the people on the edge of participating and the activists always made “mistakes” inevitable. On the other hand, the “correction” and “redress” in appropriate time had become a social mobilization; it not only releases the resentment built up due to the “mistakes” but also reproduces the legitimacy and mobilizing ability. If there are not “mistakes,” there will be no driving force for political movements. If there are not “corrections,” the movements could become uncontrollable, making the political regime lose its authority (Ying 2001: pp. 387–388). The petition has dual functions in these frequent political movements: the function of revealing and starting movements, and the function of correcting and resolving conflicts. These two functions were seemingly contradictory, but they actually served mass mobilization in different ways. We call this historical period of petition the “Mass Mobilization Petition.”⁴

Petitions to Create Order from the Chaos: From January 1979 to February 1982

The spirit of the Third Session of the Eleventh Central Committee of the Party in January 1989 was widely spread to February 1982. This is the transitional period for the petition system to transform. In this brief historical period, petition quickly moved from a marginal position to the center of the country’s political life. The large number of petitions, people involved, repeated petitions and large-scale petitions (especially Beijing petitions), officials sent to deal with the issues, and problems solved are all unprecedented. There were three petition surges in January, April, and August 1979. There were up to 1,200 petitioners each day and nearly 10,000 petitioners stranded in Beijing during each surge (Diao 1996: p. 230). The county both had to achieve a strategic shift in the political route (i.e. from class struggle to economic construction), and create order from the chaos and efficiently deal with a large number of historical issues, which caused the rise in petitions. Petition as an unconventional means of conflict resolution, has become a weapon to resolve the country’s unprecedented attention on people and the country and party’s large mobilization. We call the petitions in this period the “petitions to create order from the chaos.”

Petitions for Stability and Unity: From February 1982 to October 1995

The *Provisional Regulations for Petitions (draft)* issued during the Third National Petition Meeting in February 1982 marked the beginning of a new era of the petition system. As the country announced the completion of the creating order from the

⁴Lubman (1967) also notices the mass mobilization nature of mediation in his analysis of the mediation system during the Mao era. In his opinion, “the Communist Party allows the mediation’s political function to penetrate everywhere through the mediator concept and the guidance of dispute, covering the mediation functions in resolving disputes. The intervention of politics replaced the negativity of mediation. In short, the Communist Party has included mediation in the re-arrangement of the Chinese society and mobilized people to support the party’s policies.”

chaos stage, the petition system was brought back into the politics. However, during this period, the petition system was not used for mass mobilization and class struggles, as during the Mao era; instead it now served the economic construction, stability, and unity in the new era. Petition broadly covered purposes from suggestions to revelations and from criticism to redress. But as mentioned previously, resolving disputes and obtaining help were the main demands of the petitioners. Though large-scale and continuous political movements and mistakes in the policies no longer existed, the bureaucracy and economic constructions would still violate people's rights and thus endanger the stability and unity of the political order. We refer to the petitions from the 1980s to the mid-1990s as the "stability and unity petitions."

Petitions to Maintain Stability: From October 1995 to Present

The promulgation of Petition Regulations in the Fourth National Petition Meeting in October 1995 marked the beginning of a new era for the petition system. The politics of stability and unity further evolved into a politics of maintaining stability. Though it changed from stability and unity to maintaining stability, the functions of petitions did not go through fundamental changes. However, the importance of petitions greatly improved. This is because there was a nationwide petition surge that lasted from 1992 to 2004, bringing huge pressure to governments at all levels. Therefore, the country suggested a new strategic goal of building a harmonious society, implementing scientific development, and improving the task of maintaining social stability at a high level. In this period, maintaining stability even became the center of government responsibilities. In 2004, the governments at all levels established joint conference systems for petitions and group incidents. In 2005, the country amended the *Petition Regulations*, and the public security system started "open door grand receiving" activities. In 2007, the Sixth National Petition Meeting was held. Solving petition problems has become the hotspot in recent years.

6.2.1.2 The Basic Contradictions Within the Petition System

Though the petition system has undergone multiple changes, its emphasis on securing order and helping people to obtain their rights has been a part of the Chinese political system since 1949. The politics of stability and unity determined after the economic reform have replaced the politics of class struggles, but people's right to struggle has not been deprived. Instead, it has been absorbed into the pursuit of internal order, which makes the contradictions within the petition system more acute.

The petition system is a product of the mass line by the Communist Party. Protecting people's democratic rights and meeting people's legal requirements are the concrete manifestations of the Communist Party's fundamental purpose. Stability and unity are important guarantees for sustainable development and the fundamental goals of the petition work in the new era. Both of which are consistent

with each other because only when people's democratic rights are fully protected, only when timely help is provided whenever people's rights are harmed, can stability and unity be actually created and maintained.

However, there are still some contradictions between the two in practice. The main problem lies in how to understand "stability and unity." If those whose rights are harmed were not given an unconventional remedy – petition – under the inadequate judicial relief, the accumulated grievances would threaten the social order. But if this channel was too smooth, if this unconventional way was commonly used to solve problems, and if people frequently used the Beijing petition or conducted large-scale collective petitions, then it would be a detriment to stability and unity. Therefore, contradictions are shown in the country's petition policies. On one hand, the country emphasizes breaking down bureaucratic obstacles and blocking petitions in order to ensure a smooth channel for people to conduct petitions and protect their democratic rights. On the other hand, the country also repeatedly emphasizes solving problems at the grassroots level and minimizes the number of large-scale petitions, collective petitions, and repeated petitions (Zhou 2001b). The fundamental spirit of the two amendments to the Petition Regulations in 1995 and 2005 was both to smooth the petition channels and to regulate the petition order. As a result, most local governments make reducing the number of various types of petitions a measure of officials' performances, and some even make it the most crucial factor to evaluate officials. Of course, smoothing and blocking are only means to realize social stability and opportunistic tools for local governments. The developing needs and conditions determine when petitions can be tolerated and when petitions should be controlled or attacked. But due to the institutional constraints, the local governments almost lose the ability to tolerate petitions or persuade petitioners and can only suppress them. And the smooth channels allowed by the senior governments then become a legal reason for people to start contentions.

In other words, a complicated effect is derived from the internal contradictions in the petition policy. On one hand, it emphasizes "solving problems at the grassroots level," which stimulates the local governments, who lack an ability to solve practical problems, to attack the grassroots participants. On the other hand, it stresses the importance of being "people-oriented" and asks the local governments to ensure people's legal interests and allow petitions to express their will and to solve conflicts. This indeed grants legitimacy to grassroots mobilization.

6.2.1.3 The Process of Petition Relief

Here we will discuss the process of different petitions in depth.

Sending Letters and Going Out for Petitions

There are two fundamental forms of petitions: sending letters and going out for petitions. There are huge differences in relief between the two forms. Sending

letters has a very low cost but the possibility of receiving relief is very small; going out for petitions greatly increases the cost but also increases the chance of relief.

This difference is directly related to the operation of Chinese bureaucracy. The bureaucracy established in China in 1949 is very unique. On one hand, the bureaucracy replaced or abandoned a variety of traditional organizations and integrated the governmental and administrative centralization (see Tocqueville 2000: p. 82). On the other hand, the standard procedures in the bureaucracy had not been fully developed. Since the policy makers and executors had too large a target without efficient and standardized control and technology, the government always failed to solve emergent issues. If the government could not solve the issues at their embryonic stage, they would continue to grow. Only when these problems become too difficult to solve will they be included in the government agenda (Ying 2001: pp. 368–370). Since the 1980s, the political reform has lagged far behind the economic reform, making the governments continue to act as “firefighters.” Therefore, getting the government’s attention by only sending a letter was very rare. But going out for petition is different. In general, going out requires a large input cost which means that the problems are rather urgent or serious. Face-to-face petitions also make it hard for the government to put off the people. More importantly, controlling the number of petitions is an important evaluation of subordinate units’ performances. Thus, going out for petitions increases the chance for the people to receive relief.

However, it is a paradox for the government. Since they face the pressure of controlling the number of petitions, they are more likely to provide support to the petitioners. However, because this provides a rather large chance to receive relief, people tend to conduct actual petitions. Does this not further stimulate the occurrence of petitions? Therefore, a quasi-institutionalized system is used to solve this paradox, namely delay.

One-Time Petition and Repeated Petitions

Delay is a product of the inertia of the bureaucracy, but its repeated appearances lead to an unexpected consequence – information filtering. Each petitioner complains and does anything to stress the urgency of his situation in order to receive relief as soon as possible. But the petition cases that the government has to deal with are sometimes important and sometimes trivial. With the incomplete information problem created by the bureaucracy’s tendency to “report the good but not the bad,” how can the government distinguish which case is important and which is not and react immediately? Delay plays the subtle role of filtering. The delay also increases petitioners’ costs in money, time, and effort. Generally, the chance to get relief in a one-time petition is very minimal. In order to receive relief, it is very common for petitioners to spend several years and travel thousands of miles to conduct repeated petitions. If the problem is not too serious, people are not willing to bear the high costs necessary for repeated petitions. Only if they can stay through the delays can they gain a chance to get the problems solved. In other words, in order to obtain relief, the petitioners have

to pay a very high cost.⁵ To some extent, delay can curb the soaring number of petitions. However, the unexpected consequences from the delays can also make the government pay a high cost – some seemingly trivial cases are accumulated and eventually become a large and serious problem (Ying 2001: pp. 370–372). Of course, the delay is also subject to the constraint of the government’s pursuit. Since the ability to control the number of repeated petitions is another measure of officials’ performance, delay cannot be permanent or too random. In order to prevent repeated petitions, bureaucracy consciously or unconsciously uses delay to increase petition costs. In order to reduce the number of repeated petitions, bureaucracy also ceases the delay when it is timely. The balance between the use and the cease of delay is precisely how the bureaucracy uses flexibility in dealing with petitions.

Progressive Petitions and Accelerated Petitions

The petition system has always stressed the purpose of bringing the governments and people together. In fact, the relationship between the local governments and people is the closest, but the local governments are indeed most likely to infringe on people’s rights. If petitions were restricted at the grassroots level, it would be rather impossible to realize the goal of building the close relationship between the governments and people. Furthermore, it would be difficult for people to obtain relief due to the complicated interest relations within the local governments. In fact, the so-called “close relationship” between the government and people has a more important purpose of tightening the relationship between senior governments and people. With the increase of bureaucratic classes, the bureaucracies will superimpose on each other, which weakens the relationship between the senior governments and people, especially between the central government and people. Skipping a level to petition is not only a supplement to the bureaucracy, but also a way for the senior governments to obtain information and supervise the local governments without avoiding the bureaucracy. Moreover, it is a realization of people’s democracy and a means to reproduce legitimacy. Therefore, progressive petitions were not strictly enforced before 2005.⁶

⁵But this does not mean that a high cost will increase the chance of getting relief because there are still many other complicated factors. For example, though repeated petitions are more likely to obtain relief than one-time petitions, if repeated petitions are identified as “pestering petitions” (which is a petition after the government has appropriately dealt with the problems or has determined that the requirements put forward by the petitioners are unreasonable), then no matter how many times the petition is conducted, the chance for the petitioners to gain support will not increase.

⁶Progressive petitions were only implemented in some provinces in 1998. The real premise for its implementation is that local governments can solve practical problems in time and satisfy people’s needs (Diao 1996: p. 325). However, most problems are impossible to solve at the grassroots level. Thus progressive petitions are hard to popularize and strictly enforce. This was the situation prior to the *Petition Regulations*. According to the 16th rule from the *Petition Regulations* implemented in May 2005: “petitioners should report to authorities of the same level or higher that have the legal right to deal with petitions; when the petitions are being dealt with or are completed, petitioners’ repeated petitions to a higher authority in a restricted period of time are not to be considered.” This means that level skipping petitions were banned.

However, if there were too many accelerated petitions, not only would the authorities be overwhelmed, but also the security and harmony will be threatened in the important cities. Therefore, the state has explicitly discouraged accelerated petitions, especially the Beijing petition, and has required local governments to solve the problems at the grassroots level, instead of handing them over to the higher authorities (Ying 2001: p. 316).

For the public, though there is a low cost to petition the local governments, they always fail to receive relief due to the barrier from local networks. There is a high cost to petition the senior governments, but they have to bear the risk of being suppressed by the local governments. And there is no guarantee that accelerated petition will improve the efficiency. This is because though the grassroots network does not extend to the higher authority, the petitions might still be handed back to the local governments and drop back to the original network. Nevertheless, accelerated petitions create some chance of success. For example, a small number of cases might be considered "important petition problems" by the higher authority and thus avoid being handed back to the local governments. Once a senior official, especially a central official, supports or carefully investigates the issue, the usual prevarication, delay, and indifference in the bureaucratic system will be broken and people will soon receive relief. As another example, petitioner receptions by officials are implemented in a number of places. If the petitions are given one of these receptions, they always arrive at good results. Beijing has had these receptions since 1999. The Beijing officials received 30,000 people between 1999 and September 2000, and 81 % of the problems were properly solved. Therefore, these reception days are also called "problem solving days" (Zhou 2001a).

Of course, to obtain relief, people not only have to have a firm belief in the higher authorities and a determination even in fear of any costs and risks, but they also must be fortunate enough to come across a variety of opportunities. After all, the chance to receive one of those receptions or to have the petition read by the higher authorities is very small. But for most people, such an occasional relief channel still provides them a glimpse of hope. It is also such a hope that safeguards the society, making the lucky ones sincerely thankful to the country and the poor ones blame the dark local governments for their uncertain fate.

Individual Petitions and Collective Petitions

So do people have to pay high costs or conduct the unreliable accelerated petitions to obtain relief? It is not necessarily so. There is a form of petition, collective petitions, which will soon gather attention from the local governments or the senior governments.

Individual petitions are an activity in which the petitioner complains face to face to the government that they trust. During the process of collective petitions, the communication between the petitioners and the government is through petition representatives or petition organizations. Theoretically, petitioners have trust in the government, but in collective petitions, this trust is first based on the trust in their

petition representatives or petition organizations. From the country's point of view, since the relationship between the central government and people is always blocked by bureaucracy, the self-organized collective petitions face the risk of "being used by those with an ulterior motive." If petitions were originally used to avoid accumulation, to upgrade, and to transform the internal contradictions among people, then collective petitions are precisely buried due to this disturbing factor. Even if this potentially disturbing factor does not develop, collective petitions themselves are a challenge to social stability and a detriment to social harmony. Therefore, collective petitions are positioned awkwardly between allowance (because it is after all a regular form of petition) and being under a high degree of vigilance.

However, it is because of this awkward position that there is a large space for people to seek remedy. We have already mentioned earlier that people's focus is to obtain relief while the government's focus is stability. These are two related but different issues. Only when the public concerns are transformed into government concerns can the former be included in the governments' immediate agenda. Collective petitions therefore build a bridge between the two concerns. On one hand, collective petitions themselves are legal, or at least are allowable for the public to express their will according to *Petition Regulations*. On the other hand, collective petitions are supposed to be strictly controlled; the control of collective petitions is both the center of the petition system and an important measure for the local stability and unity. In other words, no matter what problems are reflected in collective petitions, the form of the collective petition itself deserves high attention from the government. In order to resolve the crisis from collective petitions fundamentally, local governments usually adopt one of two means: appropriately meet collective petitioners' reasonable demands as soon as possible or suppress and attack the organizers of the collective petitions. The former allows people to obtain relief, and thereby eliminates the possibility of repeated collective petitions; the later will result in rudderless organization and thus weaken the possibility of new collective petitions.

Of course, it is impossible for the government to satisfy all of the requests when a collective petition arises, since it would give petitioners more incentives to conduct petitions frequently. As well, the organizers of the collective petitions may not have to pay a heavy price because the senior governments do not encourage local governments to suppress the organizers of regular collective petitions (see below for the distinction between regular and irregular petitions). Furthermore, suppression could make the petitions continue and even escalate, which is a result that the government does not want. Therefore, for the local governments, how to use these two options depends on the need to control social order, the balance of different powers, and the political situations. For the public, collective petitions can increase the chance of getting relief to some degree, but it requires the organizers to have great political wisdom. On one hand, collective petitions should constitute some threat to social order but gain relief under the premise of no actual damage. On the other hand, collective petitions should try to avoid groundless deprivation of their own rights.

There is also a special kind of collective petition, which is the accelerated collective petition (especially the collective Beijing petition). This petition includes all of the risky factors of accelerated petitions and collective petitions, to which the

country remains vigilant. As was mentioned earlier, the senior governments do not always suppress the regular collective petitions but just do not encourage or approve (Diao 1996: p. 301). But meanwhile, the senior government can exert pressure on the local governments to avoid Beijing collective petitions by every possible means. Once the Beijing collective petition happens, the senior government will ask the local governments to take the petitioners back for local processing. Therefore, the chance of gaining relief by this combined petition might not be higher than by large-scale petitions or normal collective petitions.

Regular Petitions and Irregular Petitions

Compared to judicial relief, petitions are an unconventional way of obtaining relief. But petitions can also be divided into regular and irregular petitions. If it is regular is determined by whether it is strictly in accordance with the petition provisions.

There are petition departments in governments from the county to central level. Theoretically, petition departments are specialized agencies which deal with petitions. But petition departments are always in an awkward position under the bureaucratic system. The task is heavy but labor is not sufficient, the range of issues covered is broad but their power is small. The tasks for some petition departments in the local governments are “important to be talked about, secondary to be dealt with, nonexistent when they are busy” (Zhou 2001b). Though the petition departments seem to cover everything, they always do nothing. They are more like an information freight station and an emotional safety valve, the final solution depends on who examines the cases and to whom the petitions are presented.

Thus, though petition departments are regular agencies which deal with petitions, whether petitioners can gain relief generally depends on the party or government leaders who do not directly deal with petitions (except during special receptions discussed earlier). Many people are well aware of this point. So petitioners usually focus on the main government leaders during their petitions and do everything possible to complain to the government, which is similar to an ancient direct complaint. It could be an effective way for people to stop the government officials. The officials could be moved or under other conditions that they promise to solve the problem. But it is more likely to be solved by routine management with a party leader – to ask the petition departments or relevant departments to deal with the situation. Generally speaking, though petition is an unconventional approach, a regular petition would not bring much trouble to the petitioners. It could at most bring some temporary trouble to the local officials, but these petitions do not threaten the social order. The next situation discussed is not the same.

When regular petitions cannot bring a satisfactory result, some people will take a marginal or minor approach, including sitting in and kneeling down in front of the government, conducting collective petitions when there are important political meetings, putting up banners in symbolic locations, etc. If these

approaches are used properly, they can be very effective because they touch the heart of the government – a fear of unstable social order – and they have not crossed the boundary of law. Hence the government might employ a method of “creating a precedent” to solve problems and quickly ease the tension. But this method is very dangerous because it could become uncontrollable and be identified as “troublemaking.” The government would then convict the petition organizers of disturbing public security and disrupting public transportation, and deliver them to the judiciary trial. Therefore, this irregular petition is a double-edged sword: it could be very helpful but could also bring disaster. It is often like playing with fire; thus, people do not normally employ these measures (Ying and Jin 2000).

6.2.2 A Non-institutional Constraint from the Lower to Higher Class

The non-institutional constraint between the lower and higher classes refers mainly to normal farmers’ impact on the grassroots participants’ decision to carry out contentions to a successful resolution.

As we have studied in the previous chapter, the first type of grassroots leader is the most important organizer in legal contentions. They have already become the civic leaders prior to the start of legal contentions. This is why they always stand out as leaders of contentions. When the government attempts to suppress them, they face a severe test: if they retreat, they will be viewed as cowards and opportunists of the people. They will lose their face and all the suffering they have gone through will never be repaid (if they were bribed secretly by the local governments, they will pay an even higher price by being labeled a “traitor” and will be despised and reviled by the people). If they are determined to continue fighting, they will gain moral and personal recognitions, which solidify their social status.

Similarly, for the second type of grassroots leaders and the grassroots activists, though they do not enjoy a reputation at the beginning of the contention, like the first type of grassroots leaders, the contentions become a turning point of their lives. Should they insist on fighting to win support and respect and therefore become the civic leaders, or should they secretly escape, suffering because people view them as timid? This is a stark choice they have to face.

In the villages, there are multiple ways to protect and solidify one’s face (see Ho 1976: pp. 867–884; Jin 2006b: pp. 249–269; Zhai 2005: pp. 129–140). However in contemporary rural Chinese society, face gained from fighting against illegal grassroots officials’ behaviors is very precious. As mentioned earlier, grassroots participants are facing a great risk in holding collective contentions. They can neither win political benefits nor economic profits. The only reward they can possibly obtain is the courage and face to speak for the public.

For example, a doggerel written by Shanyang grassroots leader, Kewang Zhou, shows grassroots leaders’ true feelings.

Became a migrant at the age of sixty,
 Corrupt officials are everywhere, countless,
 Full of hatred,
 We are only poor working families,
 Anti-corruption accusations are all on me,
 Families are broken, my body is tired,
 I just want to seek justice for the migrants,
 I was born for migrants,
 I will die for migrants!

The findings from the cases we studied are consistent with those from Yu (2007a: p. 25): “for those that have been attacked unreasonably, if they stop a contention, they will lose all the basic respect in the villages and be called soft eggs. In other words, if Rongjun Peng would like to live decently, he will have to continue fighting. In fact, many contention elites have similar experiences. Their spirit of fighting against injustice has a huge appeal in rural society. Their stories are usually widely spread and praised and their unfair treatment and their sacrifice always arouse people’s awareness and participation.”

Li and O’Brien (2008: p. 193) suggest that the local government’s suppression enhances the public’s support and recognition of grassroots participants, but it also increases the costs for grassroots participants if they choose to withdraw from these activities. The crucial point of this support and cost lies in the importance of one’s face. Therefore, the gain and loss of a face that rural society highly respects and values constitute a non-institutional constraint for grassroots mobilization.

6.2.3 Recognition in the Grassroots Participant Community

In addition to the incentive and the non-institutional constraint, there exists a horizontal structural factor – recognition in the grassroots participant community. In the next chapter, we will discuss in detail the organization of this community. Here we will focus our study on the impact of this community on grassroots leaders and activists’ continuation of contentions. This impact can be viewed from two perspectives.

One perspective is the effect of the first type of grassroots leaders on the second type of grassroots leaders. As described in the previous chapter, the first type of grassroots leaders refers to those who were originally civic leaders with strong wills, calm minds, and intelligence. The existence of the first type of grassroots leader has the following impact on other grassroots leaders’ decision to continue contentions.

First, under the guidance of the first type grassroots leaders, the grassroots participant community maintains the function of “plausibility structures” (Berger 1969: pp. 19, 40). Berger believes that some concepts or beliefs that are in opposition to their mainstream counterparts face enormous social pressures. In order to stick to their beliefs, those who share common interests will gather together and

encourage each other to resist pressure from the mainstream. Nepstad (2004) applies the “plausibility structures” theory to explain the cultivation of high-risk social movements. We can see this in rural Chinese society, the grassroots participants’ contentions are high risk, and the participants face enormous political pressure. But when the other grassroots participants, who do not have as strong a determination as the first type grassroots leaders, enter this community, they are always able to overcome the fear and loneliness, as they are inspired and encouraged by the power of the community. Their determination to fight against injustice is thus reinforced.

Secondly, the leadership of first type grassroots leaders reduces the risk for the grassroots participant community. In high-risk contentions, grassroots participants have to consider how to reduce their risk. The first type of grassroots leaders reduces the risk for the other participants in two ways. First, the rich political experience and intelligent organization behind the group’s actions by the first type of grassroots leaders allow contentions to operate along the legal contention channel and utilize the tools of policy and law. Thus leaders can at least prevent the participants from acting recklessly or falling into traps. Secondly, the first type of grassroots leaders is, after all, the most important group of leaders, so they will be the main targets of post-contention attacks. Therefore, other grassroots participants bear less risk and pressure.

We will now turn to the effects of other grassroots participants on the first type of grassroots leaders.

First, a single individual don’t fully master a large-scale collective activity with enormous pressure and risk through their ability and charm. Only with a team of determined activists can the first type of grassroots leaders effectively carry out their activities and guide the general direction of the activities. Their determination is therefore reinforced, and they gain more confidence.

