

Hongping Lian

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# The Relationship between Land-lost Farmers and Local Government in China

Integration, Conflict, and Their Interplay

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# Chapter 1

## Introduction

### 1.1 The Topic

Sociologists interested in China often refer back to Liang Shuming, a Confucian social reformer of the 1920s and 1930s, in order to make the point that at its heart Chinese society is relationship based (King 1985: 63, 1991: 65; Alitto 1986). Drawing on this idea, the primary objective of the present study is to construct a systematic understanding of the relationship between land-lost farmers and local government officials in China in the process of land expropriation and the large-scale displacement of farmers from rural collective land. There are several reasons, including theoretical, ethical, methodological and practical reasons, for this analytic logic.

To begin with, the present study, like other political sociological studies, can be viewed from a power perspective. The perspective of seeing power as all-encompassing allows us to re-conceive both domination and resistance as possessing their respective influence over the other side in the relationship between farmers and the state's officials. Indeed, from Foucault's (1980) point of view, the investigation of any kind of power should be carried out at the micro level and at the margins between it and other forms of power; only then can we truly understand how power is realised. This means that, when studying the power relation between land-lost farmers and local government, we should examine how ordinary people make contact with the people representing the regime, and how the people representing the regime make contact with the subjects the regime attempts to administer. Consequently, any examination of the relationship between these two sides of governance, as applies in practice in a specific locality, is first of all, in theoretical terms, a micro-level analysis of the operation of power.

Second, on the basis of Kantian division of fact and value, ethical considerations in the study are guided by Mannheim's (1991 [1936]) sociology of knowledge, which champions a science of politics or a mode of sociological inquiry of 'reality' that is free of ideological and utopian distortions. From Mannheim's perspective,

the main source of mental distortions for modern subjects is their political beliefs. By ideologies, he means those ideas associated with ruling groups that blind ordinary people to knowledge and ideas that would threaten these groups' continued domination and which helps stabilise their understandings of the world in a way that reinforces the prevailing social order. Conversely, by utopias, he means that oppressed groups selectively perceive only those elements which tend to negate the prevailing social order. In this light, Mannheim expects the intelligentsia which is an 'unanchored, relatively classless stratum' to realise the truth by creating a 'dynamic synthesis' of the ideologies of other social groups. Mannheim's (1991 [1936]: 137) formulation will be important to my attempt to understand the relationship between land-lost farmers and local government (officials) who in turn represent two distinct political groups.

Third, from a methodological perspective, social researchers and especially sociologists should first and foremost show respect for research subjects' points of view. As suggested by the research paradigm of *Verstehen* (interpretative understanding), introduced into sociology by Weber and Simmel an outside observer should institute a systematic interpretative process in order to interpret subjects on their own terms and from their own viewpoints, rather than interpreting them from the researcher's own cultural perspective. In other words, social scientists should access and evaluate such 'first-person perspectives' as how people give meaning in their lives to the social world around them (Weber 1949). By the same token, in Blumer's (1969) interactionist point of view, sociological researchers should respect the original appearance of the empirical world from the standpoint of respondents; without doing so, he argues, our presupposed thoughts are likely to dominate the investigation and we might mistake our own assumptions as the outcomes of the investigation. Therefore, when studying a specific social relationship, and the interplay therein between actors, such a methodological principle should be followed by any means.

Finally, there are also realist considerations. Issues and challenges raised by land expropriation in the Chinese context are all-encompassing and may not be easy to address. The issues are deeply rooted in institutional, fiscal, and administrative frameworks. Hence, the relationship between land-lost farmers and local government is highly complex. It is widely held that resolving conflicts with land-lost farmers is a fundamental requirement for social cohesion, and a harmonious society, but a necessary requirement for that resolution is a full understanding and an acknowledgement of the problems concerned. It is, after all, a major tenet of social scientific thought that problems can only be addressed if we have an understanding of the sources from which they arise. Therefore, the study of this relationship between land-lost farmers and local authorities has profound practical as well as theoretical meanings.