Secondly, with the support of the second type of grassroots leaders and activists, the first type can better protect themselves. Though the first type grassroots leaders have a certain social prestige, their power is weak. Furthermore, some of them are not even farmers; thus, their relations with the normal farmers are relatively weak. Only with the second type of grassroots leaders and activists can the first type of grassroots leaders earn full acceptance from the public. Though they bear most of the political risk, they obtain some protection through the embrace of the public. The local governments fear the public and cannot rashly attack them.

Therefore, recognition in the grassroots participant community brings the first type of grassroots leaders, the second type of grassroots leaders, and the activists together. They support each other, which furthers their determination to continue fighting for their rights.

This support is not only reflected in face-to-face interactions but has also created a special culture. In the Shanyang case, we can see that the local government’s attack was very harsh. However, it is unexpected that three additional large-scale contentions in Shanyang have arisen since 2001 and the Shanyang migrants’ contentions have never ceased. Moreover, each contention had a different leader that did not belong to the activist circle organized by Kewang Zhou. Then, how do we

explain this situation? This involves a special kind of mobilization – a symbolic mobilization built from the contentious culture.

Culture has three roles in contentious politics: one is the integration framework proposed by Snow. This framework actually considers culture as a toolbox for the grassroots leaders. Another role is Hunt's culture determining theory, which views culture as something the contention participants want to defend with deep emotion and conviction even if it can diminish their own benefits or contentions. The other theory is the habit theory by Killian, which suggests that culture is in the mind of the grassroots participants and thus their actions often come from their instincts and habits. Though contentious activities are always the result of these three, the relative importance of the three is not the same under different social structures and specific situations (Zhao 2006: pp. 225–226).

The folk cultures in Shanyang are obviously valiant, as shown by the historical records and the recent Dahe migrant contention. The rise of contentious activities in Shanyang is apparently directly affected by their culture. However, during the imprisonment of Kewang Zhou and other grassroots leaders, it was impossible for this culture to be used as a tool. But this culture formed a unique field. People's hatred for and impatience with grassroots officials' illegal behavior reached a point where people arrived at a consensus to fight until the end. Even though there was not a grassroots leader, people used their cultural heritage and strength of mind to arrange a less organized contention. This is a perfect example of the "trust structure" established in the grassroots participant community. Thus they can strengthen their resistance belief and carry on their contention. The Shanyang case also proved an argument put forth by Zhao (2006: p. 227): "when a social movement lacks good organization, spontaneous behaviors will gain a dominant position. The social movement organizers always base their actions on their long-developed habits and instincts." Here the poor organization refers to the social middle class organizations having little development and the grassroots organizations being suppressed by an authoritarian regime. In this case, the long-established contentious culture still plays a significant role, but this mobilization often just turns legal contentions into group incidents.

6.3 The Organizational Strategy of Grassroots Mobilization

6.3.1 The Organizational Requirements for Contentious Activities

As mentioned earlier, under the current Chinese social condition, collective contentions usually face the plight of illegalization, among which organization problem is the most sensitive. In the pre-reform society, the various organizational resources were controlled by the state monopoly, and the commune system and

city unit system became the anchorage of their political, economic, and social lives and organizations. Since the economic reform, marketization has separated the economic organizations from the state monopoly. Marketization has also helped the emerging NGOs to grow, though their growth has been stunted by some restrictions. But most of the organizational resources in politics are still monopolized by the state. Although the legal collective contentions studied here do not directly challenge the political system, they are not representative of conventional political participation. In other words, they are political confrontations and thus could cause some negative effects to the local social order. If they are not properly managed, they can even evolve into serious group incidents that can impact the social stability. Therefore, the organizations established in this group activity will naturally garner great attention and even attacks from the government. However, it is precisely this group contention that has strict organizational requirements. There are two key reasons for this.

First, the safety problem grassroots leaders face forces them to carefully organize their activities to avoid political traps. As discussed above, local governments usually attack the grassroots leaders. Transgressions in politics are always a good excuse to attack the grassroots leaders. In order to obtain the greatest success for their contentions, grassroots leaders tend to apply both legal and semi-legal means, which involve both, complaining to the government and collective gathering. They try to disrupt the social order by sending a threatening signal, but at the same time limiting the disruption to an appropriate extent to show their sincerity. But the strategy of problematisation is like a sword on one's head that could bring about trouble if there is a slight mistake (Ying and Jin 2000). It is also due to the high risk of this strategy that grassroots participants have to strengthen controls on their actions to avoid any mistakes and to prevent any contentions from evolving into group incidents.

Secondly, the increase in farmers' political activities requires grassroots leaders to take advantage of opportunities to reach a compromise and end the activities. The spontaneous farmer politics have strong growth characteristics: either to tolerate again and again or to engage in intense and emotional activities even when it is intolerable (see Thaxton 1990: pp. 335–376). The farmer political activities are not necessarily for material interest and are occasionally just for vigor. The group characteristics of farmer activities could instigate the vigor of fighting and the vigor of uncompromising until the end. It then constitutes the field of “no victory no troops withdrawal” attitude. To achieve full farmer mobilization, the grassroots leaders have to use such field very often, and even use punishment measures against their “traitors.” But if this field can affect entire group activities, then grassroots leaders may face punishment by governments or accept the failure of the group activities because they cannot reach a compromise. Hence, grassroots leaders cannot restrict such field by strong organization, but instead must use limited victories to utilize compromise and exit timing. Grassroots mobilization is not only a mobilization to bring farmers to the group activities but also a mobilization for the farmers cease activities in a timely manner.

6.3.2 The Organization of the Grassroots Participant Community

The mobilization of contentious politics in the Western world mainly relies on professional and formal social movement organizations. But under the current Chinese institutional background, the mobilization of contentious politics depends heavily on the voluntary grassroots organizations. This form of grassroots organization seems loose, and in a considerable number of cases, the grassroots organizations do not even have a name. For instance, in the Silver River case and Qingshan case, there were no official names for the organizations. In the later period, mid-December 2000, the petitioners in the Shanyang case were given a name, the “Shanyang Migrant Monitoring Association,” but even then this name did not appear in their petition materials. They only signed as “Shanyang Migrants” with the names of their grassroots leaders and their contact information. Moreover, in March 2001, the “Shanyang Migrant Monitoring Association” was dissolved because of the imprisonment of several people in charge. But Shanyang migrants’ collective petitions and contentious gatherings have never stopped. Thus these seemingly loose grassroots organizations actually have a strict internal system. Here we will use the Shanyang migrants’ group contention as an example to analyze the organization of the grassroots participant community.

6.3.2.1 The Organizational Stratification

Among the members of “Shanyang Migrant Monitoring Association,” we can see two types of members: one is the “monitoring member” (15 in total) and the other is “principal member” (5 in total). This illustrates the fact that the grassroots organization is divided into at least two classes. The grassroots leader class is composed of “monitoring members” (with both the first type and second type of grassroots leaders), and the grassroots activists class is composed of the “principal members.” The four trial objects determined by Ping County in 2001 were all from the grassroots leader class. Then, how did this stratification form?

Grassroots leaders are always those that exhibit prestige, resources, and forward thinking from the beginning of the group contentions. They are always both brave and wise. The premier grassroots leader, Kewang Zhou, in the Shanyang migrant group, belongs to the first type of grassroots leader. He was originally a boatman but then became the head of a small rebellion organization during the “Cultural Revolution.” With rich political experience, he became the first to participate in the investigation (October 1997) and became involved in the first petition to the central government (November 20th 1997). Zhengxing Liu, who at the time was the second leader, belonged to the second type of grassroots leader. He and Kewang Zhou were both from Xinhua village, and he was the team leaders of the First Team from Xinhua. Liu was upright and outspoken. He worked very wisely which earned him a great reputation among the farmers. There were also two factors that made him the grassroots leader after Zhou: Liu had a great number of relatives and friends who were county and village government officials, which provided them with important

funds and resource when the grassroots mobilization faced suppression. Another factor was that Xinhua village, where Liu was located, was across the river from the seat of the Shanyang government. Whether to inquire about government related information or to complain to the government, and whether to gather village representatives to discuss issues or to establish foreign contact, this was a very important geographic location. There were complicated factors leading to Liu's final exit. We will discuss them in detail later.

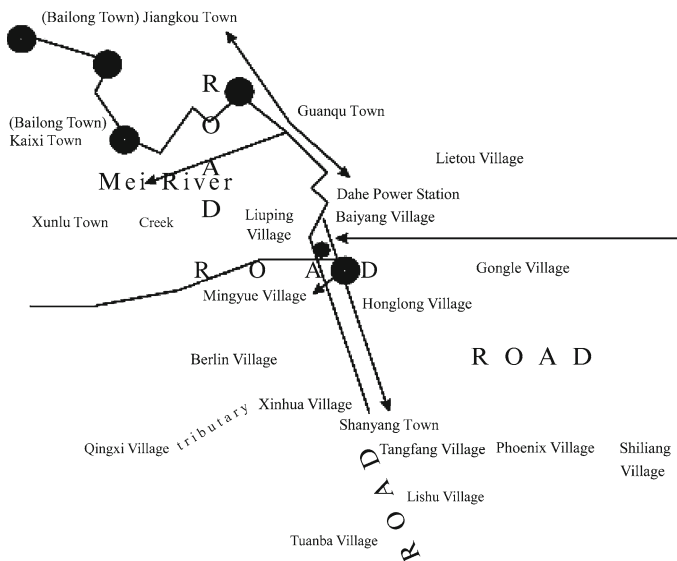
The other three grassroots leaders were Dingqiu Du, Chunqiang Zhang, and Zaixing Jiang. All of them belonged to the second type of grassroots leaders. They all actively engaged in the October investigation and the organization of the November collective petition.

Dingqiu Du was born in 1932 and possessed only an elementary school education. There were two major reasons why he became a grassroots leader. The first reason was that he had served as a production team leader for the tenth team (it was called a production team before 1984) in Tuanba village from 1960 to 1984. Thus he had a relatively high reputation among the local people. The other reason was that he provided clear evidence of the grassroots cadres' corruption. In the early 1990s before the Three Gorges migrants were officially resettled, the state authorities had conducted a soil improvement project. The Tuanba village secretary, along with the accountant, changed the size of soil improvement from the actual 12 to 70 mus resulting in a corruption of 239,000 Yuan. This case was reported by Dingqiu Du and other immigrants, and it attracted the Ping County Procuratorate's attention. The 239,000 Yuan was later confiscated. The initial report of Ping County corruption by Shanyang migrants in 1997 was later proven to be a misunderstanding of migrant policies. However, the county Procuratorate verified that in the case of the soil improvement fund, it was indeed corruption. This greatly encouraged the migrant's confidence in anti-corruption measures.

Zaixing Jiang was born in 1939, and he had a high school education. In addition to having been the team leader of first team in Tianzhuang, there were two other factors that led to his position as a grassroots leader. One factor was that he possessed a relatively high level of education, which allowed him to write petition materials. The other reason was that he was very knowledgeable in economics who was running a small private enterprise. Thus he was able to provide some of the money that helped fund the petition.

Chunqiang Zhang was born in 1949, and had an elementary school education. In addition to that he was another team leader of the Xinhua village, there were again two important factors for his role as a grassroots leader. One was that his children worked in other provinces, so he had relations in Beijing; the other was that he was younger and healthier than other participants. Therefore, the heavy responsibilities of the Beijing petitions were all placed on him. From May 1998 to 2008, he went to Beijing to support petitions seven times (Graph 6.1).

We can observe that grassroots leaders developed from their own capital (including political capital, cultural capital, and economic capital), abilities, and courage and reputation. They obtained migrants' support and formed alliances in their initial involvement in contentions. In the meantime, Kewang Zhou, as the primary leader, gained first gained their recognition.



Graph 6.1 Sketch map of Shanyang

Certainly, such a small group could not organize the group contentions that involved thousands of people. Thus, a class of grassroots activists was formed under the support and guidance of grassroots leaders. In the Shanyang case, the grassroots activists consisted of 11 general members of the Migrant Monitoring Association. Their qualifications not only included their active participation, but also a quality that the grassroots leaders did not have: representation. Shanyang is vast and the mountain roads are steep. Travel is difficult, thus, a representative is needed to connect every migrant village. Thus, these 11 activists were spread throughout the nine migrant villages. Except for the four members in Baiyang, each village had one representative. There were two reasons Baiyang was home to more representatives. One reason was that it is in an important geographic location, which is close to the highway and the only possible route to other places. The other reason was that there was a history of contentious tradition in this village. During the Dahe migrant petition, this village was one of the two most actively involved villages. And Yixian Gan, an activist during the Dahe petition who had two accomplishments in contentious behaviors, again became an activist in the Shanyang petition.

6.3.2.2 The Division of Labor

Grassroots organizations not only have clear organizational divisions but also labor divisions. Among the grassroots leaders, Kewang Zhou was the chief planner and organizer, while Zhengxing Liu and Dingqiu Du were Zhou’s major assistants. Liu mainly acted as a communicator and spokesman to the outside world, while Du filled

the role of coordinating activities. Zaixing Jiang drafted the text material, and Chunqiang Zhang was an actual correspondent who was responsible for submitting petition materials to Beijing and Chongqing. There were three types of tasks for the activists: gathering information about grassroots officials' corruption, fake migration, and improper charges; collecting villagers' signatures and seals once the petition material was drafted; and raising funds for petitions by equally dividing the cost to every household.

6.3.2.3 Mass Mobilization

Zhao (2006: p. 240) suggests that in an authoritarian country, though the development of formal social movements is extremely difficult, many similar populations live in the same space and engage in the same activities. Their frequent engagement can overcome the weakness inherent in the system, and allow them to network in an authoritarian country and directly attract spectators to the activities. This mobilization is based on the ecological environment, which is exhibited through social movement based on neighborhood recognition. This conclusion was derived from the studies of student movements in major cities. In fact, such a mobilization based on ecological environment is more obvious in rural Chinese society. It is mainly manifested as mobilization through inter-village fairs. Xiaotong Fei stresses that villages are isolated in *From the Soil*. Indeed, Skinner (1964) pointed out that the farmers' social boundary is not determined by the narrow range they live in but by their primary market area. In other words, the rural grassroots market system and symbolic fairs not only has economic significance but social importance. The regular fairs strengthen the relations between villages and become an important foundation for social mobilization. The grassroots mobilization in Shanyang usually arranges for people to study the newspaper, exchange relevant information, and discuss the next step for activities during village fairs.

6.3.2.4 Cross-Township Cooperation

To strengthen petitions, grassroots organizations pay more attention to cross-township cooperation. Kewang Zhou started by uniting neighbors. In February 1998, Kewang Zhou convened a meeting of migrant representation in Xinhua village involving more than 40 people. This meeting was to prepare a Shanyang, Xunlu, and Shuangjiang cooperative Beijing petition. But this proposal was later exposed and thus was not pursued. In October 1998, when Ping County's Lanling Town migrant problem became prominent, Kewang Zhou established connections with Lanling grassroots leaders to exchange information and plan petition cooperation. After Kewang Zhou was released in 2004, his petition activities had some connection to the Three Gorges migrants who lived outside of Ping County. This was mainly due to the great reputation of Zhou and external support.

6.3.2.5 Internal Integration

As the organizations expand, pressures increase, and situations change, internal integration becomes a key to the normal operation of grassroots organizations. This integration includes the following aspects.

First, organizations must avoid deviating from the original goal. The migrant grassroots organizations are established upon the opposition between the migrants and local governments. Thus their primary goal is to attack the local governments' corruption. Any potential practice that can shift the focus should be banned.

Second, they must avoid radical methods. The basic means of contentious activities is legal action. Any radical means can put an end to the grassroots activities and threaten grassroots leaders' personal safety. Therefore they are not allowed.

Third, they must avoid disputes about leadership. Under the enormous external pressure, unity is of great significance among grassroots leaders. After the establishment of organizational stratification and leadership, anyone's own ambition for leadership must be suppressed.

Fourth, they must prevent and remove "traitors" and "spies." Grassroots contentions originate from the direct confrontation between lower class people and local governments. The complexity is that rural China is a society of acquaintances where great emphasis is placed on connections, low population flow, and limited privacy. Thus, in the confrontation structure, it is very common that the struggling side and the government interact. On one hand, contentious participants can always acquire information from the government; while on the other hand, the government can easily find informants or "traitors" from the contention team. For the grassroots organizations, preventing and removing the internal "traitors" or "spies" are the keys to ensuring their contentions are carried out smoothly. We will use the Zhengxing Liu's exit from grassroots activities in the Shanyang case to explain the first three aspects of internal integration in grassroots organizations. For the last aspect of internal integration, we will use a government document to conduct detailed analysis.

As mentioned earlier, Zhengxing Liu was an important leader in the Shanyang migrants' contentious activities. In October and November 1997, after Shanyang migrants investigated the local officials' corruption and sent petitions to Beijing, the township government conducted their first attempt at coercing the grassroots leaders. After the joint Beijing petition was exposed in February 1998, the township government made a second attempt at suppressing the grassroots leaders. In the initial divergence of ideas within the contention team, Zhengxing Liu had always insisted on fighting. It was Liu's courage and tact that won him a leadership position next to Kewang Zhou. However, this situation had undergone some changes since Liu and Du went for Beijing petition in August 1998. A direct cause of these changes was the removal of the Shanyang town and party secretary from office. Liu is a relative of Tinghui Peng, the Shanyang town and party secretary. Liu did not want to associate with Peng when Peng was in office, and Peng repeatedly tried to persuade Liu to exit the petition but Liu refused. In May 1998, Peng was removed from office due to his weak control of petitions and was arrested in June for bribery. In fact, Peng

was not seriously bribed, but the county government officials were angry that Peng failed to stop the Beijing petition. Liu believed that Peng was treated unjustly and Peng's dismissal was due to the petition that Liu led. Thus Liu decided to try to remedy the situation. On August 16th 1998, Liu hosted a public meeting without informing Zhou, Du, Jiang, and Zhang. He even invited the new Shanyang town and party secretary to this meeting. The goal of the meeting was to reveal the unjust treatment of Peng. When Du learned about the meeting on the following day, he criticized Liu for deviating from the migrants' goal. But Liu rejected Du's criticism. On September 4th, a vice mayor was to visit Shanyang for a migration work check. Liu heard the news in advance and put up posters in Shanyang. Liu was prepared to stop the vice mayor on September 3rd. His goal was to first reflect the migrant issues and then to demand the unjust treatments of Peng be readdressed. Before this activity, Liu discussed his plan with Du, but Du was resolute in his opposition to the plan because the activity deviated from the objectives of grassroots organizations. Furthermore, stopping the vice mayor is an extreme action. Kewang Zhou criticized Liu for his favoritism and roughness. There was in fact a more important factor for Liu's change. He was deeply dissatisfied with Zhou's leadership and wanted to obtain leadership by arranging these activities. However, Liu's attempts did not receive support from the grassroots leaders and there was almost no possibility for him to recover. As a result, the grassroots leaders ended their relationship with Liu completely at the end of September. Since then, Liu has pulled out of the petition organization team.

We can clearly see the internal pressure grassroots organizations faced by the grassroots organizations in a document issued by the county migrant department in October 2004. This document, *A Report on Some Shanyang Migrants' Long-term Collective Petitions*, said:

Play a full role in the hidden front, always obtain the information, focus on monitoring important figures, accurately and well-timed grasp the latest trend, and take the appropriate measures whenever collective petition starts...In addition to widely arranging workers to collect information in Shanyang, more labor were sent to obtain the schedules of key personnel and deliver information back to the Shanyang government for decision making. Thus, the Shanyang government could always stay in a dominating position...a smooth information flow, a firm grasp of the information initiative, the establishment of a sound migration information network, a focus on monitoring key figures, a well-timed and accurate grasp of the latest trends for important personnel, making sure to report every problem timely, ensuring a 24-hour smooth information flow, an analysis and understanding the situation in a timely manner, the development a dual insurance work plan, the disposal of any signed petitions, and making every effort to maintain social stability.

Though it is generally hard for town governments to unnerve the grassroots leaders, their dissemination into grassroots activists is always quite successful. As for the public representative meetings, more information is likely to be spilled over. In the case of Shanyang, it was relatively easy for the grassroots organizations to conduct anti-dissemination, but it was difficult for them to prevent internal penetration.

Therefore, we can clearly see from the Shanyang case that the organization formed by the grassroots participants was unique. On one hand, it did not have

an official organization's system or name, but on the other hand, it had an actual organization structure and operation. It was through this special organization that grassroots activities could be carried out, effectively avoiding any political risk.

6.3.3 A Comparison of the Organization of the Grassroots Participant Community Before and After the 1990s

A careful comparison of the organization of the grassroots participant community before and after the 1990s illustrates the similarities in organizational stratification, labor division, cross township cooperation, and internal integration. This suggests that the organizations of grassroots activities are relatively consistent and do not change easily with various situations.

However, a closer scrutiny can show the following subtle changes in the organization.

First of all, since the 1990s, the requirements for organization have been further enhanced. As discussed earlier, the weight of maintaining social stability has been greatly increased since the 1990s and thus local governments bear a much larger pressure in controlling petitions and group incidents. For one thing, they had to increase the stability maintenance fund to split up the grassroots participants. For another thing, they were pressured to intensify the attacks on grassroots participants. In other words, the grassroots participants face both strong attacks and interest temptations. Hence, the grassroots participants had to further enhance the organization and promote their contentions under the new situation.

Secondly, the technical means of organization has seen the introduction of some new elements since the 1990s. Prior to the 1990s, the connections between grassroots participants relied mainly on in person meetings. In the rural acquaintance society, it was hard to organize meetings. In some inaccessible areas, the difficulties of face-to-face communication and information delivery also greatly limited the scope of contentious activities. Since the 1990s, due to the popularization of telephones, cell phones, tape recorders, voice recorders, video cameras, internet, copying, printing, and express mail, the collective contention means have been upgraded. The collection of evidence, the connections among grassroots participants and with the outside media has become faster, more convenient, and more extensive. Though local governments always monitor their telephone conversations, this monitoring is restricted to fixed-line telephones and mobile phones, so grassroots participants can change their mobile phones to avoid monitoring.

Next, the resources available for organization have been improved since the 1990s. Prior to the 1990s, grassroots activist mostly performed in closed communities with little social attention. The funds for activities came from public collections. But since the 1990s, with the gradual establishment of the market system and the deepening of globalization, some market-oriented media has started to focus on social events and some new social organizations and funds. The NGOs and some

legal professionals, especially, have begun to consciously support the lower classes in their fight for their rights. Consequently, it is now easier for grassroots participants to obtain outside moral, financial, and legal support. The popularization of the telephone and mobile phone further enhance the connection between grassroots participants and the outside world.

Therefore, we can say that since the 1990s, the organization of the grassroots participant community has been strengthened by technical improvement and resource expansion.

Yet, some people exaggerate the changes since the 1990s. The best example of this was an argument by Jianrong Yu. He attempted to extract a new concept – “contentions by law” – to summarize the organization of collective contentions. He wanted to go beyond O’Brien and Li’s idea of “rightful resistance (2006).” Their idea suggests a “policy based resistance.” Its major goal was to resist the local governments’ policy by the central government policies. This is a public, quasi-institutional, and semi-institutional form of resistance. It is a contention to fight against grassroots officials’ illegal activities and to acquire group interests by appealing to the higher authorities. But Yu (2004; 2007a; 2010) believes that there is substantial difference between “contention by law” and “rightful resistance” because “this contention is centered on the farmer interest representatives who have established a clear political belief. By establishing a relatively stable social mobilization network, the participants appeal to the farmers. The contention participants identify farmers that are members of their organizations to solve problems. The participants directly challenge their opponents, fighting directly against the county and village governments. These actions are political contention aimed at declaring and establishing farmers’ ‘legal rights’ or ‘civil rights’.” We can tell that the difference between “contention by law” and “rightful resistance” is neither the degree of organization in collective activities nor the forms of contention (e.g., petition or other forms). The difference lies in the degree of political organization. “rightful resistance” lies between political contention and political participation. It is a way to fight for specific benefits under the premise of maintaining the existing social structure; while “contention by law” is a pure political contention that challenges the current power structure.

However, can Yu’s argument really stand firm? We believe that he fails to consider the following five questions.

First, the dilemma of political legitimacy restricts grassroots mobilization to be conducted under the explicit petition, tacit petition, or strong prohibition by the institutional framework. The dilemma of political legitimacy is something a rational grassroots participant has to face. Though it is inevitable that some grassroots participants have a strong passion and display a spirit of sacrifice, we can see from some classic small farmer and rural population studies by Marx, Scott, and Popkin that without foreign intellectuals or revolutionary groups, the small farmers mobilization confine themselves merely to facts as they are. Such an expression of farmers’ group interest is “reactive” rather than “proactive” (Tilly 1978: pp. 143–149).

In other words, the goal of farmers' collective contention is specific rather than abstract; even though "vigor" exists, it is related to the local survival condition rather than related to the general power structure.

Second, the pressures from daily life restrict the grassroots mobilization's level of activity. As we have stressed before the identity of "farmers" or "lower class" are the grassroots participants. If the general elites had a high political and cultural transcendence, then farmers or the "elites" among the farmers must have a silent force in economic relations in their daily lives (Marx 1867). Such a great living pressure forces the lower class to act for specific interests, especially economic interests.

Third, cross-township grassroots mobilization has a very high cost. Zhao (1998) suggests that the intermediary organizations in Chinese politics lack room to develop, and hence the network based on people's daily lives and activity becomes the only tool for mobilization. If intellectuals' collective activities are based on the living environment, then for those farmers with little resources and political recognition, their living environment is their only way to fight. Even in Silver River, Dahe, and Shanyang, the frequent collective contentions are still dependent on their own living environment with very little connection to outside migrants. Cross-township cooperation or a whole "networking" across the entire region is not common.

Fourth, grassroots mobilization is temporary and random. Grassroots mobilization starts because of specific group interests and ends when solutions to these problems are reached. Though most grassroots leaders' interests in contentious politics will continue, whether they will participate every time and how much they will be involved are subject to some unpredictable factors. But most activists will never come back on stage once their grassroots mobilization ends.

To summarize, though grassroots mobilization has relatively strong organization in the actual mobilization, each groups is rather separated. Rather than being political, they try to control their group activities within the limits of political sensitivity and legitimacy. Though we cannot deny that some farmer group activities (for example, the contentions in Hengyang, Hunan Province studied by Jianrong Yu) did show some new features (e.g., more obvious political characteristics and the rise of whole "networking"), under the current institutional background, the non-politics, anonymity, and informality are still the basic modes of farmers group activities nationwide.

Chapter 7

The Action Strategies of Legal Contentions: The Guidance by Vigor

Among law, reason, and emotion, on one hand, law is fixed and created by people while emotion and reason are flexible and thus an opposition is formed; on the other hand, law and reason are relatively general and objective which form another opposition with emotion's specific and sentimental characteristics..... Emotion allows more exception and therefore eases the strictness of law and reason.

—Shiga A *Generalization Study on the Sources of Civil Law in Qing Dynasty's Litigation System*

All things are composed of opposing factors. The heaven is composed of Yin and Yang; the earth is composed of hardness and softness; human being is composed of kindness and justice. Yin and Yang are both gas with rationality. Hardness and softness are become spirits due to rationality. Kindness and justice are both rational with spirits inside. Heaven, earth, and people are different from each other but they are all connected by rationality.

—Juren Hu *Ming Confucianism Cases*

In previous chapters we have studied the initial motivation for grass root leaders in legal confrontations, as well as the continued motivation for organized grassroots movements. Those chapters focused on the social participants as well as the leaders of those movements. In this chapter, our analysis will turn to the action strategies behind legal contentions, that is, the social activities. We are going to examine the social activities from the perspectives of legal discourse, the choice of action path, and the intertwinement of emotion, reason, and law. Through such an analysis, we can better appreciate the unique implication of “vigor” in Chinese contentious politics.

7.1 The Construction of Legal Discourse

I pointed out in the *Story of the Dahe Dam* that in the 1980s, most Chinese farmers had imagined the country: “a shining and magical central government, a number of corrupt officials, and a few honest and upright officials.” When farmers encounter the government in their legal contentions, they always relate the officials to this image. From the perspective of the farmers, honest officials differ from corrupt officials not only by their virtue but also their distance from people. Though honest officials are psychologically close to the farmers, they are always hard to find and live a life obscured from people’s daily lives; though corrupt officials are psychologically detestable and dark, they are always around the people. There are many similarities between the contemporary Chinese farmers’ and imperial period farmers’ view of the country being “the emperor – honest officials – corrupt officials.” They are all surrounded by the authorities’ halo, surrounded by corrupt officials, and searching for the altruistic honest officials with their indomitable faith (Ying 2001: pp. 40, 58). We can see farmers’ basic demand in most of their legal contentions. That is, depending on the central government’s policy, they fight against corrupt officials’ depravity, and seek support from the honest and upright officials. This demand leads participants in the contention process to participate in the legal battles while simultaneously forcing the participants to be sure of the reasoning behind those battles. The process of cohesive demands by the grassroots participants is the so-called “framing process” in the social movement theory (Goffman 1974; Snow et al. 1986). This chapter will focus on the following question: what is the difference between Chinese legal contention framing in the 1980s and in the 1990s?

Here we will compare two folk songs in the petition material to study the legal discourse what legal contentions framed. These two songs both come from Ping County Shanyang with one written by an anonym on September 5th 2005 and the other written by Kewang Zhou in his memoir, which was published on July 15th 2006.

We will first take a look at an anonymous folk song.

Corrupt officials and local officials,
when will they float to the surface?
Central government’s policies vary by places,
people cannot see due to closed management.
The higher and lower governments are connected,
they are so dark that people cannot break them.
People have evidence and reasoning but they have no way to express or argue,
they adventure to the state council.
The Three Gorges migrants shout together,
to disperse the clouds to see the sky.
Dancing with wolves is dangerous,
but they are determined to fight against the corrupt officials.
Development is the key to stabilize the society,
and to realize a legal society.
Bring prosperity back to the migrants,
flourish all over.

The words used in the song are consistent with the words we used in studying Dehe migrants in the 1980s. The basic themes in the song are: the divisions between central and local governments, honest and corrupt officials, and clear sky and clouds. The crucial point is that the local officials “change” or “even conceal” (the so-called “closed management” or the “secret operation”) the policies for their own interests and the people have to rely on the central government and “shout together” to the state council to reveal the local officials’ conspiracy.

Next, we will take a look at Kewang Zhou’s folk song.

The migrants have been waiting for the sun to come out,
for the star to go down,
but however long they wait the honest policy never show up.
There is a scale for the people,
who is to deal with the corruption picked by the scale?
The local officials act in collusion,
some corrupt officials threaten to hurt the people,
because they have support from the central provincial committee.
Some corrupt officials use their power to attack people,
because they have support from the police officers,
and people will be sent to jail if they petition.

.....

People report corruptions again and again,
but corrupt officials have support,
so reports are not practical.

.....

The establishment of the Republic of China,
makes people believe that policies will be for people,
and any corruption will lead to jail sentence.
Who would listen to people’s complaint,
people have countless untold grievances,
but they cannot find Lord Bao.
The anti-corruption is loud as thunder nationwide,
but nobody knows when it can be realized,
making corrupt officials live in infamy.
People worship President Hu,
because he said that anti-corruption is very important,
but local judiciary never attacks corruption.
The party must cure its internal problems,
though they talk about anti-corruption all the time,
the law can never be enforced.
There are countless corruptions,
nobody knows when they can all be gotten rid of,
or the corrupt officials be removed from their positions.

.....

The central government has always had a document,
but the local governments never follow,
and the central government cannot control the local power.

.....

The country party secretary has issued an instruction,
the legal system is the key to solve migrant problems,
but the migrants did not listen to the public security.

.....

Became a migrant at the age of sixty,
 corrupt officials are everywhere and countless,
 full of hatred.

.....

During the ten-year petition, I was sent to jail for three years,
 I have been running high for the truth,
 But the intermediate court is complicit with the superior court.
 People's human rights are put aside,
 people have to look up to the sky,
 waiting for the sun to come out.

.....

By comparing this song to the previous song, we can tell that the counterpoint of “honest official – corrupt official” and division of central and local governments still exist. But some minor changes have taken place: in the original juxtaposition, the central government and honest officials both represent the good side while problems lie with the local corrupt officials who prohibit good policies from being implemented. The local corrupt officials conceal this situation so that the central government or the honest officials never know of the situation. Some scholars suggest that the reason why farmers place greater trust in the higher authorities than their subordinates is that farmers distinguish the high authorities' intentions and abilities: though the higher authorities intend to help the people, they do not have the ability to carry out their intention at the grassroots level (Li 2004). Some other scholars have suggested that the distinction between intention and ability can be used as a “framing” of pretest that provides a simple explanation about the world and determines the object to plan an action path (Zald 1996: p. 269). However, it is worth noting that the ability the higher authorities possess in the traditional honest official—corrupt official counterpoint and the division of central-local governments mainly refers to their ability to learn the facts. The song written by Kewang Zhou shows three situations in which the central policies were not implemented.

First, the central government was far away so it was not aware of the situation: “The central government has always had a document, but the local governments never follow, and the central government cannot control the local power.”

Second, the central government did know about the situation but it did not react to it: “the central provincial Zhanren,¹” “the local officials act in collusion,” and “the intermediate court is of complicity with the superior court.”²

Third, the central government did take action to counteract the corruption but with little effect: “the law can never be enforced” and “the anti-corruption is loud as thunder nationwide, but nobody knows when it can be realized.”

Obviously, the latter two situations are not shown in the traditional honest–corrupt officials counterpoint or the division of central – local governments. In Kewang Zhou's opinion, though the central government understood the truth, it could not solve the problem for various reasons.

¹Zhanren, a local saying, means the asylum by the relation network.

²The intermediate court and the superior court refer to the Municipal Intermediate People's Court, the Provincial Higher People's Court, and the Supreme People's Court.

Hence, we can see that though Zhou's song expresses a belief of final success: "waiting for the sun to come out," his trust in the higher government is apparently much lower than what is displayed in the first song: "they cannot find Lord Bao," "who would listen to people's complaint," "nobody knows when they can all be got rid of," "full of hatred."

These two songs were written after 2000 by Shanyang migrants. A reasonable explanation for the differences between them is that the anonymous folk song expressed farmers' normal state of mind, while Zhou's song was permeated by his own petition experience. We can tell from this difference in people's attitudes that the long and repetitive petition process can wash away farmers' political trust. Considering the social political background since the 1990s, the waves of nationwide petitions, and the grassroots' growing assault directed at maintaining stability, people not only have an increasingly strong desire to fight against the local governments but also have a lower political trust in them. Some empirical studies have confirmed this argument (Hu 2007).

However, we cannot take this argument as an overarching rule. For example, Yu (2010) suggested in his criticism of China's petition system that the political radicalism was rapidly growing among the petitioners and thus the petition system had produced an extremely serious political consequence. We do not rule out a certain amount of political radicalism aroused by some individual petitioners, but under the high pressure of stability maintenance since the 1990s, the government has suppressed the normal forms of petition. Any subversive political proposition was doomed. Thus, for most contentious farmers, they had to maintain the legitimacy of their activities in order to seek a chance of survival.

We heard a common saying by the farmers about their opposition of the government during our Shanyang study: "cannot think through and can do nothing about it." This spoke to their dissatisfaction with the government's behavior and their accumulation of grievances; but they often could do nothing to oppose the government's actions and were forced to keep their complaints to themselves. In addition, their participation in the legal contentions under the counterpoint of honest officials – corrupt officials and the division of central – local governments was to express their grievance. Though some of them, especially the first type grassroots leaders described in Chap. 5, knew very well that legal contentions had little effect, they could only follow the legal channels taking the slim chance of success as the last straw. Therefore, whether in the 1980s or the 1990s, the major framing of Chinese farmers' legal contentious activities was the division of central and local governments and the counterpoint of honest and corrupt officials. The real change between the two periods was that during the 1980s where there were relatively fewer group contentions and relatively less pressure for the governments to maintain, this framing supported more of the farmers' beliefs; while during the 1990s where more frequent group contentions took place and the governments were facing enormous pressure to maintain stability, this framing was transformed from the political belief into a political strategy.

7.2 The Choice of Action Path

If the focus of farmer contentions shifted from tax burdens to land issues since the 1990s, then this means was that the law became a new means of struggle. From O'Brien and Li (2006), before the 1990s, the so-called "law" referred to the various related policies issued by the central government in a broad sense. Since the 1990s the law in a strict sense has truly become a tool for the public contentions. This is mainly due to the executive and legislative process in the 1990s. In April 1989, the *Administrative Procedure Law* was first promulgated; in May 1994 and April 1999, the State Compensation Law and the Administrative Review Law were issued respectively. The promulgation of these laws provided a direct basis for people to sue the government officials, symbolizing the Chinese society heading towards a legal society.

We can divide the types of legal contentious activities according to different standards. Since the law has become a new tool for legal contentions since the 1990s, this section will divide the legal contentions into judicial relief and non-judicial relief according to whether the contentions resort to legal means. The question we will study here is how Chinese farmers choose between judicial relief and non-judicial relief, such as petition in their group contentions. Is it the farmers' legal awareness that causes them to go to the court to "struggle for their rights?" Is it a distrust of law that leads them to petition? Are their lawsuits based on the proceedings' normativity and rigidity? Are their petitions due to the fear of the high costs and complicated procedures of judicial relief (Cappelletti 1981)? Are judicial relief and petition opposing or supplementary? Are these two methods mutually balancing or complementary for farmers' group contentions? More importantly, what is the action logic behind farmers' choice of action?

7.2.1 Analytical Framing

In order to provide a theoretical framework for the study of farmer group contentions' action paths, we will follow Takao's (1994) classification of the dispute resolution process to perform an analysis on the different types. This classification uses the "ideal type" (Weber 1949).

The right relief activities can be divided into different types according to their mutual independency. A first standard is to consider whether people follow the normalization and procedures to choose their relief methods. Administrative proceedings, like all of the other litigation, are reflections of justice with the basic characteristics of strict specifications. We assume that people also rely on this consideration when they choose administrative litigations. As a result it becomes a standard to classify the types of relief activities. But the petition process lacks standardization and is full of randomness. Its relief effect is largely limited by the governments' pursuit of stability and the petitioners' ability in terms of seeking relief. We assume that when people choose to petition, they do not base their decision on the consideration of normativity and procedures but the will to solve their

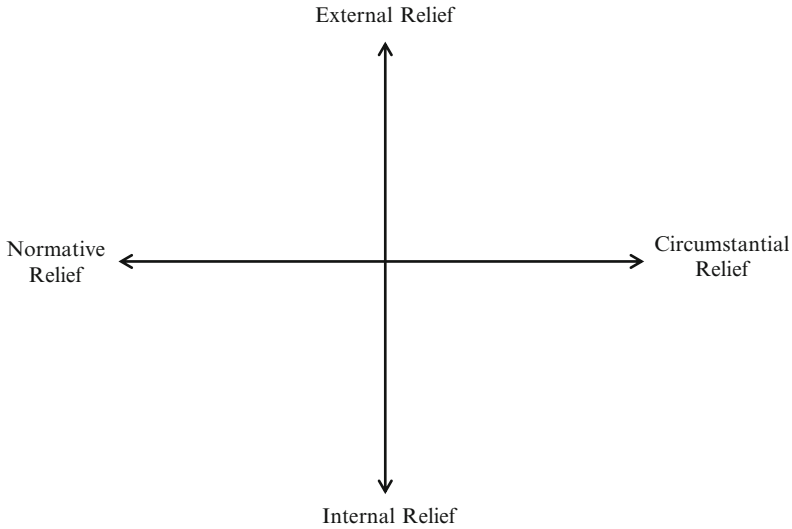


Fig. 7.1 The coordinate diagram for people's contentious activities

problems by any effort necessary. Administrative proceedings can be called a “normative relief” while petitions can be called a “circumstantial relief.”

A second standard is whether people seek relief within the administrative system or by asking for a third party strong decision. Clearly, administrative proceedings are a judicial review mechanism of the executive power, while petition and reconsideration are supervision and correction mechanisms inside the executive power. Therefore, administrative proceedings can be called “external relief,” while petition and reconsideration can be called “internal relief.”

Combing these two standards, we can plot a coordinate diagram for people's contentious activities (Fig. 7.1).

Next we will compare two cases with different symbolic features to analyze the specific effects the two standards have on farmers' choice of action path. These two cases were both from our field experiments and in-depth interviews from the summer of 2004 and early 2005. The first case concerns the famous “barefoot lawyer,” Liguang Zhang, in S Province and the second case centers on the group litigation in Qingshan Village discussed in Chap. 4.

7.2.2 A Comparative Case Study

7.2.2.1 Case One: A Myth of “People Suing Government Officials”

The reason we chose S Province as a place to conduct surveys was because of a figure reported by the news media. There appeared a well-known “soil lawyer” in Taigu County's S Province, Liguang Zhang. Zhang, who, with only an elementary

school education, acted as a lawyer for over 500 administrative proceedings free of charge with a success rate as high as 90 %.³ This number far exceeded the national administrative lawsuit success rate of 30 % in the same time period.⁴ It was because of this magical success rate and Zhang's free services that farmers from far around and even businessmen and cadres liked to ask Zhang for help. As a result, "since 1998, the settlement rate in Taigu County administrative proceedings topped the S Province and the farmer petitions reduced gradually from 1996. Zhang's free legal services allow villagers to recognize that other than petition, there are better legal ways to solve conflicts."⁵ There was another report earlier that suggested that Zhang had been a propagandist for the *Administrative Procedure Law* for 3 years in the Taigu County People's Court. During this time, he had handed out over 1,200 copies of material to the farmers. There was one sentence in this material that was known by Zhang thoroughly by heart: "Nerve yourself, use law to protect your legal rights and force the executives to take their legal responsibilities. The door of Taigu County Court is always open."⁶ We found in a later interview that Zhang was actually a regular guest at the Taigu County Court. He not only filed lawsuits for other people but also on his own behalf. Whenever his own legal rights were violated, he would sue without hesitation. He even sued the bus company when he was overcharged by 1 Yuan, and he once sought compensation from a police officer because he was abused. Though he was extremely sensitive and persistent in protecting his and other people's rights, his tools were limited to litigation and administrative reconsideration,⁷ and he never petitioned or encouraged others to petition.

Therefore, we can take Zhang as a typical example of normative relief: he loved the law, believed in the law, and only used legal tools to defend his and other farmers' rights (Ying 2007b, 2010). We are skeptical about these reports on why Zhang had such surprisingly high success rate in the lawsuits? Did an ordinary farmer have some secret weapon in suing government officials? After our three field surveys and in-depth interview from 2004 to 2005 in Taigu, we realized that the problem was far more complicated than expected.

³Wan, Jing China's First "Soil Lawyer," *Legal Daily* October 28, 2002.

⁴*First Instance Administrative Cases in All Levels of People's Court from 1989 to 2002, Administrative Law Enforcement and Administrative Trial* (first series in 2003, with a total of five series), Law Press, 2003.

⁵Wan, Jing China's First "Soil Lawyer," *Legal Daily* October 28, 2002.

⁶Luo, Xuhui I fight for Farmers' Rights, *China Youth Daily*, September 6, 1999.

⁷Due to the limited subjects, we will not discuss Zhang's administrative reconsiderations. From our interview with Zhang, we learned that there is no big difference for him between administrative proceedings and administrative reconsideration to legally protect rights. The major difference between the two is that they have to pay litigation fee for administrative proceedings while administrative reconsideration is free. Zhang always sought administrative reconsideration and only when the problem cannot be solved by administrative reconsideration, would he go to the court. His major concern here is the cost.

The Difficulties for Liguang Zhang

When we met Liguang Zhang, he had been involved in nearly 800 lawsuits (most of which were administrative proceedings with a few civil lawsuits) and claimed to have a success rate of about 90 %. But when he met us, he started to complain to us, talking about how small cases were easier and large cases were impossible to handle. The so-called large cases were not necessarily those big or difficult cases, but rather those that involved administrative intervention. There were three major difficulties for people filing a lawsuit against the government officials: it was hard to register; there was much intervention (during the case decisions); and there was a lack of execution (after the judgment). These three difficulties seem to define administrative interventions. For administrative intervention, the first thing that comes to mind is the pressure placed on the court through the defendant's human relations. But a case reported by Zhang lead us to believe that the administrative intervention was not based on human relations.

In May 1995, the government of Wugu Town in Taigu County claimed that some villagers from the Xuezhuang Village were committed to "obstructing, public services," producing fake products, violating the family planning policy, and illegally occupying land to build houses. Thus the government knocked down over 60 farmers' houses with bulldozers and took all their appliances and clothing away. In March 1996, eight farmers whose houses were destroyed came to Liguang Zhang to sue the town government. Zhang immediately wrote the complaint for them and handed it to the county court. The complaint asked for rescission of the crimes the town government claimed the farmers had committed, return of their property, and a compensation of 360,000 Yuan. Zhang thought that this would be a case that they would most certainly win, but defying expectations, they were never able to register for the case. It was by chance that Zhang found an instruction request by the county court to the county government in May 1996 and realized the reason behind the inability to register. The request was written as follows.

On April 25 1996, 8 villagers from Xuezhuang Village including Chaodong Xu sued the Wugu Town government in the form of principal agent. They demanded the court to confirm that the destroying of their houses was illegal. The court believes that this case is big and related to the overall situation of the county, so it is necessary to report it to the relevant authorities. The higher officials pay great attention to this case and suggest that the town government should take careful action to deal with the problem and try to persuade the plaintiff to withdraw the lawsuit; they also suggest that the court temporarily should not register this case. But for the actual situation, it would be hard for the town government to persuade the plaintiff. The principal agent requested that according to Article 42 of the Criminal Procedure Law, the court should register a case within 7 days or make inadmissible decision. He repeatedly urged the court and in the same time visited the intermediate court, and they even visited the provincial TV stations. People from the intermediate court also called or came to urge us. The county court is in a dilemma.

From the situation of this prosecutor, we can see that the plaintiff were extremely dissatisfied by the town government and had a determined attitude to demand compensation. The farmers must have been very unhappy when the court could not register them in time. Then the farmers conducted multiple petitions and were going to

progressively petition. There were two difficulties to register: this case was within the scope of law and should be registered. But from the material, if the case was registered, sufficient evidence would show the illegal behavior of the town government and the government would be doomed to fail the lawsuit. And this kind of behavior did not exist only in Wugu, so the verdict would become a standard to warn other town governments and lead to a ripple effect. Thus this case would cause a great impact on the county leadership, and therefore the relevant officials believed that it should be temporarily placed on file. But if this case was not registered, then the farmers' right to appeal would be deprived. According to the law, "denial" requires the court to file a written judgment to the prosecutor and the prosecutor has the right to appeal. After they appeal, the intermediate court will make a directive to us on whether to accept the appeal. The intermediate court could accept the appeal themselves. In addition, after the prosecutors receive the decision of "denial," they can also petition to the higher authorities. If this goes on, not only the court will have to bear a responsibility of lax enforcement, but also the relevant officials will be penalized. There will also be a significant impact on the county government's work and therefore an immeasurable social impact. And ultimately, all problems have to be resolved through litigation. The county court believes that if the town government could not properly deal with the problems, the prosecutors will insist on the litigation and the court will have to register the case. If this problem is not properly solved and continually delayed, it will become a long-term destabilizing factor in Wugu Town, and even the whole county.