However, it is not easy to explore such a topic in China, since it is politically sensitive. Political sensitivity rests with the deeply held view that the state must be strong and vigilant, which means representing land-lost farmers' actions in negative terms, and treating them as a factor which threatens to undermine social stability. This presents challenges for Chinese academia, who out of political considerations

usually view the topic as a restricted area. There are often discussions about the practicalities of policy implementation within existing institutional frameworks but less wider theoretical debate. Due to the perceived risks involved to careers and credibility, Chinese researchers focus on evaluating relevant policies and suggesting their possible improvement (e.g. Liu 1996; Ho 2001; Lu 2003; Ding and Knaap 2005), identifying problems encountered by land-lost farmers and demonstrating sympathy for their situations (e.g. Li et al. 2001; Guotu Ziyuanbu Zhengdi Zhidu Gaige Yanjiu Ketizu 2003; Liao 2005; Zhai and Xiang 2012), and calling on the government to give more attention and more resources to land-lost farmers (e.g. Guojia Tongjiju Nongdiao Zongdui 2003; Lu and Ye 2005; Wei and Wang 2008). Even the little that has been done in theoretical terms has focused on constructing interpretative frameworks and typologies, rather than in-depth sociological analysis. There is a need for systematic research that maps out and analyses the whole context to the relationship between land-lost farmers and local government in depth. That is the aim of the present study.

## 1.2 Background: Urbanisation

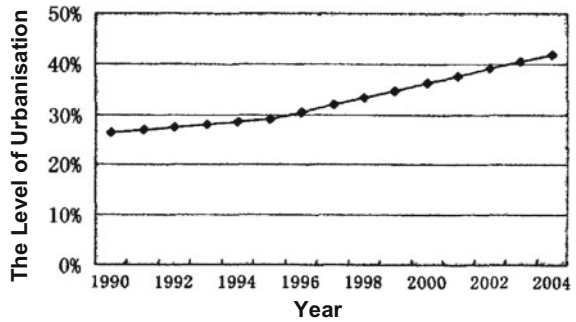
The study is set against the backdrop of the tide of urbanisation in present-day China. The pace of change in Chinese cities can be readily felt. China boasts one of the world's fastest growing economies, some of the most vibrant cities, and is among the most dynamic real estate markets. All of these are underpinned by rapid urbanisation.

Urbanisation is an inevitable stage of the developmental sequence of any modern society. It is estimated that by 2030 the global urban population will reach about 4.9 billion and the proportion of the total population living in urban areas will rise to 59 % compared with 43 % in 1990 (Population Division of the Department of Economic and Social Affairs of the United Nations 2009). The historical trajectory of urbanisation around the world suggests that when the urbanisation level<sup>1</sup> of a country or region reaches about 30 %, the process of urbanisation increases rapidly thereafter. From Fig. 1.1, we see that the urbanisation rate in China grew modestly during the first half of 1990s, but from the mid-1990s onward, it has climbed steadily upwards.

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<sup>1</sup>Urbanisation level is a quantitative indicator. In a narrow sense, it equates to the urbanisation rate, which refers to the proportion of people living in urban settlements among the population of the area concerned. In a broad sense, a more comprehensive evaluation of the urbanisation level of an area includes the following elements: the urban proportion of the population, the proportion of the school-age population entering secondary education, the number of doctors per ten thousand people, GDP per capita, the proportion of urban tertiary industry accounting for GDP, the length of urban road per capita, piped drinking water supplies, urban residential housing per capita, public green land per capita.

**Fig. 1.1** Development of Urbanisation in China, 1990 to 2004. *Source* Derived by the author according to data from 2005 China Statistical Yearbook (National Bureau of Statistics of China 2005: 93)



Rapid urbanisation demands land for urban infrastructure, employment placement, and housing. The demand for land is most often met through urban encroachment into rural areas. The bulk of land comes from land previously used by farmers.<sup>2</sup> Historical research finds that 1.33 million ha of high-quality agrarian land<sup>3</sup> was taken for industrialisation in Japan over a thirty year period from 1950 to 1979 (Zhang et al. 1987) and more than 300,000 ha of farmland was expropriated for the construction of cities in Canada over a twenty year period from 1966 to 1986. In China, more than 52 % of construction has also taken place on farmland, with a total of 4.7 million ha of farmland converted to urban uses in the twenty-five year period from 1978 to 2003 (Shanxi Agricultural University 2009). Waves of ‘land-encirclement’ are evident all over the country.

Owing to socialist land ownership regulations in China, which prohibit development on non-state-owned land,<sup>4</sup> land expropriation is the primary means used by

<sup>2</sup>‘Farmer’ is used more and more frequently than ‘peasant’ by sinologists, and so does this study. Zhou (1996) dubs the people seen as the motivating force and the creative source of China’s extraordinary liberation of productive dynamism as ‘farmers’, a term that conjures up images of market-oriented, hard-headed economic actors. In contrast, the conventional term ‘peasants’ seems to mark out a traditional group trapped in their traditional ways and the objects of history-making action by others. Zhou has said: If ‘peasant’ means a subsistence farmer who does not sell goods or services on a local, national, or international market, then this term ... is no longer appropriate to describe Chinese farmers even those living in the most remote regions. For a discussion on the misuse of the word ‘peasant’, see Cohen (1993).