From this document, we can see that this case was indeed simple from the legal point of view: it should be registered under the relevant laws, and the plaintiff is very likely to win. But there is a complicated social problem behind the simple legal problem: since this kind of case occurs across the whole county, and farmers engage in a persistent pursuit for equality, registering this case is very likely to lead to a ripple effect which can impact the whole county's stability. In Chinese courts' actual operation, the courts' judicial functions are usually dominated by the internal administration of the court system (see Su 2000), the internal administration of the court system is associated with the leadership of the party in power. Stability and unity are crucial to the politics, and the trial court must help to maintain these principles. Thus the county government issued an instruction to the county court: do not register the case. However, preventing registration did not solve the disturbance. In fact, the Taigu County government faced a dilemma: if they agreed to register the case, the plaintiff would win and other farmers would start suing, which in turn would affect the social stability; if they refused to register the case, the plaintiff would petition to higher authorities which would also affect the social stability. Comparing the two effects, the county government decided to prevent the registration of the case. They would rather deal with farmers petitioning than to face an increase in the number of lawsuits filed. The county court also faced a dilemma: if the plaintiff elected to file a petition instead of a lawsuit, the court would be criticized for lax enforcement; if the plaintiff successfully registered the case and won, the court would also be criticized for disturbing social stability. The strategy the court adopted was to ask for instruction from the county government. Thus, the court suggested that they should register the case according to law but they needed written instructions from the county government. As a result, it appeared that they arrived at a comprehensive solution: they both obeyed the law and the politics. If any problem arose later, they would use this

instruction as evidence to avoid their responsibility in the case. This case was left unsettled under the strong intervention of administrative power.⁸

We can further understand why Zhang said that “small cases were easier and large cases were impossible to handle” from this example. The so-called small case generally refers to an isolated case that does not have generality in the society or a situation in which the plaintiff has a deep relation with the court. So this kind of case can be easily solved through legal channels. Since illegal administration is very common in rural grassroots administrative law enforcement departments, most of the administrative litigation determines who is right without much analysis. Also since the defendant is responsible for the burden of proof in administrative litigations, it is easy for the plaintiff to win. The so-called large case is when both parties possess a broad network of relations. In such a network, there are farmers with similar experiences who compare unrealistically. The party and government officials who are responsible to guide the court consider stability and unity as their primary political goal; of course there are personal relationships that are formed by all kinds of interest and emotional relations. In this kind of case the questions of whether to register the case, how to judge after the case is registered, and how to enforce the judgment after the plaintiff wins are not entirely determined by the law but also depend on the balance of different power in the network behind the case. When farmers decide to take legal actions to protect their rights, they do not understand that the court’s decision is not entirely dependent on law.

Liguang Zhang’s Success

Though Zhang faced a number of difficulties, he was still able to achieve a high success rate. When he explained his success, he interpreted it in the base of law which showed his sensitivity to the illegal behaviors, his familiarity with the law, and his persistency in searching for evidence. But can these considerations alone lead to his success? If all men are equal before the law, then why can’t the lawyers who know more about the law achieve such success? There is great pressure for people to avoid suing the government, the plaintiffs and the agents usually are afraid

⁸Liguang Zhang said in the interview that when the Wugu Town first learned about the farmers’ lawsuit, the town head invited the farmers to have dinner at his house. During the dinner, the town head kindly persuaded them: “Mr. Zhang, there are a number of such cases in the town that the court cannot or do not dare to register. If the court registered the case, they would become so tired (because other farmers would file lawsuits as well).” He also said: “Do you know who the court listen to? Let me tell you, they listen to the county government, the county party..... I hope you do not act as an agent for the farmers, or involve in their business.” Zhang did not say anything at that time but thought: “whether the court registers the case or not is not determined by you.” But he soon found out who was actually in charge. A few days later, the County Security Bureau summoned Zhang which frightened Zhang. He was so scared that he hid out of town for 3 months and this case was ended here.

of retaliation and stop half-way in their litigation. So, did Zhang have a “protective umbrella?” We attempted to identify external factors that led to his success through our in-depth investigation.

It has been over 10 years since Zhang started as an agent. This decade can be divided into four stages of his lawyer career.

The first stage is the early stage (1995–1998). He started being an agent in September 1995 and he rose to fame in August 1996 due to litigation for Guangsheng Wang, a villager from the neighboring village. But at the same time, he was met with different threats and attacks.

The second stage is the controversial stage (1999–September 2000). Starting in 1999, Zhang’s popularity has been increasing rapidly. Not only people from other towns asked him for help, different news media including *China Youth Daily*, *Southern Weekend*, and CCTV began to pay attention to Zhang. The media warmly recognized Zhang’s contributions in the process towards legalization in the rural areas. Meanwhile, Zhang was facing unprecedented pressure in the county. In June 1999, Zhang was forced to write a “guarantee” to never be an agent for county administrative cases. On September 29 1999, the Taigu County government held a special “Liguang Zhang Phenomenon Seminar.” During the seminar, Zhang was widely accused of dispersing government efforts and detractors said the “Zhang Phenomenon” should never be advocated. The battle between the inside and outside of the county, the government and people (including the media) would last until August or September of 2000 and reached a peak during this time. In August 2000, two reporters from Xinhua News Agency reported about the Zhang Phenomenon in an important internal memo. The Provincial Municipal leaders made recommendations based on this report. In September 2000, the city and county formed a joint investigation team to conduct a thorough investigation on the Zhang Phenomenon. The final conclusion from this investigation suggested that “Zhang Phenomenon” was beneficial to the society and received trust by the public; in the meantime, this phenomenon should be given proper treatment and guidance.

The third stage is a relatively autonomous stage (October 2000–June 2006). Though the investigation report suggests that the “Zhang Phenomenon” should be guided by the government, there is not specific guidance provided. Since the investigation report on the phenomenon is affirmative in the nature of the phenomenon, county and village governments could no longer exert pressure on Zhang. The attitude the local government had towards Zhang was to neither advocate nor oppose. Therefore we saw that Zhang traveled around different cities, county courts, or government legal offices without any problem. He could safely talk about legal issues. This is partly due to his reputation, especially the “protective umbrella” formed by the recognition by the senior officials (their attitude was at least neutral). Zhang was therefore exempt from all pressure from administrative power outside of the law.

The fourth stage was the contraction stage (June 1st 2006–2009). The 10-year agent experience not only brought game-like pleasure, people and media’s recognition, and the joy of victory to Zhang, but also physical and mental fatigue and frustration and disappointment when he had to face failure. However, as time went by, the “protective umbrella” given by the city-county joint investigation report started to

fade away. Eventually, a random event caused Zhang to announce his intention to retire. On June 1st 2006, Zhang was beaten up when he went to the county court for a case that had been open for a decade. Zhang fainted and was sent to the hospital. This event became the direct cause for Zhang's determination to retire. In 2009, Zhang was diagnosed with cerebral thrombosis and he completely exited the litigation.

In Zhang's life as a lawyer, though he was protected by an "umbrella," he was not completely safe to file lawsuits. When he was concerned about gathering evidence, he had to seek action strategies outside of simple evidence gathering.

Strategy One: avoid litigations in his home town. When we examined the cases Zhang handled, we found an important change: before 2000, the cases handled by Zhang were mostly cases in Tiezhuang Town, where he lived, and Liuzhuang Town, which was the neighboring town. Following 2000, the geographical range of the cases he handled was greatly expanded and the number further increased. But the number of cases from these two towns was significantly reduced, especially the cases from his home town. Why did this happen? Zhang explained in the interview: "I wanted to avoid trouble." After all, the cases in his own town would bring large consequences for him and his family. The town officials could always find legal excuses to make it hard on them.⁹ Consequently, later in Zhang's life, he was more active in cases outside of his town.

Strategy Two: use the gap. As described earlier, registration was a major obstacle to administrative proceedings. However, this was only one aspect of the problem. The other aspect was that the administration department faced an important task of increasing the diversity of cases. An important indicator to assess the various courts' administrative trial work is the file number. The system of registration and trial separation brings different pressures from the registration department and the trial department. The effect of relations, the political pressure and other factors can make the registration department very cautious in making decisions; while the trial department is happy to see broad sources of cases. In addition, when the sources of the cases are broad, the trial department can increase their income. Since Zhang was a frequent visitor to different counties' trial departments, he had built a good relationship with the various judges. When he faced a problem he always asked for help from the judges in the trial department.

Strategy Three: self-screening. After Zhang had handled a variety of cases, he was able to distinguish which case was "small" and which was "large." Therefore, he could carefully consider the cases when he received them; if he did not have confidence in winning, he would not accept the case. Here, the "barefoot lawyer" became a "gatekeeper" to the legal system through screening cases to determine the channel and restricted areas of law (see Michelson 2006). Though he was just a barefoot lawyer, the cases had to be solved within the legal framework and those cases that were screened out often involved major issues in the rural governance. These problems could not be solved by law and thus the barefoot lawyer could do nothing.

⁹For local governments' usual means to attack petitioners, please refer to Ying (2001: pp. 324–325).

Strategy Four: avoid petitioning. When we mentioned petitions during our interview with Zhang, he simply replied that he never considered or encouraged other people to submit petitions. Though he understood the limitation of law, he still did nothing beyond the law. From the city-county joint investigation report we can see that petition and law were considered two opposing ways to solve conflicts. The “Zhang Phenomenon has opened a new channel for farmers who always conduct accelerated petitions: they can protect their legal rights by law; it also teaches the local officials a useful lesson: they can solve the problems between officials and people within the legal system.”¹⁰ Therefore, if Zhang became involved in petitions, his legitimacy in judicial channels would be threatened. Moreover, from his point of view, petitioning has little effect and legal ways are an easier and more effective way to resolve problems.

The Myth of Confidence, Game, and High Wining Rate

There is no doubt that Liguang Zhang had great interest in the law. Some jurists found his interest so great as to be a waste: he filed a lawsuit for a villager who was cheated by 1 Yuan, he sued the bus company for only 1 Yuan, he went to court just because a police yelled at him, and he proceeded against a person for not paying him back the litigation fee, etc. As a person from a landowning family, Zhang suffered from unjust oppression before the economic reform which might have become the driving force for his obsession with the law. But did he really believe in law? To investigate his difficulties, we read a letter he wrote to the People’s Supreme Court in May 1999. In the letter, he expressed his feelings with his encountering.

The executives said: local documents have legitimacy. We do not care about the Constitution or the law, anything that is against us will not be enforced. The registration of large administrative cases is required to obtain our consultation. If we did not approve, the case would not be registered. The court registration department officials said: though this case should be registered according the law, it could not be legally solved in the current national condition and only the normal administrative cases could be registered. The trial department officials said: if the registration department did not register the case, we could do nothing here. I demanded that the administration could follow the law, the administration was unhappy with me; I demanded that the court could obey the law, the court was unhappy with me due to administrative intervention. What other ways do I have?

Why did an agent with a success rate of 90 % show such a frustration towards the law? We will carefully examine the list of case statistics he provided.

From September 30th 1995 to September 30th 1996, Liguang Zhang worked as an agent for 222 cases (he mistakenly thought it was 227): he won 28 times and lost 17 times in first trial decisions, he won 5 times and lost once in second trial decisions, he appealed once, the defendants changed specific administrative actions or the

¹⁰Water City and County Joint Investigation Team, *A Survey Report about “Zhang Phenomenon,”* 2000.

plaintiff withdraw cases 44 times, and there were 126 cases that were withdrawn. The withdrawn cases can be broken down as following: 19 withdrawals due to reconciliation, 4 automatic withdrawals due to plaintiff not paying litigation fees, and 94 withdrawals due to some procedure problems or a low probability of winning. According to the explanations Zhang provided in this document, the automatic withdrawals were mostly due to the defendants' ability to persuade people that they should not file a lawsuit against the government. As a result many of the plaintiffs lost confidence and did not pay the litigation fee; while the so-called reconciliation withdrawals were mostly because the town government told the plaintiff that if they withdrew, they would get their litigation fee back. But indeed most of the plaintiffs never received their promised repayment. The original statistics show the won his cases 34 times (first trial decisions, second trial decisions, and appeals), while 44 defendants changed specific administrative actions leading to plaintiff withdrawal, 19 reconciliation withdrawals were included in the winning cases; 18 losing cases; and automatic withdrawals and plaintiff withdrawals were excluded in the statistics. According to his statistics, he had a winning rate of 84.3 %. However, regardless of whether it is appropriate to include reconciliation withdrawals under the successful category, there is a fundamental mistake in his statistics: automatic withdrawal and plaintiff withdrawal should not be excluded in the statistics. There is a surprisingly large number of abnormal withdrawals in administrative litigations which is a "normal" phenomenon in administrative litigation (He 2001). Including these withdrawals, our adjusted statistics show that Zhang's success rate was only 43.69 %. Though this number was still higher than the average winning rate in the country, it was far from the 90 % "magic" rate.

After having gone through the hardships of "suing the government," what was driving Zhang was not the sacred emotion of defending the people's rights by law but rather some sense of gamesmanship.

7.2.2.2 Case Two: The Qingshan Villagers Who Were Shuttling Between Petition and Litigation

Zhang has built an image of "quasi-legality" (though he was sometimes helpless in front of the law) and Qingshan villagers built an image somewhere between petition and litigation.

We have discussed the contention process of Qingshan villagers in Chap. 4, here we will only compare Zhang with Qingshan villagers.

Zhang had a strong respect for the order established by law. His attitude was presented as: first, fight over the smallest trifles. He would go to court for any illegal activity, whether it was a dollar or a curse. Second, he knew when to stop. Though he understood the limitation of law, he never went beyond the law. He never adopted methods like petitioning because of its ambiguous legality. In some sense, Zhang was close to the kind of person that "struggle for their rights" described by Jhering.

The first difference between Qingshan villagers and Zhang was that the Qingshan villagers placed little trust in the law. The villagers perused actions through legal avenues as well as petitions, which was consistent to the rule by man. They were very skillful at switching between litigation and petition due to their pragmatism and sometimes applied both simultaneously.

The second difference between the Qingshan villagers and Zhang was that once the Qingshan villagers could not bear any more hardship, they would take the risk to go beyond the law. Petitioning is viewed as a willingness to fight for one's rights by most jurists and media and it is a way to strengthen the concept of the rule by man; but petition is a reflection of distrust for the law by the judiciary as it is a potential danger to the established social order. But some people choose to petition again and again. Intertwined with hope and despair, they are sometimes not restricted to petitions.

7.2.3 A Comparison on Petition and Litigation as Contention Means

From these two cases, we can make a brief comparison between petitions and litigation as contention means.

Administrative litigation is a formal judicial relief where judicial officials, who are masters in the legal field, act independent of the government. A most distinctive feature of this relief is the pursuit of procedural justice. The foundation of procedural justice is to avoid willfulness to ensure the objective correctness of the decision and the irresistibility of the procedural consequences (Ji 1999: pp. 14, 20). People's rights can receive the clearest, most universal, and most rational protection in litigation relief. Thus, for China, which has thousands of years of ingrained tradition, the promulgation of *Administrative Litigation Law* was indeed regarded as a "quiet revolution."

Compared with administrative litigation, the biggest flaw of petition relief lies in its lack of procedure and uncertainties. Other than the Constitution, there is no legal basis for petition. The *Petition Regulations* also lack clear and universal rules of operation. Petition relief is carried out within the government and those who hurt the people and those who receive the people's demand for relief are the same entities. And the factors dictating these reliefs are a set of "hidden rules" that vary with the relief objectives, relief goals, relief receivers, current events and policies, and even luck. Therefore, petition can never be a form of relief that is unequivocal, universal, rational, and predictable. The advantage in procedural justice over administrative litigation is very prominent. Improving and strengthening administrative litigations is of great significance to the construction of a society with a rule of law. There have already been a number of studies on this point so we will not repeat their analysis here.

However, we should also note that petition relief still has some advantages over administrative litigations.

7.2.3.1 Petition Relief Can Save Economic Cost or at least Allow People to Think That the Cost Is Low

It is an indisputable fact that litigation has a very high cost. Though we will not consider any additional cost stemming from judicial corruption, even the relatively low cost administrative litigations are expensive for most people. As suggested by some scholars, not all judicial decisions can be just, but every judicial decision demands many resources. If the parties attempted to prosecute exhaustively, preserve before the litigation, counterclaim, appeal, and seek coercive execution, they have to have a large amount of money in advance. The greater the loss the parties suffer, the stronger their desire to fight for full compensation, and the higher the prepayment (Fang 1999: p. 142). If the 500–5,000 Yuan of attorney's fee¹¹ and other fees are added, it is quite understandable that many people are afraid of going to the court.

The advantage of petitioning in this aspect is very obvious: the petition department both does not charge any fee for petitions and, in some occasions, provides travel subsidies for petitioners. Of course, we should not exaggerate the advantage in cost relief for petitioners because the possibility of obtaining relief through one petition is very low. In order to obtain relief, petitioners usually have to spend a number of years going to capital cities, and even Beijing, to conduct countless petitions. Though the government does not charge petition fees, the amount spent on traveling and accommodations during the petition process usually exceeds the litigation fee. But even so, submitting a petition still has an advantage in the payment. The cost of litigation is clear, rational and computable. But at the same time, this cost has to be paid in advance; the cost of petitioning is unpredictable and not pre-paid. If people go to court, they will have to spend a great deal of money before being allowed into court. Some studies have found a payment theorem in private relief: pre-payment is extremely unpopular compared to payment after the case, even if the fee paid prior to the case is lower than after (Xu 2005). This theorem is also applicable to petition relief: though the actual cost of petition relief is higher than litigation relief, people still think that the cost of petition is lower and therefore would rather petition.

7.2.3.2 Petition Relief Is More Conductive in Breaking the Relation Network and Enhancing the Relative Independency of Ruling

Most people would find it incredible: petition relief is conducted inside the government and litigation is conducted outside of the government, how can petition relief break the relation network? Here we will first provide an overview of the classic Chinese social network.

¹¹500–5,000 Yuan is just the attorney's fee for administrative litigations that do not involve property disputes. Cases involving property disputes have a higher attorney's fee.

Fei (1992) suggests that the social relation in traditional Chinese society possesses a characteristic of “the pattern of indifference sequence.” In this pattern of relations, with the individual as the core, the most important factors are kinships and geographical relationships. China has established a management system of institutions which, to some extent, has changed patterns of kinship and geographical relationships since 1949. Walder (1988) points out that the combination of the vertical protectionism relationship and the horizontal practical personal relationships forms the basic structure of the unit system in Chinese society. The so-called protectionism relationship refers to the non-institutional part in the system’s superior-subordinate relationship. This relationship refers to the protection of superiors by their subordinates and the dependence of the subordinates on their superiors. The practical personal relationship refers to the informal relations between people in similar positions and their tendency to seek benefits by resource exchange. Yang (1994) further shows that the Chinese “relation” was not only weakened by the economic reform but also strengthened. Chinese relationships are the product of the transformation of traditional kinships and geographical relationship while simultaneously strengthening informal relations in order to resist state power.

In fact, even if we don’t cite these studies, as long as we face the current reality in China, we can tell that a government (such as a town or county government) always has some informal relationship with its direct superior government and the local court or other local bureaus which it has resource and human relations with. When the court is to register a case, it does not face a single organ but a whole system – a system centered on the defendant and surrounded by various party and government departments with benefit connections. The court’s people, finances, and materials are all controlled by this system and even the court of second trial decisions cannot go beyond this system (He 2001: p. 136). In the relation network centered upon geographical location and connected by political interest, and in the situation that lacks effective media supervision and strict judicial independence, the most powerful force to correct governments’ violations is usually not the local court or the direct superior government, but the higher-level governments. It is here that the level-skipping petition, which is most widely used in petition reliefs, shows its unique advantages. According to Yang (2008), the expansion of bureaucracy through relationships is always accompanied by the weakening of state power. Thus, the petition system might be able to restrict the expansion of local power and the harm to people’s rights under the support of state power. Of course, accelerated petitions are often sent back to local governments; but after all, there exists the possibility for repeated petitions and senior authorities’ visits or receptions to correct problems while administrative litigations rely only on first and second instance judgments. If the two-trial administrative litigation system tends to close the door on people’s grievances, then the accelerated petitions open a small crack in the door allowing people to see a glimpse of sunshine.

7.2.3.3 The Effect of Petition Is Slightly Better Than the Effect of Litigation

To compare the effects of petition and litigation, we will analyze the following four aspects.

First is the scope of the cases. The range of administrative litigation is very narrow. According to Article 11 Paragraph 1 Number 8 of the *Administrative Litigation Law*, the protection is limited to people's personal rights and property rights. Personal and property rights are the basic classification of people's rights in private law. But in public law, people's legal rights are not restricted to personal rights and property rights, political rights, labor rights, and educational rights are equally important (Yuan and Li 2002: p. 341). In addition, litigation relief is limited to relief for unlawful administrative acts, but does not cover misconduct or legal administrative acts.¹² Due to the ambiguity in its procedure, petition relief can include the protections of all people's rights.

Second is the relief effect. The effect of litigation is very limited because it can create minor adjustments to administrative policies; while petition can completely change the administrative policies.

Next is the difficulty in policy implementation. Results from administrative litigations are generally hard to implement while it is easier for petition decisions to be implemented. This also conflicts with the Western rule of law. In general, legal relief should be the most authoritative and powerful form of relief while litigation decisions should be relatively easy to implement. But in China, the leadership of the party is above all else. So the public usually hope that the senior leaders can read and write instructions on their petition cases because they believe that the instructions by the senior leaders are "silver bullets" that can overcome all the resistance and are more effective in the processing an results than litigations (see Ying 2008b).

Last is the legitimacy of mediation. The current *Administrative Litigation Law* explicitly prohibits mediation. But the surprisingly high withdrawal rate in administrative proceedings is mainly due to mediation outside the court known as "coordination treatment." But the court does not recognize this kind of mediation and it lacks power to determine outcomes or executive power. If the administrative departments go back on their promises, the plaintiffs are unable to file a proceeding with the same facts or reasons and therefore lose their rights to request judicial protection. And since the petition system is set to maintain stability and unity, settling cases and mediation are automatically included in petitions. Though the mediation in petition relief does not acquire judicial justice or execution, since petitions are recognized by the executive power, it has a certain level of normalization.

¹²For the division of administrative relief into unlawful administrative act reliefs, misconduct reliefs, and legal administrative act relief, please see Lin (1999: p. 44).

In addition, the procedure for litigation relief is more complex and requires the plaintiff to have considerable professional knowledge; but petition relief is relatively easy and the barrier to entry is very low.

In short, we can see that due to the deficiencies in the current administrative litigation system, the current judicial position in Chinese politics, and the broad and ubiquitous local network, it is very likely that the current administrative litigation system maintains substantive injustice in procedural justice. Though petition relief lacks a standardized procedure and is highly personal and arbitrary, it contains a higher level of justice. Although it is hard to achieve substantive justice and the results sporadic, in the long process of building a healthy administrative litigation system and establishing the authority of law, petition relief is of great importance to the public who are still skeptical or already exhausted their administrative options. Thus, it can be said that petition relief is both an enemy and a friend to the rule of law. It is an enemy to the rule of law because petition relief conflicts with the crucial point of the rule of law in its pursuit of substantive justice – the procedural justice; it gets rid of the legal norm but cannot overcome the disadvantages in litigation delay; its success relies in the random factors, especially the instructions from the leaders, to strengthen petitioners' will which promotes the rule of man and represses the rule of law and could bring a consequence of judicial interference; when it brings partial relief to people's rights, it produces legitimacy of the system to harm their rights. Petition is a friend of the rule of law because petition relief is an ADR (Alternative Dispute Resolution) providing a complementary means to the legal relief that is biased towards procedural justice but lacks substantive justice (see Fan 2000). It is also because petition is a "access to justice" (Capplletti 1981) or convenient channel for people who fear the complicated litigation procedures and high costs. It is a possible escape from the trap where there is nowhere to appeal, no chance of winning a lawsuit, and no way to implement policies. It is a necessary safety valve and correction mechanism for the society that is mired in judicial injustice and corruption.¹³

¹³Because the contentions in Qingshan Village also utilized administrative reconsiderations, we will briefly compare petition relief and administrative reconsideration relief. These two methods are both internal government relief. But administrative reconsideration relief has stricter procedures than petition relief and it in some degree overcome the cumbersome procedures of judicial relief. So, administrative reconsideration is a quasi-judicial relief with both procedures and simplicity. At the same time, administrative reconsideration has joint relation with administrative litigation since if people are not satisfied with the reconsideration results, they can file a proceeding to the court except when there are other rules by the law. In other words, the administrative reconsideration in our country is in the position of administrative litigation in most cases and the court has the ultimate right of judicial review. But petition relief does not have a formal bridge to judicial relief built up by the system. Therefore, if we viewed the rule of law only from the perspective of rules and measured the various reliefs by rules, reconsideration relief has a clear advantage over petition relief; but if we were to consider the problem from the perspective of disputes resolution and obtaining relief, we can find advantages of petition relief over reconsideration relief (for disputes resolution and the rules of governance, please see Su 2000). The former argument is easily known while the latter is rarely discussed. Due to space limitation, we will focus the analysis on the latter argument.

7.2.4 *The Political Science in Litigation*

Administrative litigation and legal petition are located at opposing ends of the coordinate graph of people's relief activities. Administrative proceedings represent normalization and external sources, while legal petitions represent circumstantiality and internality. Thus the logic of judicial functions is fundamentally different from the logic of administrative operation. However, we found isomorphism in the two logics in the two cases studied.