<sup>3</sup>In this study, the term ‘agrarian land’ is used interchangeably with ‘farmland’ or ‘cultivated land’. Chinese authorities define agrarian land as farmland which is ploughed constantly for growing crops, including land under cultivation, land that is newly cultivated in the current year, farmland left without cultivation for less than 3 years and fallow land in the current year, rotation land, rotation land of grass and crops, farmland with some fruit and other trees, and vegetable fields, cultivated seashore land, lake land etc. Ditches, roads, and ridges between agrarian fields that are less than 1 m in width in southern China or less than 2 m in width in northern China are included in ‘agrarian land’. The land of mulberry fields, tea plantations, orchards, nurseries of young plants, forest land, reed land, natural and manmade grassland and other land are not included in the category of ‘agrarian land’ (See, National Bureau of Statistics of China 2001: 397).

<sup>4</sup>Art. 43, Land Administration Law of People’s Republic of China (2004), [http://www.gov.cn/banshi/2005-05/26/content\\_989.htm](http://www.gov.cn/banshi/2005-05/26/content_989.htm). Accessed March 30, 2011.

governments to procure the land required by rapid economic growth and concomitant urbanisation. According to official statistics from the Ministry of Land and Resources (MLR), 75 % of the land used for construction was acquired by government in this way (Guotu Ziyuanbu Zhengdi Zhidu Gaige Yanjiu Ketizu 2003: 49). It is this process—government expropriation of land—that brings the two parties considered in the present study into contact with one another.

### 1.3 The Two Parties Under Concern

#### 1.3.1 *Land-Lost Farmers: The Issue*

The rapid urbanisation of China has brought one particular group of people to the attention of the authorities and intelligentsia. They are ‘land-lost’ farmers.<sup>5</sup> These people have been transformed from peasant farmers—a social group who had long been cast as the mainstay and basis of Chinese society—into urban dwellers with a totally different lifestyle through the formal process of land expropriation. Under current social, political, and economic conditions, especially the transition from a centrally-planned to a market-oriented economy, land-lost farmers face uncertain livelihood and security prospects. On account of their often involuntary change of status, land-lost farmers tend to attribute most difficulties they face in their lives to the authorities. Therefore, land-lost farmers are seen as liable to cause trouble and social unrest. In face of this, the ‘issue of land-lost farmers’ has become a prominent concern of the authorities, who are involved in the resettlement, employment, registration (*hukou*),<sup>6</sup> schooling of children, medical insurance and other social welfare provision for land-lost farmers, on top of the management of their complaints and grievances.

#### 1.3.2 *Local Government: Its Operational Mechanism*

On the other hand, as the overseer of the arena in which any social engineering including urban development and land expropriation specifically takes place, it is

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<sup>5</sup>There are different definitions of ‘land-lost’ farmers. In broad terms, it refers to farm households whose collectively-owned cultivated land has decreased owing to various reasons. But the definition of land-lost farmers in this study is used in a narrow sense to mean the farm households whose collectively-owned cultivated land decreases as a result of governmental expropriation in the process of urbanisation.

<sup>6</sup>A *hukou* is a locality residence licence that allows the *hukou* holder to access social benefits as well as to access local public goods (including schooling) (Ding 2003). The household registration (*hukou*) system in China, which also acts as a background for the subject of this study, will be examined in more detail in Chap. 5.



local governments, rather than the central government in Beijing, who have to respond to diverse social problems engendered by the fact that so many farmers lose their land.

Nevertheless, the apparent in-built tendency of bureaucracy to exceed its purely instrumental powers should be noted. Burns (1980: 498) states that:

Government through appointed officials becomes, in practice, government by officials. The rationality, skills and experience which are presumed to make officials effective instruments of government can equally make them effective advocates for the preservation and extension of the powers they have.