Whether it is the Wugu Town case in which Liguang Zhang acted as consul or the Qingshan case, we can observe the difficulty in registering cases. In the Wugu Town case, since the county government was afraid of other villagers' possible reaction and involvement, the government directly intervened and prevented the case from entering the court proceedings. While in the Qingshan case, due to its political nature,

Administrative reconsideration in most cases implements one-time reconsideration. That is, the decision by the reconsideration department is the final decision in the administrative procedure. If people are not satisfied with the results, they can only file a proceeding to the (local) court. Even with the small number of exceptions provided by the law, people can at most file two reconsiderations, and it is impossible for them to file leapfrog reconsiderations or extend their reconsiderations to two levels out. Most of the reconsiderations take place in the county or town level. For example, in 2000, among all the various types of applicants to administrative reconsiderations, the town governments accounted for 10 %, county government departments accounted for 48 %, county governments accounted for 9 %, and the local government accounted for 18 % (Xie 2001). Hence, administrative reconsiderations are mainly done at county and local levels, especially by county government reconsideration departments. And we have already discussed the important effects of the informal relation network in Chinese social lives. Thus, whether it is a one-time reconsideration or two-level reconsideration, whether the relation between administrative reconsideration and administrative litigation is preposition or free choice, they are not favorable for people getting rid of the fetters of local network or to access effective reliefs. Petition relief shows its advantage and flexibility in leapfrog petition. Though the repeated leapfrog petitions have quite a few problems, such as high costs, contingency, randomness, and negative impacts to the building of legal system, they have a special significance when people are harmed by the relation network, especially the thick government network.

Another advantage for petition relief relative to administrative reconsideration is its wide use of mediation. The *Administrative Reconsideration Law* explicitly says that administrative reconsideration is not appropriate in the principle of mediation. The reason is because the two parties of disputes do not have equal legal status and the administrative departments do not have responsibilities to conduct random punishment. But if the following three situations were considered, this reason will not be as sufficient: first, the degree of administrative legalization in our country is still quite low so the responsibilities for administrative departments in most cases lack a clear legal definition. Second, reconsideration cases not only require a specific legality for the administrative acts but also review its reasonability, and in the reasonability review, administrative departments enjoy a large discretion. Third, when accepting the civil rights administrative reconsideration cases between the applicants and the third persons, the reconsideration departments have to review whether the administrative litigation acts are reasonable in mediations (Liu 1998: pp. 107–108). In these cases, administrative reconsiderations not allowing mediation bring about two results: first is not to mediate and either maintain or revoke the governments' specific administrative acts. Due to the unequal status of both parties in the administrative disputes, since most governments pursue a low losing rate as their achievements in their official career and since the reconsideration

there were difficulties in entering it into the judicial process. Number 42 of the *Administrative Litigation Law* has a clear definition for the requirement to register a case. Regardless of the primary court that dealt with the Wugu Town case or the Qingshan case, they were very clear about this law. But when the court considers whether or not to register a case, it not only has to examine whether the case meets the formal legal requirement, it also has to consider the social consequences. We call this the “political science in case registration.” Since the court is considering not only the justice of the case but also social stability and unity; what the court is judging is not only the legal effect but also the social effect.

The political science of case registration makes the distinction between “regulatory relief” and “circumstantial relief” very vague. Here we are faced with a dilemma: on one hand, the formalism of “regulatory relief” achieves a victory at the discourse level and this victory is shown by legislation on petition; on the other hand, Chinese society largely clears up the mechanism of “regulatory relief.”

First, the start of “regulatory relief” usually requires the help of “circumstantial relief.” In other words, in most cases, though the plaintiffs fully meet the requirements set forth by Administrative Litigation Law, they have no chance of success without factors outside of the law including the pressure from accelerated petition or collective petition to help.

departments have close relationship with the applicants, the ruling mode of “either all or nothing” and “either black or white” always cause the public to gain nothing. In 2000, the total number of reconsideration cases in the whole country was 62,693 and 32,748 were retained the original specific administrative acts, accounting for 52 % of the total cases. The second result is to conduct mediation with the name of “coordination” and cause the applicants to withdraw the case. We can observe the effects of mediation from the 17 % high rate of administrative reconsideration withdrawal in 2000 (Xie 2001). The first result is clearly not conducive to the public, while the second result is mediation under the evasion of law which greatly reduces the scope and effectiveness of mediation.

Petition relief is usually realized through mediation. Clarke suggested that mediation is generally considered a type of dispute resolution that is opposed to arbitration and trial. Mediation includes a third party that does not have any special relationship with the two parties in the disputes and tries to make the two parties reach an agreement. And either party of the dispute does not have to accept the proposal by the facilitators. But in the Chinese society, mediation has a very special nature: the dispute solvers have authority, not due to the special role of dispute resolution, but their special relations with the two parties of the dispute. Moreover, both parties’ interests directly impact the dispute solver’s interest. Thus, the dispute solver pays more attention to maximize the benefits for the parties in the dispute – the dispute mediator facilitates rather than determining the “winner.” In the process, the boundaries between mediation and arbitration, mediation and trial are ambiguous. Since dispute solvers have special relationships with both parties of the dispute, they are located at a position that they can impose a result on both parties. Clarke called this Western dispute resolution “external resolution” and called the dispute resolution in the Chinese society “internal resolution” (Clarke 1991). Because of the internal solution in the petition relief (similar to reconsideration relief and litigation relief), petition relief is often a balanced result of people’s right relief and the government’s pursuit of social order. This “common-sense balance of justice” (Shiga Shuzo 1998a: p. 13) can certainly not achieve the full right for people, under the current institutional barriers, it can help people to obtain partial effective relief.

Second, even if the plaintiffs open up the “regulatory relief” by “circumstantial reliefs,” the court will still make very circumstantial and personal judgments. That is, the judge places higher consideration on the circumstances in the case, such as the social stability and the demonstration effect if the plaintiff wins, rather than the normative pursuit for fairness and justice.

Last, during the execution of the policies after the plaintiffs win, if the defendants are the people, the court is able to quickly satisfy the governments’ requirements. However, when the plaintiffs are the people and the defendant (government) has to return money to people, we encounter the difficulty of enforcement.

In other words, the difficulties in case registration, winning a lawsuit, and implementing the policies are the inevitable results to the “social sensitivity during the social transformation.” From legislation construction, the “regulatory relief” of formalism is almost a mere figurehead in the “circumstantial” court. Due to the primary objectives of stability and unity and since the public, especially the farmers, strongly pursue equality; we can observe a “side-effect principle” (Foucault 1977) in Chinese judiciary operations. That is, when the court considers whether to register sensitive cases, it tries to maximize the effects so that uninvolved parties with similar experiences will be reluctant or afraid to go to court to prosecute. But this results in a conflict that causes the plaintiff to become the least important factor in the court’s decision.

Filing, litigation, and execution are highly politicized and socialized. Therefore, there is not only the political science of case registration but also the “political science of litigation” in a general sense. For administrative litigation, we cannot just focus on the judicial process but should also understand the administrative process.

The political science of case registration not only makes it difficult to distinguish between “regulatory relief” and “circumstantial relief,” but also erases the boundary between “external relief” and “internal relief.”¹⁴ As an “external relief,” if the judicial system acts independently and possesses a powerful self-organizing ability, then it should be insulated from “internal relief.” However, since the judiciary is becoming more administrative (specifically here we mean with respect to the administrative litigations), we cannot see a fundamental distinction between the administrative process and the judicial process. In this sense, people are limited to the internal right relief mechanism. Hence, Clarke (2001) referred to all modes of Chinese dispute resolution as internal resolutions. Whether it is normative right relief or circumstantial right relief, and whether it is external or internal right relief, as a dual-track right relief system, they should act as the necessary balance in people’s

¹⁴This is consistent with *Sending the Law to the Countryside* by Su (2000) in that the grassroots courts in China focus on dispute resolution rather than ruling regulations. Our goal lies not only in revealing the operating mechanism in Chinese grassroots courts in solving administrative cases but also in the effect of this mechanism in people’s selection of relief. We believe that since the dual-track right relief system has become a one-dimensional mechanism in reality which loses a restriction on the circumstantiality/internality from normalization/externality making people have limited space of relief selection. Thus, the one-dimensional right relief system has strengthened the pragmatic orientation in people’s right seeking process.

right reliefs. Once the normative right relief is indistinguishable from circumstantial right relief, and external right relief merges with internal right relief, all people are left with is a one-dimensional relief system. The one-dimensional relief system will lose the dual-track balance and therefore becomes very unstable.

7.2.5 The Dual Rationality in Legal Contentious Activities

Here we will discuss the basic logics of farmers' legal contentions under the background of "political science of litigation" by cases comparison.

First we will take a look at Liguang Zhang again. In some sense, Zhang is a legal idealist or a "legal person" in most jurists' mind. He believes in and loves the law; he stays far away and even rejects petitions that are either ineffective or dangerous in his opinion. He seeks relief only through legal channels. But our detailed analysis reveals an ironic result: the reason why Zhang is relatively free to conduct legal litigations is a result of administrative special approval. If the province head did not give him special consideration, his legal activities would not be without interference or retaliation. In other words, Zhang's reputation is atypical. Moreover, his idealism has its limits. He fully understands the limit of law and that he cannot do whatever he desires to.

In contrast, the Qingshan villagers have greater similarities to Chinese society as a whole. Their contentious mechanisms have three basic characteristics.

First, their relief selection is pragmatic. Since the "political science of litigation," judiciary, and execution belong under the same authority, when people seek relief activities, they are not limited to judicial or non-judicial reliefs. Their litigations are not necessarily based on their trust in law and their petitions are not necessarily out of their belief in the "blue sky." They consider law and petition as expedient means of relief just as dominators consider law and petition as expedient treatments. They will use whichever method they expect will best reach their goal, rather than the relief that is consistent with the rule of law or the "blue sky" awareness. In other words, when people initially choose which form of relief to pursue they more or less consider the principle of practicality. If they expect that both litigation and petition will cost too much or have little effect, they will give up their fight for relief. But this is still consistent to the principle of practicality.

Group litigation belongs in the category of judicial relief while collective petition and contentious gathering belong to non-judicial relief. For legal idealists, these two have an important distinction: in order to speed up the process of the rule of law, judicial relief should be encouraged over non-judicial relief. However, specific case studies suggest the distinction between these two in grassroots mobilization is not clear. For instance, the group administrative litigation of Qingshan villagers was only a group interest expression in the later stages while the contentious gathering was widely used during the early stage. Even while the case was in court, they organized a large number of people to petition to the government. Furthermore we could see that in the Silver River case, the reason the villagers never sued the government

was because the construction of the dam was still in the planning stage and the court could not accept a case that had not constituted a real abuse. We cannot rule out that they would use legal means in the future. The reason Dahe migrants did not sue the government was because the *Administrative Litigation Law* was not promulgated at the time. And in the second wave of migrant contentions, while they were petitioning to the party and government departments, they were also filing lawsuits. Indeed, in the eyes of grassroots participants, the boundary between the rule of law and the rule of man and the boundary between judiciary and non-judiciary are irrelevant. What is really important is whether the means of relief is practical in expressing their interests and disputes' resolution.

Second, people do not care about the cost once they embark on the road to relief. Some scholars consider petition as an ADR, a cost-saving relief (Fan 2000). This argument mistakenly transplants the Western concept into Chinese analysis. In the Chinese society, the relationship between petition (the petition with the most substantive significance) and litigation is not exclusive but complementary. But the actual cost of petition is no less, and sometimes much higher, than the cost of litigation. As mentioned above, people do not need to pay a petition fee but do have to pay the litigation fee so the cost of petition may be lower; but since repetition and accelerated petition are key to making petitions effective, the actual cost for the petitioners often exceeds the cost of litigation. However, due to the arbitrary nature of petitions, petitioners cannot accurately predict the cost of the petition. People always have a hope of "moving out the clouds to see the blue sky," they generally do not worry about how much they will have to spend and cannot predict how many times they have to restart the process (Ying 2004). More importantly, as discussed earlier, petitioners usually suffer from local governments' suppression so their physical and mental costs are hard to measure.

Third, achieving relief is a high-risk pursuit. Since judiciary and petition are both circumstantial in obtaining relief, people's contentions are highly risky. Here the "risk" contains two aspects: luck and adventure. From the cases we have analyzed, we can observe the effects of luck. People usually have to pay a high price for contentions and apply appropriate strategies but still their success rate is very low. Thus we need to consider another factor, adventure. A technique of stepping on the line but not crossing it can greatly improve the rate of success.¹⁵ But this success rate is associated with the high probability of a jail sentence. Consequently, for those that are moving between petition and litigation or for those that have been dedicated to the hard journey, the fundamental driving force supporting them is no longer the consideration of benefit or success but rather "vigor."

In the social actions classification by Weber (1978), two kinds of social actions are the focuses of his analysis. One is the instrumentally-rational action, which is an action that is determined by the expectation of objective behaviors by the surrounding environments and people. This expectation is considered as the "condition" or "means" to follow one's pursuit and obtain rational goals. The other one is the

¹⁵Please see Ying and Wang (2006) for the analysis on the Tiegang Gao case.

value-rational action, which consists of consciously insisting on the values of certain behaviors – ethical, aesthetic, religious or any other form, to determine actions supported by their faith regardless of whether they will succeed. According to Weber, the tension between these two actions constitutes the internal driving force of rational actions and all the achievements and problems in the modern civilization are derived from this tension (see Su 1987).

But we can observe the complexity of the contentious activities in the three characteristics of Chinese farmers' contentions discussed above. The first characteristic illustrates the expedient and computability of farmers' group contentions. The participants here are not those that are summoned by the rule of law or those that stick to the traditional local resource, but rather those that only consider action that aims straight to the goal and follow means that make that goal attainable. Obviously, this is Weber's instrumentally-rational action. Since the action logic of Chinese grassroots judiciary is result-oriented and pragmatic, or even opportunism (Su 2000), then how could farmers insist on "realizing social justice through judiciary" (He 1997)? Since the judiciary is not independent from the logic and function of state power, then to seek relief directly from the framework of national executive power instead of through the judiciary would become a natural route for the public. Yu (2010) points out that the dislocation of the function of petition and the nature or rule of man of the petition weaken the authority of the country's judicial departments.¹⁶ However, in reality it is always that the country's judiciary department fails to establish a convincing authority that leads people to seek the rule of man instead of the rule of law.¹⁷

However, we can observe the non-expedient nature of farmers' group contentions from the second and third characteristics. Because of the difficulty, persistence, and unpredictability in the fight for people's rights, those who care about seeing results might may exit the campaign due to their disappointment and helplessness, while those that remain on the campaign take the value-rational action: "act to put into practice their convictions of what seems to them to be required by duty, honor, the pursuit of beauty, a religious call, personal loyalty, or the importance of some 'cause'

¹⁶On one hand, petition is a right relief mechanism in the weak sense and the perfection of administrative litigation system will play a role of alternative; on the other hand, petition is a channel of expressing the lower class' ideas to the senior authority in the strong sense while this is a function that the administrative litigation system will ever have. Expressing the lower class' will to the senior authority is essential to a country with unbalanced political, economic, and cultural development. Considering the Chinese democratization still requires a long process, this channel of expressing people's wills is of great importance in the period of social transition. While for administrative litigation system, due to the existence of second trial, the information might not be properly sent to the senior authority. For the discussion on the functions of petition system, please refer to Cai (2004).

¹⁷In fact, the survey data from Yu (2010: p. 221) illustrates this argument: among the interviewed 632 farmers that went to Beijing for petition, 63.4 % went to the court before they petitioned. 172 of them were refused to be registered, accounting for 42.9 %; 220 of them believed that the court did not judge according to the law and lost the lawsuit, accounting for 54.9 %; the rest 9 farmers suggested that though they won the lawsuit but the judgments were not implemented, accounting for 2.2 %.

no matter in what it consist” (Weber 1978: p. 25). More specifically, the persistence in seeking relief is supported by the faith of “vigor.”¹⁸

Weber (1978: p. 26) suggests the “ideal type” in his classification of social actions. The actual social actions rarely belong to a single form. We can therefore understand the complex logic behind the farmers’ group contentions. We say that this logic contains dual rationality. It should be noted that this dual feature is different in different stages of group contentions. When farmers first choose to seek relief or give up on relief, or when they choose judicial relief, non-judicial relief, or some combination of the two, the action logic is close in purpose to instrumentally-rational or pragmatism. But once the farmers embark on the road of group contentions, their action logic is closer to value rationality. However, such value rationality does not rely on the rule of law, or the “blue sky,” but rather the dignity of their lives. Regardless of whether participants are optimistic about Chinese society’s rule of law process or are hesitant and cautious, they all have to first seriously address the tension of group contentions’ dual value.

7.3 The Intertexture of Emotions, Reasoning and Law

We have already pointed out in the *Story of the Dahe Dam* that problematisation is a basic technique farmers use in their collective petitions. The so-called problematisation refers to farmers’ demand that their specific issues be included in the government agenda and thus they continue to “speak,” “stir up troubles,” and “latch on the government” to make sure that their own difficulties constitute a threat to social order so that the country pays attention. The crucial point of this technique is that it “steps on the line but does not cross the line:” it brings problems to the local governments to force leaders to solve them; it does not violate the law so the farmers avoid being sent to jail (Ying 2001: pp. 317–320).

According to the analysis on typical cases since the 1990s, we have found that the technique of problematisation is still a basic technique the farmers employ in their group contentions. Here we will conduct a brief examination using the Silver River contentious gathering. To avoid repetition with analytical perspective of the *Story of the Dahe Dam*, we will apply a new perspective – the intertexture of reasoning, emotion and law – to look at this technique. This perspective will also be closer to the perspective of this book – vigor.

The Chinese people believe that “between the heaven and the earth, emotion, reasoning, and law are parallel with each other.” Here emotion refers to human relations; reasoning refers to heavenly principles or ethics; law refers to the national law. Shiga Shuzo (1998b: pp. 36–39) defines a clear distinction when applying this

¹⁸It is worth noting that fighting for one’s vigor does not belong to the emotional action suggested by Weber. Though emotional actions and value-rational actions have some subtle relations, they differ in that value-rational actions have clear self-conscious in their ultimate values governing the action rather than subconscious and their standard of value is consistent rather than impulsive (Weber 1978: p. 25).

perspective to analyze the source of civil law in the Chinese litigation system. “Law” is the power of state statutes; “reasoning” is the principles to follow in thinking and should be applied universally; and “emotion” is “the heart of ordinary people” while in the occasion of judgment, it means not to isolate the facts as direct objects from phenomena and attempt to sympathetically understand and evaluate different facts and phenomena. On one hand, the law is fixed and man-made while emotion and reasoning are not fixed but rather natural; on the other hand, the law and reasoning are relatively universal and objective while emotion is detailed and depends on people’s moods. And we see the practice of traditional Chinese trial, emotion, reasoning, and law, which are seemingly opposed to each other, are actually combined: first, reasoning and emotion are complementary and, forming the Chinese styled “sense;” second, the law is like a floating iceberg on the sea of sense that is intertwined with the function of sense. This book focuses on farmers’ subaltern politics which is different from Shiga Shuzo’s focus of local officials’ exercise of jurisdiction. But Shiga Shuzo’s explanation of emotion, reasoning, and law is very instructive to this book.

We will first discuss law. As suggested earlier, farmers’ group contentions belong to legal contentions, so the basic path of contentious activities is largely associated with the formal laws or government policies and decision-making with qualitative, artificial, and universal characteristics regardless of traditional petition or new litigation or both and regardless in the basis of operational goals or the control of action process.

Next we will talk about reasoning. We have analyzed the three equal worlds in Chinese farmers’ mind in the *Story of the Dahe Dam*. The first type of world is an equal world with farmers themselves as the reference where farmers’ existing lives, social status, and interests are not subject to illegal deprivation; the second type of world is an equal world with people similar to the reference point who believe governments should provide justice and equality to all farmers of the same social status; the third type of world is an equal world that is people-oriented or uses citizens as a frame of reference such that farmers have the same rights as everybody else (Ying 2001: pp. 321–322). In farmers real contentions, most of the activities are based on the first two equal work justifications. That is, if your behavior of breaking my bowl obtained legal authorization, then you should at least give me a considerable compensation; if you broke my bowl and another farmer’s bowl, then you should pay me and the other farmer the same amount of money. If their fundamental requests in the two equal worlds are not satisfied, it is very likely that they initiate contentions. And these two equal worlds represent heavenly principles they hold in their contentions. Farmers would rarely ask why they are paid different prices if their bowls and a person from the city’s bowl are broken. Needless to say, they will not question the legality in the arrangement of rights because their bowls are broken. Chinese farmers’ group contentions belong to the typical “reactive” rather than “progressive” contentions (Tilly 1978). In other words, their activities are passive rather than active, partial rather than holistic and they are concrete rather than abstract.

Last we will take a look at emotion. With the support of heavenly principle and the base of state law (including both laws and policies), the general justifications

themselves are often insufficient to achieve the contentions' goals. Thus, they have to utilize emotional mobilization in their activities. The emotional mobilization techniques include the following.

First, show the amount of the involved. This can be precisely expressed through the signatures of thousands of people in order to bring the real situations of many people to the government's attention. Fei (1992) suggests in *From the Soil*: the unit of Chinese local community is the village and inside the village there is no acquaintance society. A village is a society with little social mobility and social change. People coordinate with each other over long periods of time. The characteristic of the acquaintance community is carried out to this day. In addition, the acquaintance society is of great importance in mobilization. A long history of living in the community, a common living environment, the gains and losses of the same interests, the close relations, and the tradition of mutual aid in the subaltern justice all help the villagers form a consensus to fight after their rights are deprived. As long as there are people willing to risk to arrange a contention, there will be many people happily following. Conversely, in this environment, if somebody does not participate in the contention, then he will face great group pressure and is likely to be looked down on or even suffer attack or exile. This is also the foundation of contention formed by "quantitative logic" suggested in Della Porta and Diani (2006). When the Sichuan Province Hanyuan migrants started collective activities, if somebody did not attend due to difficulties at home, the grassroots leaders would ask someone to solve their problems, take care of the elderly and young, help feed the animals, and help clean up the food or dry the clothing. When the Hebei Province Dingzhou villagers were having a conflict with the power company, if anyone refused to participate, people set fire to the wood in the houses and poisoned the pigstys of those who did not attend (Shan et al. 2009: p. 108).

Second, show their emotion differently. A large number of farmers gather in front of the government building requesting to talk to the government officials; they go to Beijing for petitions and request their "blue sky;" they raise their flags to request redress of their grievances during the "two sessions;" they carry corpses in their parade or protest. These activities are often not as violent or destructive as the mass incidents; they disrupt the normal order of social life and damage the government's image, political interests and material interests. This is a mode of action that is sustained by the "damage logic" (Della Porta and Diani 2006).

Third, force them to listen by showing them the weak and needy. When farmers confront the government or the police, the grassroots participants always place the elderly, women, and children in front. If the government is afraid to hurt the weak or be criticized, such an arrangement can effectively block government intervention; if the government risks hurting them, the injuries of the weak will lead to mobilization around this tragic event. The so-called "witness logic" (Della Porta and Diani 2006) tends to strengthen the moral message in the legal contentions.

In the real contentions, emotion, reasoning, and law are combined, constituting a problematisation process of group contentions with Chinese characteristics.

Comparing the problematisation technique in 1980s and 1990s, the most important change lies in the source of contention. The source has extended from current

interests to potential interests as well. The Silver River contention is a typical example. Their contentions started before the dam construction was not finalized. This shows that even though farmers' group contentions have been reactive since the 1990s, due to the new freedom of information and communication technologies and civil social organizations, farmers' reactions have become more sensitive and rapid.

We can observe another change in the Silver River case. Though farmers still use both petition and contentious gathering, they have started to prefer contentious gathering to express their wills.

Chapter 8

Group Incidents: From Vigor to “Field”

There was an intense energy about it; it was impossible not to feel some of the thrill. Somebody near me said that he was happy. He said that he was very, very happy, that he could not remember ever being so happy...here was someone who believed that, at this precise moment. Following a street scuffle, he had succeeded in capturing one of life's most elusive qualities.

—Buford *Among the Thugs*

Field-being is a reality of “Yunjiao.” What kind of reality is it? It is a reality of mutual subsumption, opportune settlement, and the opening up of a new realm. “Mutual subsumption” is the “reality” of the field, “opportune settlement” is the “nature/course” of the field, and “opening up a new realm” is the “situation/open” of the field. These three meanings are the “Yunjiao” or “field synthesis.”

—Lik Kuen Tong *The Theory of Field-being*

From Chaps. 4, 5, 6, and 7, we have analyzed the first type of group contentious politics – legal contentions. In this chapter, we will examine the second type of contentious politics – group incidents. Group incidents have gained attention due to the development of scale, intensity, and type since the 1990s. The rise of group incidents where interest unrelated people are the objects has especially become a symbol of the contentious politics in China since the 1990s. We will first describe the process of two selected group incidents and conduct a comparative study.

8.1 A Narration of the Process of Group Incidents

8.1.1 *A Group Incident with Interest Unrelated People as Objects: The “10·18 Incident” in the Xiazhou District*

The Xiazhou district, like Shanyang discussed earlier, is a Three Gorges Project migrant settlement area by the Yangtze River. Hongguang Road is located in the business area with a large flow of people, and it is only about 300 m from the government office. Lizong Zhao was a temporary worker in a fruit wholesale market in the Xiazhou District. At around one o'clock in the afternoon on October 18th 2004, when a migrant worker called Chengkui Li passed Hongguang Road, the pole on his shoulder hit Zhao's wife, who was walking behind him. Zhao's wife went up and slapped Li in the face and Zhao also rushed forward to take Li's pole away from him and hit his legs vigorously. Zhao said that he was a civil servant while he was hitting Li and if anything happened to him, he could use money to settle things and could even spend 200,000 Yuan to kill Li. Zhao's wife also kept saying how rich their family was and if anyone in the crowd came up to slap Li's face, she would give him 20 Yuan. At the moment, some of the crowd expressed their discontent. They said: “How can you beat people because of such a little thing? Moreover, he has already apologized!” The crowd was getting larger and larger. The rumor that Zhao was the vice secretary of the district's Land Bureau spread, and people were talking about how he broke a migrant worker's leg due to a little physical friction. People were indignant at this injustice.

When the local police came to the scene, it was more than half an hour since the start of the incident and there were already hundreds of people filled with righteous indignation. After some brief questions about the incident, the police tried to bring the three back to the police station for investigation. Then someone said: “All the officials are from the same family. ‘Bang Bang’ (a term local people use to address migrant workers) will never receive justice even though he was beaten!” When the crowd heard this, they refused to allow the police car to leave. The police failed to effectively dissuade the crowd, resulting in a 3-h confrontation between the police and the people. Then the crowd grew even larger and rumors circulated about government officials' secret protection. The district government then sent a vice head of the district to clearly state to the crowd that the government would lawfully deal with the issue and would not protect anyone and to persuade the crowd to leave. At around five o'clock, the three parties were brought away from the scene but the crowd did not leave.

While a large-scale riot had not taken place, the district government called out a number of police to prevent large incidents. The police made the atmosphere at the scene very serious and caused the spread many rumors. People then added facts about the government's suppression of people to the rumors, which eventually made people's anger boil over. At six o'clock, after the crowd smashed and burned a police car, they began gathering in front of the district government building. The plaza in front of the district government had a capacity of nearly 10,000 people. At around eight o'clock at night, the crowd of people gathering in front of the government building already numbered about 7,000 or 8,000 and people were chanting “hand over the

murderer,” “punish the criminals,” and “overthrow the bureaucracy.” At first the government sent dozens of officers out to maintain order in the plaza. They used speakers to talk to people and urged them to stay calm and tried to persuade them to leave. They assured the people that they would handle the incident with justice and would not beat people. But the angry crowd did not recede and threw stones, flower pots, and other items at the officers. The injured officers had to retreat into the building and the situation became further out of control. At around nine o’clock, there were more than ten police cars outside the building. The government’s cars were burned and the crowd rushed to the platform where the officers were trying to talk with them. The riot police rushed out from the government building several times trying to scatter the crowd from the platform. Some irrational people threw stones at the police and injured them. They also smashed the government building’s glass door and damaged dozens of government offices. The antagonism between the police and the people further intensified and the conflicts continued to expand. The police later used tear gas and other coercive means to eventually force the crowd out of the building.

At midnight, a vice head of the district gave a radio and television speech on behalf of the district government. He emphasized that the government would find out the truth and punish the perpetrators. Then the crowd started to leave the scene, and a number of those that participated in vandalism were investigated for criminal responsibilities.

8.1.2 A Group Incident with Interest Related People as Objects: The “3·21 Incident” in Silver River

We have already introduced the anti-dam activity led by Xiaozhong Zhou since 2004 in Silver River. But the government did not have a positive reaction to the anti-dam voice. The Silver River people had spent 2 years in anxiety.

At noon on March 21st 2006, seven technicians were sent to Silver River to quietly take measurements and make early preparations for the local government’s dam construction plan. But the Silver River people observed this, and 3,000 people surrounded the technicians demanding the truth. When the people asked who they were sent by and what right they had to take measurements, one technician said to the people in a tone of superiority: “Don’t get mad, you will soon have to move. You should obediently find a new place to settle down.” This angered the people. In the emotionally intense pushing and shoving, a technician suffered a minor injury. An activist who had been following Xiaozhong Zhou in the anti-dam mobilization was also at the scene. When he saw that the situation was a bit out of control, he tried to persuade the people to stop but nobody listened to him.

In the afternoon, a vice head of the town arrived at the scene with the town government team. The vice head immediately reprimanded the people: “We fed you and you were disobeying us?” His words enraged the people, and the people beat him. In an urgent situation, the town head surprisingly was dumped into the river and was later saved by the police. The people and the government were at a stalemate until the evening when the county government team led by a vice head of the county

arrived. When the vice head saw an injured technician, he suggested to the people that he was willing to stay as a hostage and let the other government officials and technicians leave, especially the injured technician. His earnest words touched the people and they agreed to send the injured hostage to hospital. The other technicians were also sent to a local police station to go to bed while the vice head of the county was detained as a hostage representing the town government.

On March 22nd, people moved the battlefield to the Silver River town government. The neighboring town people were sent to Silver River in private cars organized by the “Silver River Private Car Association.” Some people even tied explosives in their bodies threatening the officials that they would all die together. A vice province governor asked the county and town governments not to call out police to avoid angering the people again. The county and town government teams continued to try to persuade the people hoping to reach a compromise. At this time there was no leader among the people and they were insisting the government promise to give up the dam program. But the government teams deferred reply at this point. The county government also tried to send old cadres to persuade the people. But it was precisely because these cadres were genetically related to the people that they were not willing to persuade the people and some of them even refused to leave home.

On March 23rd, the number of people in the crowd gathered in Silver River reached 10,000. The county government building’s windows and the town government’s signs were smashed, and the whole town fell into anarchy. To prevent the situation from further deteriorating, the government teams announced four notices after receiving instructions from the province governors. The notices made it clear that the power station project would not start if it was opposed by the majority of people. At this point, if the people did not disperse, the government would send out forces to displace people. Fortunately, the people were satisfied by the government’s promise and gradually left to avoid a bloody conflict.

Xiaozhong Zhou was not aware of the incident when it occurred. In the evening of the next day when he learned about the incident, he was afraid that the government would accuse him of being the backstage leader. So he decided to leave town to avoid being accused. However, before he left, he asked an anti-dam activist who was also a representative of the people’s congress – Afa – to try to control the situation. Afa actively contacted the private car association to send people from neighboring towns to Silver River; in the evening on the third day when the government announced the notices, he also helped the government to persuade people to go home. Afa and all other people involved in the incident were not blamed.

8.2 The Six Stage Distribution of Field

As stated earlier, “vigor” is driven by of the need to pursue recognition and dignity and resist contempt and humiliation. And grassroots participants are the dominant factor in the release, distillation, and regulation of “vigor” in the whole process.

Though the driving force of group incidents is also related to “vigor,” “vigor” is not the dominant factor. We will call the driving force of group incidents “field (qichang, 气场).” “Field” refers to a particular emotional atmosphere formed when unorganized people interact with each other to express their dissatisfaction. We will first analyze the promotion process of “field” in this section and examine the different structures of “field” in the next section. We will illustrate the essential attribute of “field” at the end of this chapter.

Through careful analysis of the above cases, combined with examination of other group incidents, under the inspiration of value-added theory (Smelser 1962), we will divide “field” into six stages according to the evolution of group incidents.

The first stage is the structural problem. This problem refers to the “vigor” that is caused by a structural imbalance in benefits. Imbalance and dispersion are the basic characteristics of “vigor.” In the far-reaching and complicated social transition, the rise of a benefit imbalance is not a surprise. But the key to this problem is that the current Chinese social transition cannot establish a sufficient interest system and lacks sensitivity in constructing a “safety valve” system (Coser 1956). Most local governments have gotten used to handling interest disputes with suppression. The subaltern groups whose interests are harmed or threatened cannot have their real problems solved, but they also cannot express their grievances. The result is subaltern groups’ serious psychological imbalances and the strong emotion of opposition between governors and people. This structural factor determines that the interest conflicts and the psychological confrontation cannot be solved with institutional and rational means. In most cases, the discontent of the subaltern groups on one hand is repressed by the serious suppression. But on the other hand, it accumulates, strengthens, and spreads under the serious suppression, and it seeks an opportunity to be released by non-institutional and irrational means.

In the “10·18 Incident” in Xiazhou, the two characteristics of structural problems are hidden behind the incident and we need to do some extensive analysis to observe them. The Xiazhou district is one of the most important migrant towns in the Three Gorges project. The state has given unprecedented attention to the migrant settlement, given a large amount of funding, and carefully arranged all aspects of migrant settlement. However, since the Three Gorges migrant problem is a “world-class problem,” the decade long migration process has also accumulated deep-seated contradictions. For example, the industrial-hollowing out of the reservoir area is a very prominent problem in the migrant resettlement city. Since the original industry in the reservoir area has a very weak basis, the investment environment is far from ideal. After a large number of inefficient enterprises shut down, the plan for developing a number of backbone enterprises was hard to implement, so the reservoir area was in an economic predicament. In Xiazhou, there is a huge number of unemployed and the people are living in difficulty. But some unscrupulous people are trying to use the opportunity of corporation relocation and restructuring to keep the national finance in their pockets. Some local governments also try to obtain benefits from the town relocation, rehabilitation of housing, and the

reconstruction of residents' "facade households."¹ Some government officials even defraud, corrupt, and misappropriate migrants' public funds. All of these cause migrants to form a strong sense of relative deprivation and resentment towards the government (Ying 2010b). However, due to the sensitive nature of the Three Gorges migrant problem, the reservoir area government bears a heavy pressure to maintain social stability. Since the migrants' petitions suffer from serious suppression by the local governments and their problems are not solved, their grievances and emotions regarding the governments accumulate day by day.

And in the "3·21 Incident" in Silver River, the two characteristics of structural problems can be clearly observed. Silver River used to be a beautiful town with pleasant weather and prosperity. It was called a "paradise" in the past. The construction of the Lion Roaring Power Station has had a tremendously negative impact on Silver River residents' living quality and living environment. It is understandable that the residents refused to relocate. The residents have utilized mild and moderate ways to express their anti-dam opinion under the leadership of Xiaozhong Zhou. But in 2 years, though under the severe opposition of the residents regarding dam construction, the government still did not implement positive solutions or persuade people patiently. People were very unhappy with the arbitrary government practices and this dissatisfaction could not be expressed by regular means.

The second stage is moral shocks. This refers to triggering events, which are "moral shocks," and transform "vigor" from a dispersed state into a condensed state. We have discussed moral shocks (Jasper 1995) in Chap. 5. "Moral shocks" means that unexpected events that cause people's moral indignation become the mobilization factor for group incidents.

In the "10·18 Incident" in Xiazhou, Lizong Zhao, who claimed to be a civil servant, and his wife's unreasonable beating of Chengkui Li constituted an event that was a moral shock. As mentioned above, there already existed a relatively serious confrontation between the government and people, but the public lacked a proper channel to express their will. In this incident, Zhao, who claimed to be a civil servant, even raved of "using money to buy one's life," which deeply hurt the subaltern groups' pride and hit a sensitive nerve. This made the "vigor," which had been suffused, quickly gather together.

In the "3·21 Incident" in Silver River, the local government secretly appointed technicians to conduct technical measurements for the dam construction, which was also a typical morally shocking case. The reason why this incident had a morally shocking effect was because it was a strong contradiction. On one hand, the country had emphasized scientific development in recent years so science and democracy were of great importance in the decision making regarding the hydropower station construction. Environmental evaluation and public involvement were also given great attention. In addition, the central government also announced a development plan of "careful study and scientific decision-making" for the Nu River Hydropower

¹The so-called "facade households" refer to residents that do small business by the street for a living.

Station. On another hand, even though the local government knew that the Silver River residents and the neighboring villagers mostly opposed dam construction, they still secretly prepared and continued with dam construction. The “gap” in the policies between the central and local government and the occasional exposition of local government’s “conspiracy” suddenly angered the Silver River residents and became the triggering point of the entire event.

The third stage is conviction. This refers to “generalized beliefs” (Smelser 1962) formed by the compression of the condensed “vigor” due to the rapid dissemination and filtering of information. “Generalized beliefs” are the common understanding of certain social problems. They have little relation to the truth surrounding the event but are the cohesion, enhancement and reproduction of the existing structural resentment and relative deprivation. In the current society, with the popularity of cell phones and internet, information delivery becomes even easier and faster so the “generalized beliefs” form instantly under the basis of structural resentment. And the government failed to reveal sufficient information quickly which formed an information gap. Shan (2009: p. 110) points out that the emotional arousal in group incidents causes marginalization and is an extensive process of the triple imaginary community. The triple community includes: the interest community formed by interest related people and a fate community mobilized by the existing human relation network. The members in this community are relatives, friends, classmates, or those with similar experience and social status. The effect of this fate community is to help the members to continue and expand the events. The third part of the community is the moral community that is not directly associated with the parties but related due to their traditional culture and customs and upholds justice. The generalized beliefs are in fact the moral community’s process of formation and exercises. In this process, the moral community defines the situation and interprets the injustice. Through the label provided by the culture, the moral community also creates a totem that marks the identity of group members and promotes the cohesion and unity of the group.

The “10·18 Incident” took place in the city area of Xiazhou, so it did not have the characteristics of information dissemination in the acquaintance society. But the incident happened in the downtown business area, so people’s curiosity made the crowd expand quickly. And when the information was being spread out, as analyzed by a social psychologist Allport (1948), after the sharpening, flattening, and filtering, the information was transformed into such a message: the migrant worker accidentally made the clothes of a district governor’s wife dirty. This governor beat up the migrant worker and broke the migrant worker’s leg. During the spreading of this piece of information, the status of the person who claimed to be an “official” was greatly raised and the tragic story of the migrant worker was exaggerated; people witnessed a story of officials oppressing people, which inspired people’s determination to fight for the weak.

During the “3·21 Incident” in Silver River, since the town has the characteristics of an acquaintance society, the information spread out very quickly and the information about the dam construction which the local people had been paying attention to for years spread even faster. The popularity of cell phones made the

communication faster due to modern technological means. Thus, about 3,000 people gathered on a hillside in Silver River in just 2 or 3 h. The information about a design team's preparatory work for the hydropower station was transformed into the government's decision to begin the dam construction shortly and the migrants were going to become homeless. Hence people believed that they had to carry out contentions, otherwise their homes would not be protected.

The fourth stage is secondary stimulation. If the triggering event is the primary stimulus of a group incident, then the parties' or the disposers' inappropriate words and actions constitute secondary stimulus and detonate the "vigor" which is already under high pressure. Sometimes there is more than one secondary stimulus and different stimuli can be added together. It is also because of stimulation that the legal demands turn into illegal emotional venting and the group incidents change from "reasonable" to "lawless."

In the "10·18 Incident," the secondary stimulus mainly came from the police's lack of sensitivity and the ability to quickly respond when dealing with the incidents. Since the one who beat the other was transformed into a governor in the district government, the slow response by the police was naturally suspected as protection and thus the people besieged the police.

In Silver River's "3·21 Incident," there were two secondary stimuli. One was the technicians' provocative remarks and the other was the vice head of the county's reprimanding speech. Though grassroots participants realized that they should stop people's irrational actions, the situation was already out of control. The first secondary stimulus caused the technician to get beaten up, and the second secondary stimulus led to the vice head jumping into the river.

The fifth stage is circumstantial mobilization. Since the number of participants had reached a considerable scale and the participants could hide themselves in the crowd without their names being revealed, they could try circumstantial mobilization to further compress "vigor." Klandermans (1988, 1992) suggests the terms, "consensus mobilization" and "consensus enhancement," in their analysis on the construction of the consensus in group incidents. "Consensus mobilization" refers to the efforts created in a subgroup of the general population. "Consensus enhancement" refers to the process of expansion in the range and intensity of the consensus through group actions. Under this inspiration, we propose a concept of "circumstantial mobilization" which means the mobilization completed by circumstantial events. "Consensus mobilization" and "consensus enhancement" are the two successive stages of the process of a group activity. Both the consensus mobilization itself and the scene of consensus enhancement are associated with the conscious of the mobilizing elites. The difference between circumstantial mobilization and these two lies in the process of the incident, either the grassroots participants who are committed to rational contentions are not present or even if they are present, it is hard for them to play a dominant role. Sometimes the local pressure groups can step in and create trouble. But more often, this mobilization is completed spontaneously by the emotional infection and behavioral imitation. As Le Bon (1896) suggests, the rage of group emotions, especially among a heterogeneous group, could disappear completely or be reinforced due to their sense of responsibility. Awareness would

not be punished – and the more people there are, the more true this argument would be – and the sense of power due to the safety in numbers could make the group show some emotions and participate in some activities that they never would have as individuals.

In the “10·18 Incident,” when the three parties were taken away by the police at five o’clock, the crowd at the scene did not disperse. In the hours-long confrontation, when the crowd was growing larger and larger and the rumors were being spread, people’s discontent about the confrontation between the government and people, the imbalance of interests, and the unfair distribution converged and strengthened making the tension extremely severe.

During the “3·21 Incident” in Silver River, when the main battlefield was moved from a hillside to the town government, and thousands of neighboring residents came, the situation became even more severe. Though Afa as a grassroots activist had played some role in arranging neighboring residents to come, he could not control the situation by himself. This tension was actually formed by the gathering. Those who claimed to have carried explosives with them must have been using this gathering situation to express their “vigor.”

The sixth stage is the ultimate stimulation. At the last minute, if the government solved the problem improperly, failed to adequately control the situation, or used excessive force, the “vigor” would be released completely through large-scale riots. Smelser (1962) only sees the decline of social control as the last factor to cause group incidents in his value-added theory but fails to realize that if social control is too strong, the same problem will arise. In particular, in China local governments are inclined to use force to solve group incidents. They frequently push the police to the front line of group conflict, but as a result, in most cases they sharpen the conflicts.

In the “10·18 Incident” in Xiazhou, when the crowd only had several thousand people and no large-scale riot took place, the district government quickly called out a large number of police, which started the rumor that “the government was using force to suppress people.” This stimulated more people to join the crowd and people became even more agitated, and this eventually led to a riot in front of the government building.

During the “3·21 Incident” in Silver River, the ultimate stimulus came from insufficient social control. It was appropriate for the government not to call out the police when the situation did not deteriorate. But sending the county cadres back to persuade the public was a bad strategy. And it was a great mistake that the government did not give a timely answer to the question about the decision regarding the construction of the dam, which was what the public cared most about. The crowd was getting larger and larger, the atmosphere was getting more and more intense, and the real problem that led to the occurrence of the riot remained unsolved.

Each stage of the six stages in “field” is a necessary condition for the rise of group incidents. At the advance of each stage, the possibility of group incidents increases gradually. Once all stages are completed, the group incident will be inevitable (see Fig. 8.1).

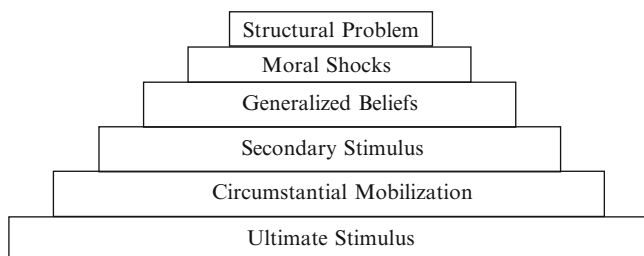


Fig. 8.1 Diagram of the six stages of “field”

In order to further understand the process of group incidents, we can compare group incidents with legal contentions. The two are different in three aspects.

First, in legal contentions, the conflict of interest is the basis for the rise of incidents and “vigor” is the driving force for the reproduction of the action; during group incidents, “vigor” is the basis for the rise of incidents. In the former case, conflicts are always the means to win benefits and dignity. In the latter case, conflicts are always the goal and their demand is to express their suppressed emotions. According to Coser (1956), the former is a “realistic conflict,” which is the conflict when some problems are not solved or an improper evaluation of other participants and unachieved pursuits cause contradictions. The latter one is an “unrealistic conflict,” which is the conflict that also relates to the interaction between two or more people, but it is not caused by the opposition between the two parties, but one party’s tension.

Second, contentions are directly organized by grassroots participants and their activities can generally be expected; while group incidents are unorganized (that is though there are local grassroots participants, they usually consciously stay away from the incidents) and the incidents arise suddenly. The mobilization in this process is called “circumstantial mobilization,” and its trend is unpredictable.

Third, the “vigor” in contentions is restricted, while the contentious means are mild. To achieve their goals, the participants can control their means and scale of the conflicts rationally and can also give up conflicts and use alternative means. While in group incidents, the moderate “vigor” has become a “field” that is already out of control and the irrational actions are “reasonable” but not “lawful.”

Of course, contention is not completely unrelated with group incidents in their processes. The connection between the two can be seen more clearly using the analysis on the different types of group incidents.

8.3 A Comparison Between the Two Group Incidents

As mentioned above, we divide the group incident into two types by whether the action object is interest related. The “10·18 Incident” in Xiazhou and the “3·21 Incident” in Silver River are precisely the two representatives of these two group

incidents. The “10·18 Incident” in Xiazhou is a group incident in which the objective was interest unrelated. Though contentious activities arise frequently in Xiazhou, there was no direct relation between the rise of this incident and the contentious activities. The driving force for this incident came from the “vigor” of the confrontation between the local government and people, and the incident itself was a manifestation of the region’s overall social contradictions. The development of the incident was accelerated by the “field” without any influence from the grassroots participants. This “field” is a dangerous social signal because people are eager to take out frustration and are reluctant to compromise. Therefore, the difficulty in controlling this group incident is huge – using force would rapidly intensify conflicts while the lax social control would lead to some kind of anarchy.

The “3·21 Incident” happened among the legal contentions in the recent 3 years in Silver River, and it was based on the benefits of the migrants from the Lion Roaring Hydropower Station. Though the “3·21 Incident” was not carried out by grassroots participants, the local major grassroots leader Xiaozhong Zhou hid away from home, and we can see that Xiaozhong Zhou did not completely give up having an impact on the incident. He sent the activist Afa to play an intermediary role, though Afa could not control the situation. Here we can see the flexibility of grassroots participants’ activities. Though they know that their intervention in group incidents may bring them direct safety threats, they still hope to guide group incidents into the goal of contentious activities. For this reason, the interest related people find it relatively easier to reach a compromise, and the size and intensity of disturbances are easier to control.

Thus we can make three analyses.

First, the group incidents with interest related objects are generally not isolated contentions. The “field” is dispersed in a relatively large geographic area and the interest disputes, personal conflicts and discontent are long-term and complicated. While the group incidents with interest related objects are intersected with contentious activities, their “field” is stimulated from the “vigor” in specific contentions.

Second, the group incidents with interest unrelated objects are mainly affected by the scenarios in the “field” and in some cases evil forces can impact them. But the group incidents with interest related objects are more likely to be affected by grassroots participants to some extent. This is also an expression of the grassroots participants’ “contentious opportunism” (Chen 2007).

Third, group incidents with interest unrelated objects have the offensiveness of pure discontent expression so they are hard to control. Some scholars refer them to “social anger expression events” (Yu 2010). The timely counseling, public information, and cautious use of force are fundamental to preventing such group incidents from expanding and preventing them from rising again. While group incidents with interest related objects are not completely expressions of their discontent, they are also a kind of defense to make up for the interest imbalance, so they are easier to control and are more likely to be solved by negotiations. Addressing the real interest problems and avoiding retaliation from the grassroots participants are the basis to prevent such group incidents to expand or re-emerge.

From the type of group incidents, we can further observe the subtle connection between contentious activities and group incidents. On one hand, these two could be a progressive relationship – contentious activities inspire “field.” When the legal contentions repeatedly fail, even the grassroots participants themselves could not refuse to apply illegal contentious means, so a possible outbreak of unorganized group incidents happens. On the other hand, these two could have a complementary relationship. That is, if the channel of legal contentions is open and smooth, the governments’ response would be relatively positive and tolerated. Then, even if the real problems are not solved, there is a legitimate way for people to express their grievances and thus the possibility of group incident outbreaks would be greatly reduced. Since the 1990s, the surge of group incidents, especially those with interest unrelated objects, has shown that the mismanagement of group incidents by the local governments has caused the “vigor” to be out of control under the high pressure.

8.4 Summary

In the previous analysis of the six stages of the “field,” we have applied Smelser’s value-added theory and other Western related theories as references. This suggests that there is no clear boundary between the Chinese and Western emotion theories. However, there are many important differences between “field” in Chinese culture and the Western emotional theories.

The Chinese philosopher Lik Kuen Tong has proposed a “field-being (changyou, 场有)” theory according to *Zhouyi* and Alfred Whitehead’s theories. From his point of view, there are differences in relation theories and substantialism between the Chinese and Western philosophies. The ontology in the Chinese philosophy is the “field-being theory” that says “what is in the field depends on the field and appears whenever there is a field.” “Field-being theory” is basically a reality of “Jiaoyun (蕴微).” That is, it is a reality of mutual subsumption, opportune settlement reality, and open realm reality (Tong 2001: pp. 193–194). Here we will use the “field-being” in philosophy to summarize the essential attributes of “field” in group incidents.

There are three main aspects of connotations in field-being philosophy.²

First, the structure and potential are of mutual subsumption. This is the relation theory in field-being philosophy that emphasizes that the possibility for things to integrate with each other (i.e., “structure”) and the state of integration (i.e. potential) are inseparable. For the “field” that induces group incidents, we mean that there must be structural factors behind the sudden events. In other words, group incidents are not the result of “ulterior motives” but have sudden, unorganized, and circumstantial characteristics, but the rise of these events must have some structural factors. This is what we call the structural problems of “field.” Of course, Smelser’s value added theory also says that “structural tension” is the basic factor for the

²The following interpretations of field-being in philosophy are mainly from the exposition in Song (1995). We are just applying these interpretations in the analysis of “field” in group incidents.

occurrence of group activities. Then, what is the difference in this argument between the Chinese and Western societies. In the Western society, the expositional basis for structure is individual. In the four structural tensions analyzed by Smelser, regardless of the value tension or normative tension, regardless of the tension between action and reward or the tension on the use of skills, they are all based on individuals. But in the Chinese rural society, structural factors are based on family. The structural background of the “3·21 Incident” was to protect their home, while the hidden structural background of the “10·18 Incident” was to show people’s dissatisfaction with the poverty gap. Generally speaking, in China, especially in rural China, the basic unit of group incidents is the family rather than individual. Thus the Chinese social activities are more likely to break through the logic of substantive justice and carry out the logic of relation theory.

Second, prelude and opportunity are of mutual subsumption. This is the experience theory in field-being philosophy. It emphasizes that the gestation of events (i.e. prelude) is inseparable from the varying effects of opportunities. The “field-being” is not a passive or mechanical universe but includes events that change things or create differences. For “field,” which causes group incidents, there are related parties mutually causing the incidents full of varieties. Group incidents are the products of related parties’ mutual construction. “Field” is not a world that developed from intended targets and logics. It is a product of different changing potentials and unexpected effects. This is significantly different from Le Pen’s group theory. From Le Pen, group phenomenon is like a devil, once people become involved in the cluster, no matter what reactions the outside have, they will fall into ecstasy and become mobs. “Isolation has taught him to be an educated individual. But he became a barbarian in the group – an animal whose behavior is dominated by others. He is involuntary, brutal, and fanatical” (Le Bon 1896). But “field” is not constructed by a unilateral public; it is the product of constant interactions between the opposing parties. It is developed from the suppression, delay, seesaw match, surprise attacks, and provocation. The seesaw match is precisely the “prelude” of the group incidents – the people are not born mob and they lose rationality only when they lack a safety valve under structural tensions. However, this does not mean that the public’s irrational actions are doomed to move towards large-scale riots. In fact, in the last five stages of “field,” from the moral shocks events to generalized beliefs, from secondary stimulus by the parties or processors to the public’s circumstantial mobilization, from the processor’s ultimate stimulus to the outbreak of large-scale riots, they are all results of constant and improving stimulations. Conversely, if the governments act decisively and solve the problems properly, it is entirely likely that they can prevent events that are at the second or third stage from deteriorating.

Third, the inside and outside expansions are of mutual subsumption. This is the “significance theory” in field-being philosophy. It emphasizes that the current events form an inseparable “landscape relationship” with their forms and recognitions. For the “field” that leads to group incidents, what it stresses is that our understanding of the political nature of group incidents largely determines whether we can properly handle such incidents. Though a small number of people have engaged in serious illegal activities, the group incident itself has not constituted a challenge to the

legitimacy of state power. As suggested in Perry (2008), the framing of the current Chinese group contentions are the "rule consciousness" rather than the "rights consciousness." Thus, to achieve social stability, we should pay great attention to the tactics for the prevention of and solution to group incidents; but it is exactly because of social stability that we should not exaggerate the political hazards of group incidents. Considering group incidents as an enemy and besieging the participants are very likely to accomplish the very opposite.³

³In the Lantern Festival in 2009, the group incident in Guizhou Province Tongren County was caused by the prohibition of the local dragon dance activities by the government in order to prevent group incidents.

Chapter 9

The Impact of Contemporary Chinese Contentious Politics

The social movement emerged from an innovative, consequential synthesis of three elements: 1. A sustained, organized public effort making collective claims on target authorities (let us call it a campaign); 2. employment of combinations from among the following forms of political action: creation of special-purpose associations and coalitions, public meetings, solemn processions, vigils, rallies, demonstrations, petition drives, statements to an in public media, and pamphleteering (call the variable ensemble of performance the social movement repertoire); and 3. Participants' concerned public representations of WUNC: worthiness, unity, numbers, and commitment on the part of themselves and/or their constituencies (call them WUNC displays).

—Tilly *Social Movements, 1768–2004*

Inspirations from observing humans and the universe can cover all aspects. The principle of grievance and dealings is everywhere. Grievance and dealings are just reasoning. The grievance should not be transformed into retaliation. The science of life and nature will be endless.

—Yi Cheng Chengs' *Posthumous Papers*

This book has analyzed the cause, the driving force, and the system of contemporary Chinese rural contention politics in the previous chapters. In this chapter, we will examine the impacts of these rural contentious politics. In the study of Western contentious politics, the analysis on the impact of contentions is relatively lacking. The main difficulty in such an analysis lies in the simultaneous effects caused by the power of contentions and the targets of the contentions. Thus, it is hard to determine which effect is responsible for which result (O'Brien and Li 2009). The existing research on this problem follows two ideas: one is to attempt to isolate the direct result of contentions from the whole result and to figure out the possible result

without contentions. This method allows us to control for other variables in order to determine causality. Another method is to emphasize the fact that the contentions are caused by the interaction between the contention participants and the contention targets. Thus, the focus of the analysis should not be on the impact of contention participants and contention targets but rather on the given outcome formed by the combined effects of social forces (O'Brien and Li 2009). In this chapter we will adopt the latter method in order to examine the consequences of contentious politics through interactions between participants and the government.

9.1 The Social Impact of Contentious Politics

9.1.1 *The Impact of Contentious Politics on Policies*

Since the two basic paths of contemporary rural Chinese contentious politics is through either legal contentions or policy-based contentions, it always originates from the reactions to local governments' misuse of central government policies. Therefore, the most direct impact of contentious politics lies on the implementation of policies.

We have pointed out in *The Story of the Dahe Dam* that under ordinary situations, state power is mainly reflected in the superior-subordinate operation of the Chinese bureaucracy. Since the target for decision-making and policy implementation is too huge and the information provided is incomplete, flexibility becomes a very common and recognized system of operation (Ying 2001: p. 368).

The senior officials' tolerance of this information asymmetry is very limited. If a modification tending towards interest competition with the public is allowed, and even hiding the truth from the masses or acting absurdly is not subject to punishment, then it is inevitable that the situation will run out of control, people's grievances will reach a breaking point, and the regime's legitimacy will be weakened. Thus the senior officials have to learn the truth concerning policy implementations through channels other than subordinates' reports. These channels include the internal reference system built upon reporters and the public's contentious policies. The outbreak of contentious politics already creates a situation in which the government is unable to deal with conflicts. Hence, the senior government officials need to be aware of the problems with policy implementation through contentious politics and monitor their subordinates to correct their behaviors that have deviated from the stated policies.

The problems with policy implementation demonstrated in farmers' contentious politics include: increasing farmers' tax burden without authorization, illegal expropriation of land or unreasonable compensation, corruption, the use of violence on farmers and the retaliation against farmers by the town and village cadres; fraudulent elections in village committee, the barbaric enforcement of family planning, as well as the distortion of the central government's benefit policy (Bernstein and Lü 2003; O'Brien and Li 1999).

For example, during the group administrative litigation by the Qingshan people, due to continued contentions, won increased land compensation from the extremely

unreasonable 76,600 Yuan to 300,000 Yuan. In the contentious gathering in Silver River, the local government had to delay the construction of Lion Roaring Hydropower Station due to the lack of support from the majority of local villagers. In the Shanyang migrant collective petitions, though the local government insisted on suppressing the grassroots participants, a portion of the problems vocalized by the migrants were corrected. These included the “fake migration” problem that allowed non-migrants to pose as migrants in order to receive compensation. In addition, the land amelioration fund that was reported as fraudulent was frozen by the County Procuratorate.

Occasionally senior officials who sympathize with farmers will punish grassroots leaders who have abused their power, acted corruptly, or misappropriated funds. This is a power technique – “lifting the lid” (Ying 2001: pp. 326–327) rather than the “allowing concessions” analyzed in *The Story of the Dahe Dam*. However, in general, the handling of abusive officials is more difficult than the correction of policy implementations.

If the impact of policy implementations by farmers’ contentious politics were relatively consistent throughout the last 30 years, then the biggest change has occurred since the 1990s. Under certain conditions it is possible for these contentious activities to affect the policies implemented by senior officials. For instance, the repeated policies aimed at reducing farmers’ financial burden in the 1990s and the abolishment of the agricultural tax in 2006 can both be viewed as results of farmers’ contentious politics. The reason why contentious politics can affect the national policies is largely because the scale, intensity, and frequency of contentious politics have increased greatly since the 1990s. Contentious politics have grown from a minor problem to a large social problem with global characteristics. As a result of these changes it has garnered national attention of late.

9.1.2 The Impact of Contentious Politics on Social Stability

Since the 1990s, the continued wave of petitions and the increase in scale and impact of group incidents have been viewed as the weathervane of social stability. Clearly, contentious politics are closely related to social stability. However, it is still controversial as to how to assess this association.

9.1.2.1 What Is the Relationship Between Contentious Politics and Social Stability? Casual Relationship or Mutually Reinforcing Relationship?

One common view suggests that contentious politics directly undermines social stability. However, in many cases, the cause of an outbreak of contentious politics is the government’s over sensitivity and emphasis on maintaining social stability. In fact, since the 1990s, contentious politics and social stability have, to some extent, formed a vicious circle (Sun et al. 2010).

There is a crucial linkage in the cycle between stability maintenance and social instability where the government has a “static stability” error in the understanding of how to maintain social stability. That is, the government believes that any kind of social conflict, especially those social conflicts manifested in the form of group activities and those that occur outside of the legal system, will threaten the social stability; and only a society without conflicts or contradiction is ideal. As a result, a belief exists that the government should take any means and efforts necessary to reduce, and even eliminate, the “instability factors” like petitions and group incidents. One of the most concrete embodiments of this static view is the “unstable illusion” in the stability maintenance work. That is, the government always believes that the more severe the conflicts are, the more likely social unrest will take place. In such an illusion, many general contradictions and conflicts, especially those that are based on interest conflict expression, would be considered “instability factors” by the government and thus lead to the criminal, widespread, and absolute attitudes in the government’s stability maintenance work. As a result, the more the government focuses on maintaining stability, the greater the number of destabilizing factors. As a result society becomes more prone to large-scale disputes and conflicts, constituting a situation of “the stronger the stability maintenance, the more unstable the society becomes” (Sun et al. 2010).

9.1.2.2 How to Dialectically Evaluate the Impact of Contentious Politics on Social Stability?

There is no doubt that contentious politics results in negative impacts to social stability to some extent. Regardless of whether the confrontation is between the government and people, between the police and people, the collective petitions, or the collective gathering in front of the government gate, all confrontations disrupt daily life and order. While in group incidents, even the beating, smashing, and looting activities that directly violate the law occur. However, do contentious politics have any positive effect on social stability? This book applies the perspective of “vigor” which can vividly illustrate the answer to this question. Under the current situation of imbalanced distribution of interests and the lack of institutionalized channels to express those interests, people’s grievances will be further suppressed. This high pressure can lead to three possible political consequences.

The first consequence is that these high-pressure methods increase the risk of explosion. If the governments take coercive measures when they find such high pressure, the potential for large – scale contentions exist. But since the pressure itself is not reduced, there is still a potential crisis and if any other factors arise, there will be another risk of explosion. The Shanyang migrants’ decade long contentions have proved this point. As Coser (1956) suggests, without a full solution, the half measures and accumulation of tensions could not be adjusted by changing conditions but lead to structural rigidities and thus the outbreak of devastating events.

The second consequence is that if the government is always half-hearted in their responses to the farmers’ or other marginalized groups’ legal expressions, or if the

government always delays in their decision making, the farmers' contentious activities will continue to spread and can even evolve from legal contentions to violence (i.e., group incidents). According to our previous analysis, most of the Chinese grassroots participants are not willing to consciously organize group incidents. However, when the "field" is formed, and if the government continues to be unresponsive, then this "field" will be so strong that grassroots participants cannot control the outcome. Though ordinary farmers are not like the grassroots participants whose vigor is repressed by the governments' retaliation, the long-term tension and confrontation will stimulate their life long or even generations' old grievance towards the grassroots officials. Farmers will no longer endure the injustice and their grievances are likely to explode. The nature of the conflict will thus undergo an important change: it will move from a rational conflict to an irrational conflict. In the rational conflict, the conflict is only a means but not a goal, and once the participants achieve their goal, they can control the form and scale of the conflict or give up the conflict and use alternative means. But when the conflict becomes irrational, the conflict itself becomes a goal or an embodiment of the emotions the participants wish to express. Therefore, this conflict is irrational and hard to control. Theoretically, if people simply want to express their emotions, they can find alternative methods other than launching an attack on the government. But in the context of this book, since the "field" is inspired by the tensions between the government and people, then farmers' dissatisfaction towards the government officials are bound to be solved through the use of "field." Even those farmers that are not invested in the conflict get involved. And since the grassroots participants cannot control the situation, their only option is to exit and avoid misfortune. Since the 1990s, the large number of group incidents with interest unrelated participants illustrates that local government has long ignored the public's material interests and dignity causing the social conflicts to escalate to a dangerous level.

The third consequence is that if the senior government came forward to seriously address the farmers' material demand, a better stabilization effect could be obtained. However, if the government simply stopped suppressing grassroots movements the problems of dignity and recognition would not be solved. If the farmers' grievances are not fundamentally eradicated, there will still exist hidden dangers for social stability. From the petition reforms since 2003 we can see that the country has stressed having a flexible policy towards vulnerable groups and it especially emphasizes that the local government should not retaliate against the petitioners. These policies have achieved some success. However, the senior government officials utilize the joint petition meeting, open door receptions, and assigning cases to governors with time limits to solve the petition accumulation problems by the principle of "loose rather than strict and solve rather than form." Though these methods have achieved impressive results (Zhang 2007), the effort put forth by senior officials is very limited. The open policies can only be applied to favor special individuals and this method does not have a long-term effect. Therefore, the senior officials have to realize that problems can be solved at the grassroots level. The new *Petition Regulations* clearly defines "local management," "local solution," and "governments at all levels should include petition work in the evaluation of their own political

performance.” All these further clarify the responsibilities for local government to control petitions. As mentioned above, when the imbalance of responsibility, power, and interest for the local government is not adjusted, local governments have no ability to solve people’s problems. Their responsibilities for reducing the number of group petitions, Beijing petitions, and preventing the emergence and spread of group incidents are even larger. Therefore, the local governments are very likely to continue suppressing grassroots participants so that the momentum of the rural contentions will be minimized.

Since the implementation of the newly revised *Petition Regulations* in 2005, the number of petitions nationwide has been reduced. But does this decline mean that the conflicts have been solved at the grassroots level? This is less clear. In fact, many local governments are still unable to truly meet the requirements of “no small cases outside of village, no big cases outside of town, no difficult cases outside of county, and no conflicts to be handed over to senior governments.” But since the petition rankings and petition situations have exerted unprecedented pressure on the local governments, they have had to work on other aspects such as frequently sending people to Beijing to “be on duty,” stopping petitioners at Beijing, commissioning special security companies to illegally take people into custody,¹ or reporting fraud to the State Bureau of Petition (Zhang 2007). The most common form of enforcement is through directly attacking petitioners, especially those chosen as representatives. Yu (2007b) conducted a survey of 560 Beijing petitioners. 71.05 % believed that their local government had exerted more pressure on petitioners since the implementation of the amended *Petition Regulations*, 63.9 % were imprisoned or detained due to their petitions, and 18.8 % were sent to labor camp due to petitions.

When we talk about contentious politics, we discuss group incidents, collective petitions, group litigations, and contentious gatherings together. But when we analyze the re-development process of vigor in contentions, we will see that group incidents have important difference with the latter three. Regardless of the timing, grassroots participants actively promote legal contentions. But in most cases group incidents are not initiated by grassroots participants. Group incidents are usually stimulated spontaneously when legal contentions fail to achieve their intended effects. We should not consider collective petitions, collective gathering, group litigations, and group incidents together as wholly negative occurrences. We should instead contribute to the growth and decay relationship between legal contentions and group incidents. Clearing the petition channels, especially the communication channel between farmers and senior governors, dealing with contentious gatherings with mild means, and opening the door for litigations and mediations are important safety valves and early warning systems. They are very helpful in avoiding the siltation of vigor and easing the social tensions. And even though the outbreak of group incidents is relatively destructive to the social order, they can force the government to focus on the livelihood issues and people’s dignity and thus re-build a balance between interest groups after group incidents occur. For example, though the Guizhou

¹Long “Anyuanding: An Investigation of Beijing Cut-off Visits,” *Southern Daily*, September 24, 2010.

Province Wengan incident itself resulted in direct and severe social destruction and the local social stability was negatively affected, this incident also started the process of re-establishing the relationship between the government and the people, the police and the people, and the balance of interests.²

9.1.2.3 What Is the Relationship Between Contentious Politics and Social Unrest?

Do the current contentious politics, the vicious cycle of maintaining social stability, and the increasingly serious consequences of contentious politics set the scene for social unrest? In recent years politicians and academics have maintained that the increasingly serious social conflicts will lead to large-scale social turmoil. However, these arguments often lack in-depth analysis to support these claims.

Indeed, as Chap. 1 in this book points out, the current Chinese social conflicts are very prominent but the political stability has not been threatened to a considerable extent. The rapid development of the nation's economy provides resources to resolve social contradictions and the formation of an alliance among social elites offers social foundations for solving social conflicts and maintaining social stability. Therefore, the current development trend in Chinese contentious politics does not mean that the society is heading to a state of unrest. As suggested by Liping Sun, current Chinese society is facing a social decay problem rather than social stability or social unrest problem.³

9.1.3 The Double Impact of Contentious Politics on Political Democracy and Political Opportunism

Village elections have been an important result of the Chinese rural political democracy since the economic reform. However, people often ignore the impact of non-institutional contentious politics on the rural political democracy. Farmers' contentious politics are an interesting but risky political game the farmers play with the country: on one hand, the farmers constantly test their ability to "squeeze" additional compensation from the country while avoiding imprisonment; on the other hand, the country attempts to figure out how to minimize the number of concessions while still restoring social order. For the farmers, the boundary defines what can be said, what can be done, and what can be achieved. For the government the boundary is dictated by what must be solved immediately, what can be granted as concessions, and the timing of applying legal pressure. The boundaries on governments and farmer actions are not determined entirely by the governments or the farmers,

²See Qian et al. "Wengan Incident Reports," *Chinese News Weekly*, July 14, 2008.

³Liping Sun, *Chinese Society Is Accelerating Towards Decay*, http://new.21ccom.net/articles/zgyj/ggz/article_201001207550.html

nor are they determined by various provisions of policies or regulations. Furthermore, these boundaries are not rigid, but subject to change with negotiations (Ying 2001: pp. 319–320). Such an interactive process has formed political consultations with Chinese characteristics. The final outcome of contentious politics is the result of political consultations between the different sides and the power interaction from inside and outside of government. This interaction is also a bargaining process or an exploring process of “whether they can cross through the gray area” emphasized by O’Brien and Li (2009). To determine whether the gray area can be passed through, people have to learn through experience. As a result, the next contention will be carried out in a slightly different manner.

An important change in the solutions to social conflicts since the 1990s is the tendency “solve conflicts with money.” When addressing social conflicts, especially those with specific interests at stake, the government has started to apply methods based on interest to solve these problems. With the formation of a “stability maintenance fund” at all levels of government, they have begun to use compensation and subsidies to solve special cases that are “outside of law but inside of reasoning.” This trend of increasing concessions motivates the farmers to use contentious politics to bargain with the government.

However, this trend can also reinforce the negative impact of contentious politics as well, the issue of political opportunism. Since the so-called “buying safety” behavior actually lacks legal basis, its implementation relies on government officials’ personal judgment. Such government activities lack clear principle and normalization so at most times, social movements are used to solve other issues. When dealing with special cases that are “outside of the law, inside of reasoning,” the primary goal of government spending is only to seek case settlement. This will inevitably further the opportunistic behavior of farmers. Therefore, due to the lack of institutional material support, farmers will choose to issue both relevant and irrelevant demands to the governments during sensitive periods and in sensitive regions. The farmers also petition to force the government to make concessions under the pressure of maintaining social stability. This social stability pressure leads to and encourages opportunism. It not only significantly increases the cost of solving social conflicts but it also fails to promote social equality.

9.2 The Impact of Contentious Politics on Contention Participants

9.2.1 The Impact of Contentious Politics on Grassroots Participants

In addition to the social impact, contentious politics also has great influence on the contention participants, in particular, the grassroots participants who organize the contentions. The contentious politics can change participants’ views, beliefs, and social

networks. It can also affect participants' morals, thoughts, and social status (O'Brien and Li 2009). This effect is mainly observed in grassroots participants' future choice of contentious activities. There are three roads for grassroots participants.

9.2.1.1 Retirement

There are two cases of retirement. The first is to retire after success. A successful contention imposes a large amount of stress upon the participants. The grassroots participants not only experience mental and physical exhaustion but also place a burden on their families. Grassroots participants deeply understand the difficulty of suing governors. If participants aim to obtain compensation to raise their families or plan to make a living outside of town, they are less likely to get involved in contentious politics. The grassroots leader Shengping Wang analyzed in *The Story of the Dahe Dam* belongs to this type.

Another situation is to retire after facing frustration and despair. Some people believe that shoulders are not as strong as thighs, so if the relation network in the local government is too strong, no petition can make a difference.

However, retirement is not common among grassroots participants because in most cases, the rural social relationship network is very close. In this case, even if a grassroots participant wants to retire, he might not be able to. The two other roads discussed below are more common.

9.2.1.2 Continuation

There are two different manifestations for continuation. One is a re-development process of contentions by grassroots participants. This process is called "chain reaction of continuation." It is very hard to achieve success in contentious activities and the grassroots participants are often driven by vigor and insist on continuing their contentious activities despite initial failure. In this process, the grassroots participants are often suppressed. Thus, the major contentious goal for the grassroots participant is changed from demanding benefits to expressing the injustice of the treatments they received. Cases that involve the withholding of information, government corruption, or reconsideration are all much more difficult than cases that involve simple economic issues. Any case involved with people's rights is much more difficult to solve than the cases associated with economic benefits, regardless of whether the case requests the local government to investigate government officials' corruption and retaliation, or reconsideration. In most cases, grassroots participants have undertaken a path of no return. They have gradually evolved into petition specialists and their original lives, including their families, have been completely changed. We have clearly seen from Kewang Zhou how a 70-year old became a petition specialist. In 2009, two grassroots leaders of Shanyang, Kewang Zhou and Dingqiu Du passed away due to illness and poverty. Prior to their deaths they also placed their contentious activities above all other aspects of their lives.

Another manifestation is that the grassroots contentions have transformed from concrete contentions into an abstract struggle over basic rights. This process can be referred to as an “abstract enhancing continuation.” Grassroots participants start to consider problems of the most general civil rights according to their contentious political experience and sometimes propose ideas of political radicalism. The Hunan Province Hengyang grassroots contentions analyzed by Yu (2007a) belong to this type. However, this rather politically radical form of expression is not very common nationwide.

9.2.1.3 Standby

The most common situation is that contentious politics leads to a change in grassroots participants’ private lives. Though the contentions achieved success and the grassroots participants did not experience retaliation, they still enter a standby state. Chapter 5 in this book analyzed the characteristics and social factors for the two types of grassroots leaders who come forward and lead contentions. But after a difficult contention, for those grassroots participants that were neither imprisoned nor ambitious, why do they not return to their normal lives? Especially those that were suddenly “pushed” to the political stage, as with the second type of grassroots leaders, why were they willing to return to the turbulent and risky life of contentions?

There are two interpretations of this phenomenon. Hoffer proposed the first of these interpretations. Hoffer (1951) suggests that contention participants have grown tired of their old lives. They have lost interest in their normal daily activities and they are more willing to join a noble cause to obtain pride, confidence, and esteem. This interpretation relies on the belief that the contention participants have denied their identity and wish to recapture a sense of self through the support of a sacred cause. However, from the experience of Chinese rural contentions, those contention participants do not consider themselves losers but rather heroes. So Hoffer did not account for the “self-importance” of contention participants.

McAdam posited another interpretation. He pointed out in his research on the 1960s “Freedom Summer” movement that activists were exposed to new lives (inter-racial relations, common dwelling, more open sex), new political ideology, more radical and critical perspectives of the US government and therefore experienced a feeling of freedom which had a lasting impact on their lives. McAdam’s research is very enlightening because he observes that contentious politics has a profound impact on contention participants’ life style and ethics. Compared with Hoffer who emphasizes the individual, McAdam focuses more on organization. But in fact, the formal social movement organizations discussed by McAdam do not exist in Chinese rural contentions. As mentioned in Chap. 6, the Chinese rural contentious organizations are temporary and informal. The organizations are quasi political rather than political. Thus, it is very difficult for the grassroots participants to have long-lasting connections to these organizations. It is hard to imagine such politically intended and informal contentious organizations that lack long-lasting connections to have a strong impact on the life styles and ethics of contention participants.

We agree with Hoffer's emphasis on "individual," but we cannot apply his "self-detest" idea to the Chinese rural contentious politics participants. We also agree with McAdam's idea about contentious politics' impact on contention activists' life styles and ethics, but his emphasis on contentious organizations is not applicable to the Chinese situation. The contentious politics in rural China have shaped the personal temperament of grassroots participants leading to the "heroic spirit." Regardless of whether the heroism is displayed in the contention process or continues after the contentions end, this spirit dominates the lives of grassroots participants in the form of relatively autonomous ethics (Wu 2010).

Chapter 5 in this book examined the characteristics and social factors behind the rise of heroism in contentious politics. In Chap. 6, we discussed the reproduction system of heroism in contentious politics. From the perspective of the effects of local governments, this re-development system states that the suppression the grassroots participants suffered actually strengthened their determination and courage to fight. The suppression also draws the grassroots participants to the government's side actually tested the grassroots participants' spiritedness and sense of justice. From the perspective of the effects of normal participants, grassroots participants' insistence on fighting can help them obtain recognition and superior social status and the grassroots participants' exit from the contentions would leave them with a reputation of betrayal. Thus the grassroots participants try to maintain their heroism and moral image. Finally, from the perspective of the internal effects of grassroots participants' community, this reproduction system is that the spirits among the grassroots participants and the idea of following the courageous grassroots leaders have formed a special atmosphere: never compromise.

Then, when contentions end how do participants maintain their heroic self-image? Actually it can be said that the above three factors have been driving the operational inertia of the heroic spirits.

For local governments, the end of contentions does not mean an end of the attack on grassroots participants. Instead it represents a new beginning. Local governments often consider grassroots participants who have attended at least one contention "trouble makers," and the rectification of "trouble makers" is not very convenient during contentions. The governments can often find better excuses to attack "trouble makers" after contentions end. For example, we can see from the *Story of the Dake Dam* that the major leader Mr. Xu upset the town government with his petition and faced retaliation under the guise of punishment for "excess children" (Ying 2001: pp. 79–80). Therefore, the grassroots participants must maintain a high degree of vigilance for the local governments' possible retaliation. Sometimes they only maintain their mobilizing ability through contentions in order to better protect themselves. In addition, for the grassroots participants, their persistence does not bring only pain. If they can successfully reverse the situation that drives their confrontation with the government, they can experience tremendous joy.

For normal farmers, the support from grassroots participants increases their confidence and acts as proof of their "self-importance." The "self-importance" can be reproduced consciously or unconsciously after the contentions end. In other words, in order to acquire a more solid social status, the farmers must insist on contentions.

The grassroots participants who have already been included in conventional politics (elected as village cadres or local deputies of the NPC) can be pushed forward by the “heroic spirit.” For example, the major grassroots leaders in Qingshan Village were elected as village cadres during the contention. After they successfully won compensation for their lands, they led the villagers to sue against the local government.

Lastly, for the community of grassroots participant, the end of contention is usually the dissolution of a temporary grassroots organization. However, this does not mean that the grassroots participant community will disappear forever. On the contrary, the effect of this contention can make grassroots participants, especially the grassroots leaders, famous and thus creates opportunity for them to get acquainted with similar populations from neighboring villages. Though the grassroots participants with similar experiences will not form an organization, they do tend to form a relation circle. This circle gradually extends to a particular lifestyle that members exchange information about, share resources, and stay in touch with friends. In such a circle, courage is naturally admired. For example, we found a contention activist named Bingshan Wang in our field experiment in S Province. He rode an old motorcycle with a sharp and long-handled ax on his bike rack (Wu 2010). To meet friends with an ax is a distinctive portrayal of the ethics in this circle.

Of course, the grassroots participants’ heroism can sometimes degenerate into a self-exclusive intoxicated state unable to provide public assistance. Even if the grassroots participant community which is built upon heroism establishes a public assistance system, the over emphasis on “self-importance” can lead to boasting and infighting (Wu 2010). Meanwhile, such heroism often makes it difficult for grassroots participants to understand their social status or establish a balance between contentions and daily lives. The grassroots participants become anxious and their lives become dramatic.

9.2.2 The Impact of Contentious Politics on Other Farmers

For normal participants or observers, they are less affected by the contentious politics than the grassroots participants. But they are still affected by contentious politics and the impact includes the following three aspects.

First, by successfully participating in contentions, most farmers recognize that human rights and dignities are not given but are obtained through struggles. The success of contentious politics can motivate them to learn to fight, learn lessons from past contentions and study contention techniques, and enhance their confidence. These people may then become basic force for the next contention. The spillover effects of contentious politics in the community allow people to change their political views and gain courage to participate in the contentions. Therefore, a social and political pressure is formed that is conducive to maintaining farmers’ basic rights and dignities.

Second, when contentious politics are defeated, though farmers are frustrated, they will still support or protect the grassroots participants to show their unyielding

attitude towards the governments. For instance, when the Ping County police tried to arrest the Liu couple who argued with county officials, the migrants gathered together to help the couple. Though the Shanyang contentions suffered from government attack, when the grassroots leader Kewang Zhou was released from prison, the local farmers spontaneously organized a large welcoming event with firecrackers and banners. This party represented another potential mobilizing event.

Lastly, in the places where contentious politics arises, the grassroots participants usually advance and fill the breach left by fallen comrades. When the first type grassroots leaders are imprisoned, the second type grassroots leaders come forward and replace them. When both types of grassroots leaders are under attack, ordinary people will become contentious activists under the influence of contentious culture and political suffering. We can clearly see this in the Shanyang contention relay.

Chapter 10

Summary and Discussion

Regardless of the particular form it takes, collective peasant violence is structured in part by a moral vision, derived from experience and tradition, and the mutual obligations of classes in society. The struggle for rights that have a basis in customs and tradition and that involve, in a literal sense, the most vital interests of its participants is likely to take on a moral tenacity which movements that envision the creation of new rights and liberties are unlikely to inspire.

—James Scott *The Moral Economy of Peasant: Rebellion and Subsistence in Southeast Asia*

Trees live on their skin, people live on their vigor.

—Proverb

This book starts with the perspective of vigor to analyze contemporary Chinese rural contentious politics since 1990s and its several changes. Here we will conduct a summary and discussion.

10.1 The Significance of Vigor in Understanding the Contemporary Chinese Rural Contentious Politics

Vigor is a unique concept in understanding social activities in rural China. Vigor is a concept with great flexibility in the rural tradition. It is the fundamental driving force for Chinese people to get rid of difficult living conditions, pursue social dignity, and achieve moral personality in the relationship-driven society. It combines the passions of instinct and rationality, and justice and interest. Vigor as a daily life concept has a unique meaning in analyzing contemporary Chinese rural contentious politics.

10.1.1 The Significance of Vigor in Understanding the Nature of Contentious Politics

The academia generally believes that contentious politics starts with the infringement of interests and rights. Hence, contentious politics in the Chinese context is often referred to as the “rights struggle” and “safeguarding rights.” The studies in this book suggest that though farmers are very sensitive to harm to their material interests, this sensitivity is generally not shown in group contentious politics. In *Weapons of the Weak* Scott criticized peasant politics’ emphasis on rebellion and uprising rather than the importance of peasant resistance in normal forms. And their resistance of avoiding collective direct provocation is the choice for most farmers (Scott 1985). Group contentious politics in contemporary China is mostly a legal contention that does not constitute a fundamental challenge to the legitimacy of political powers like rebellion and uprising. However, under the background of “stability overriding everything” and the increasing stability pressure, farmers’ legal contentions are still considered a direct provocation of local governments’ authority and political achievement and therefore are seriously suppressed. Thus, the farmers have to consider the heavy price they will have to pay before they begin group contentions. In other words, though farmers’ group contentious politics originated with material interests and rights, the connection between contentious politics and farmers’ interests and rights is not direct or crucial in most situations.

On the other hand, when applying “vigor” to demonstrate that group contentious politics is associated with suppressed emotions, hurt feelings, and insulted personalities, we are not saying that contentious politics is entirely dominated by emotions. On the contrary, we should note that from the point of legal contentions, farmers’ goal in contentious politics is very limited. They require compensation for their material interest; they use rational means to exert mild pressure to the local governments. In other words, though the outbreak of farmers’ group contentious politics has overall and cumulative characteristics, their goal is self-limited. Only in some special contentious politics, such as group incidents, can we see situations completely out of control.

Coser (1956) once made a distinction between two conflicts based on Simmel’s idea: one is a realistic conflict and the other one is an unrealistic conflict. Realistic conflict pursues specific results while unrealistic conflict aims at releasing tensions. However, to view Chinese rural group contentious politics from the perspective of vigor, we found that it has the characteristics of both realistic and unrealistic conflicts. The personality conflict and emotional confrontation are the key to starting and continuing the contentious politics, but the goal of contentious politics is generally limited to material interests and rights.

10.1.2 Understanding the Process and System of Contentious Politics with the Perspective of Vigor

Using the perspective of vigor can help us better master the process and system of contentious politics. A group contention can be divided into four or five stages.

The first stage is the condensation of vigor. We can see the cumulative characteristics of the origin of farmers' contentious politics in this stage. Due to the effect of some structural factors on the market transition, farmers are a vulnerable group that continues to suffer from interest infringement. Though this harm does not directly cause the farmers' group contentions, it intensifies the pressure to conduct contentious politics.

The second stage is the initial release of vigor. We can see the opportunistic characteristics of the outbreak of farmers' contentious politics. The accumulated high pressure will break out in the form of contentious politics. But such an outbreak requires specific conditions, including farmers' desperation and indignation and the basic resources, traditions, and labor for contentions. It is worth noting two points: one is that the origin of farmers' contentions is not interest infringement in the general sense. It is instead the infringement on survival ethics and justice (Scott 1985). Another point is that the key factor in the rise of farmers' contentions is the grassroots participants, especially the grassroots leaders. The special personalities of grassroots leaders are indeed the manifestation of the cumulative characteristics of contentious politics in individuals.

The third stage is the re-pressurization of vigor. This stage is the crucial part in the whole process of contentious politics. When vigor is released at the first stage, it basically concerns interest, and the situation is still under control. The grassroots participants would not fight at this point. But in the third stage when vigor is re-pressurization, the local governments' attacks have already hurt grassroots participants' safety and dignity, and the grassroots participants have to fight against the local governments. Thus, the material conflict is added to the emotional confrontation, and the domination of the emotional conflict allows the contentious politics to carry on. This is also the "attack and rebound" mode discussed in this book.

The fourth stage is the guidance of vigor. Though the contentions led by grassroots participants have the characteristics of emotional confrontation, such contentions are not radical. On the contrary, such vigor that is seriously suppressed receives careful guidance at the time of release. The contentions are limited in both the specific objectives and the means. They have to rely on rational, favorable, and organizational struggles. But such guidance might not be able to allow the vigor to continue, so sometimes, the contentions will go on to the fifth stage.

The fifth stage is when the vigor is out of control. When the grassroots participants are completely suppressed, and their material interest compensation problems are not solved, those farmers without leaders among them will become very aggressive. The moderate vigor will evolve into the "field" that is out of control and the group incidents will arise.

10.2 The Change in Rural Social Stability Problems Since the 1990s

As discussed in the beginning of this book, the social stability problems since the 1990s have become the central problem of governance that can affect the transformation of the Chinese society. Under this situation, what kinds of changes have

taken place in the rural contentious politics and the government's work in maintaining social stability?¹

10.2.1 The Change in Rural Contentious Politics

10.2.1.1 The Goal of Contentious Politics

Since the 1990s, there are two aspects of change in the goal of rural contentious politics.

The first change is that the center of problems shifts from tax burden to land issues. Since 1990, the central government has started to reduce farmers' burden. This work has gone through three stages. The first stage was from 1990 to 1999 when the central government focused on solving the problems of fees, penalties and other issues for farmers outside of the national tax. However, the phenomenon of increasing the burden for farmers was not eliminated, and thus farmers' contentious politics due to tax burdens reached a peak in the mid and late 1990s. Since the twenty-first century, the central government's work on reducing farmers' burden entered the second stage which was to conduct a tax reform. The farmers would not pay any extra fee other than the 7 % agricultural tax and the 1.4 % additional agricultural tax. In 2006, the agricultural tax reform entered the third stage which was the complete abolition of agricultural taxes. At this point, the contentious politics wave due to the agricultural tax burden came to an end.

But while the tax burden was gradually solved, the land problem became increasingly prominent. The tax distribution reform in 1994 brought enormous difficulty for economic development, as local finance relied mainly on the growth of township enterprises. As a result, the local governments started to decouple from the local businesses. The tax reform eventually exhausted the local governments' finance since the local government had always made money through the tax burden on farmers. However, this did not change the nature of stakeholders for the local governments. As the problem of the shortage of industrial land in the market-oriented reforms became prominent, the local governments found a new way to increase their income, which was to force farmers to sell land to the governments at very low prices and then the governments would sell that land at extremely high prices to the developers (Zhou 2007). The rapid urbanization in the eastern regions and the development mode of "maximizing hydropower potential" in the western regions are the manifestation of land issues. Since land is the farmers' lifeblood and is the bottom line of farmers' survival, the unfair compensation by the local governments led to a new wave of contentious politics.

¹Here we will only talk about the change in Chinese rural contentious politics since the 1990s. In fact, the Chinese rural contentious politics has been consistent in several aspects in the past 30 years. We will not talk about the same characteristics here, please see Ying (2001: pp. 314–332) for a detailed analysis.

A second change is to the shift from interest infringement issues to potential interest infringement issues. Before the 1990s, the farmers' group contentions mainly were against the existing interest problem. But since the 1990s, farmers' group contentions have been not only for existing interest problems but also potential interest problems. The Silver River farmers' group contention against the hydropower station construction plan is a typical example. The rise of such cases is mainly because of interest and other means of dissemination that provide fast and open information delivery. The emerging social organizations also help the farmers to learn their potential experience earlier and more deeply. Therefore, the farmers become more sensitive to the interest problems.

10.2.1.2 The Driving Force for Contentious Politics

Since the 1990s, the driving force for contentious politics can be summarized as: more idealistic in the past but more opportunistic now. The most typical example for this change is the legal discourse analyzed in Chap. 7. Though the "honest official-corrupted official" and the "central and local governments" were the driving forces for contentious politics, under the huge pressure, the farmers' confrontation with the local governments became increasingly serious, and the farmers' trust in the senior government also dwindled. In the past, the "honest official-corrupted official" and "central government and local governments" came out of farmers' trust, but now it became more of a strategic consideration.

10.2.1.3 The System of Contentious Politics

Since the 1990s, the system of contentious politics has undergone the following changes.

First, the means of contentions became more varied. The most prominent change compared to the past is that litigation became an important means of rural contentious politics. This new means is usually used alternatively with group petition on the principle of pragmatism or opportunism.

Second, the organization became quicker and more responsive. Since the 1990s, with the popularity of the mobile phone, computer, internet, and photocopier, contentious politics has gone beyond the face-to-face traditional grassroots organization and achieved more convenient and timely organizational effectiveness.

Third, resource mobilization became more open to the outside world. Before the 1990s, the resources for rural contentious politics were mainly from the grassroots class themselves, and there was little foreign media or investment in rural contentions. But since the 1990s, with the acceleration of market transformation and globalization, the degree of openness and transparency of the Chinese society have significantly increased. A number of rural contentions were connected with outside support or received social organizational guidance or the media's attentions.

Fourth, the border of contentions showed discretization characteristics. Before the 1990s, rural contentious politics were mainly in the form of legal contentions with characteristics of “stepping on the line but never crossing it.” But since the 1990s, the pervasiveness of group incidents, especially the group incidents with interest unrelated objects, has become a distinctive feature of contentious politics. Though these group incidents have subtle relations with the law, they have crossed the border of the law and are currently considered more radical means.

10.2.2 The Change in the Government’s Work on Maintaining Stability

We have examined the petition system in Chap. 6, where we called the operation of the petition system from 1982 to 1995 the “stability and unity petition” and the operation since 1995 the “stability maintenance petition.” The division of the petition system can also be extended to the division of governments’ stability maintenance work. The earlier period could be called the “stability and unity political science,” while the latter period could be called “stability maintenance political science.” The stability maintenance political science and the stability and unity political science are consistent with each other without essential difference. But there are some important differences between the two in governance.

10.2.2.1 The Tension of “Pulling Nails” and “Making Concessions”

The three basic techniques to deal with petitions before the 1990s were “pulling nails (badingzi, 拔钉子),” “making concessions (kaikouzi, 开口子),” and “lifting lids (jiegaizi, 揭盖子)” (Ying 2001: pp. 324–327). These three means are still the basic ways to deal with contentious politics after the 1990s but the tension of “pulling nails” and “making concessions” reached an unprecedented intensity.

This is because on one hand, at this stage, social stability has risen to the overall problem where stability overrides everything; governments at all levels, especially the local governments, suffer from unprecedented pressure to maintain stability. The situation of stability is closely related to the grassroots officials’ political performance. Therefore, when the local governments lack other effective means to deal with the current situation, they have to rely on the technique of “pulling nails,” namely to attack grassroots participants to temporarily control the social instability. On the other hand, since stability work becomes more important, governments at all level have gained a larger maintenance fund so that they can “make concessions” when the instability is out of control, namely to use money to solve internal conflicts. The governments are actually able to use both “pulling nails” and “making concessions,” but ironically, the two means build completely different images of the governments and therefore deteriorate the stability situation in two directions. “Pulling nails” builds a negative image of the local government among the public

and strengthens the grassroots participants' determination to fight until the end. "Making concessions" builds a friendly image of the central government but at the same time inspires opportunism for the contention participants. In other words, the two means that governments use to maintain stability have put the governments in an awkward position: if they are not determined to solve the actual problems, they will aggravate the conflicts; if they are determined to solve these problems, they will bring about more conflicts.

10.2.2.2 The Contradiction Between Dynamic Governance and Institutional Governance

Since the 1990s, especially since 2003, the senior governments have taken a number of measures to deal with petitions and group incidents, among which "open door receiving" and "assigning leaders to complete cases in limited time" achieve the best results. However, these seemingly innovative ways still belong to the traditional dynamic governance, which is that governments issue commands to conduct political mobilization and gather and distribute resources to solve acute and sudden conflicts. The features of this governance include an executive-orientation and little concern with cost. But these ways often pursue a short-term effect and cannot constitute accumulation for institutionalization. Thus they often fall into the plight of "palliatives" (Sun et al. 2010: p. 14). And the government's routine governance relies on antiquated ideas with single means. The government fails to employ fundamental strategies that are reassuring.

10.2.2.3 The Opposition Between Executive-Orientation and Legal Governance

The Chinese construction of the administrative legal system has seen considerable progress since the 1990s, and administrative law has become a new means to deal with contentious politics. However, legal governance has not become the dominant means of governance and even its independence was greatly compromised. The "litigation political science" examined in Chap. 7 has constituted an important part of the "stability maintaining political science." The administration still occupies an absolute dominance in dealing with contentious politics, and administrative law is actually a political control (He 2010). As a result, the stable, rational, normative, and procedural treatment of law could not be displayed.

In general, since the 1990s, as unprecedented attention has been paid to maintaining stability and the central finance has increased; the resource space for the government to prevent social contentions and to deal with group incidents significantly expanded and more means have been applied. However, these resources and means are basically expedient. The rise of stability maintenance political science is a double-edged sword that can help control the spread of contentious politics but also contributes to the vicious cycle of "maintaining stability causes instability."

The higher the cost of maintaining stability, the less calm the government's mind is and the more the effect becomes more trivial. If stability work did not go through a strategic change, the future stability maintenance would become even more severe.

10.3 Extended Discussion

Many Western scholars have placed a lot of expectations on the growth of civil society, the expansion of civil rights, and the casting of citizenship in their study of the operation and consequences in Chinese contentious politics (see Zwieg 2003; Goldman 2005; O'Brien and Li 2006). The analysis in this book suggests that those expectations are just wishful thinking. The relationship between Chinese rural contentious politics and the political authority is not a simple confrontation. If the collective petition acts are in accordance with the rules formulated by the state, the state would not prohibit it and in some cases might even encourage it. This argument would also hold true even in the high pressure of stability maintenance political science. As Perry (2008) suggests, the perspective of "awareness of rights" commonly employed by Western scholars is not appropriate in Chinese contentious politics. She suggested that the "awareness of rules" that is consistent with the Chinese traditional culture should be applied to construct the framework of Chinese contentious politics. The reason we use "vigor" to establish the framework of Chinese rural contentious politics is to distinguish it from the Western rights perspective. But there are several issues that are subject to future discussion.

First, what is the relationship between Chinese rural contentious politics and the democratic transformation? Most Western scholars believe in a direct relationship between social contentions and the democratic transformation. Though we do not agree with equating Chinese rural contentious politics to civil politics in the modern sense, whether contentious politics is complexly related to the civil politics and the democratic transformation is still under discussion. Chapter 9 in this book also addresses this problem.

Second, also under the context of social transformation, what are the important differences between rural contentious politics and urban contentious politics? Though the two are similar in the contentious goal, technique, and system, do external organizations more profoundly affect urban contentious politics? Do urban contentious politics involve more intellectuals? Is urban contentious politics closer to citizen movement?

Finally, what are the similarities between contemporary Chinese rural contentious politics and class politics? There has been a lot of work done on contemporary Chinese workers' (including migrant workers') contentious politics with the perspective of class politics. Then is the perspective of class politics applicable to farmers' contentious politics? This is also a question worth considering.

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