Indeed, by being in the 'front line', the lower-level bureaucrat performs important functions for the bureaucracy as a whole. But as Dearlove (1973: 20) concludes, 'there are firm grounds for claiming that local authorities are by no means the passive agents of the central government but have scope to develop their own policies'. It is often the case that discretionary control over access to public goods lies not in the hands of the top policy-making bureaucrats, but rather in the hands of the lower echelons in the system; and the lower echelon a bureaucrat is in the more specific regulations can be interpreted by him/her to admit or exclude clients. Prottas (1979: 87) directs us to this point when saying that:

By categorizing citizens, the street-level bureaucrat 'conventionalizes' their characteristics for the agency. This is a precondition for bureaucratic processing. It is also the first step in the processing, and as such constrains and influences all later steps. In this way the street-level bureaucrat constrains contingencies that are important to clients. This is the kernel from which the bureaucrat's power grows.

The many services that local governments are called upon to provide give them vast resources, which may be allocated in various ways and it is exactly around this issue of allocative power that much local politics is contested (Elliot and McCrone 1982: 91).

Owing to its vast territory, local governments in China seem to have more power than their counterparts in other countries. According to Huang (1990 [1988]: 81), manipulation at local level has been manifested as a kind of tradition, deriving from longstanding practice:

Essentially, any imperial program of substance had to be broad in scope. When it was carried out by the bureaucrats in the rural areas, the uniformity of the standard usually exceeded the general feasibility to suit every situation. The provisions of course required that all persons in charge enforce the program to the best of their ability. Wherever a clause became impracticable, however, the data could be manipulated, and laws could be compromised or discounted.

Therefore, Chinese regional/local authorities not only have the power of implementing provisions worked out by the state, they can even distort central provisions according to their practicalities and also their own self interests. Under such circumstances, most scholars hold the opinion that there has been a good deal of popular agitation about the practices of the local authorities; and the problem of land expropriation has become the main point of social conflict in contemporary China. For this reason, they discuss and analyse its manifestation as conflict,

especially focusing on the difficulties encountered by (e.g. Li et al. 2001; Liao 2005) and resistance of land-lost farmers, the representative interpretative frameworks of which will be introduced below.

## 1.4 The Conflict

### 1.4.1 *The Development of Conflict*

Chinese urban development, with the accompanying process of land expropriation and the subsequent relocation of those displaced, is occurring during a transitional period from a homogenous and closed social structure towards one which is characterised by diversity and openness. This implies that urban development, which rearranges the spatial order by the principle of differential rent so as to maximise land/spatial interests, unavoidably meets with criticism about fairness and justice. During the process, out of the need of political stability and economic balance, central government plays the role of moral authority monitoring change. Thus, urban development that sacrifices fairness and justice and sets economic benefit as the primary objective has to confront the question of legitimacy from the very beginning. This constitutes one of the key perspectives for understanding the background to urban development in China.

In practice, public resistance and rights-interests-pursuing actions within the development process occur among different social strata of Chinese society. Here the land-lost farmers' resistance against government is amongst the most prominent, being referred to as a time bomb for the state (Woolcock 2006). According to published estimates, one-third to 40 % of all petitioners (urban and rural combined) complain about land issues (Zhong 2001), including illegal land expropriation and lack of compensation (Li and Lian 2008). Furthermore, a large number of such petitions seem without end as they continue for years after the farmers' land was expropriated. For example, farmers whose land was expropriated at the end of 1980s have had to petition the government for further compensation, as their original compensation sums have been used up within rapid economic change. Especially with unprecedented return migration to rural areas, land-lost farmers have been vehement in lobbying for their 'deserved rights'.

But the legal system occupies a relatively small place in the overall landscape of these disputes. Instead of formal legal recourse, the populace prefer appeals (*shangfang*). This is a popular means by which ordinary people confront the state, one expressive form that is entrenched in the public mind as a means of redress. Through appeals, the masses report their problems to authorities and ask for resolution of these problems. The appeals' process is institutionalised as the system of

'letters and visits'.<sup>7</sup> The system itself has undergone change (Zhao 2003) and representations have developed beyond appeal and disclosure to key agents of government into a great variety of organised and information-based forms of public appeal—such as sit-ins, occupation of roads and railways, besieging Party and government offices, and utilising the media in protests—in order to exert pressure on the authorities. With respect to appellate requests, requests for political rights are made when redress for economic losses have been unsuccessful, for example, initial complaints of inadequate compensation may develop into disclosures about the working methods, corrupt practices and the morality of government cadres, further developing into lack of trust of the whole institution of local government.

### 1.4.2 *The Interpretation of Conflict*

Within the Chinese context, academia tends to focus on the situation of land-lost farmers as regards their disadvantaged position and adversarial relationship with local government.

The farmers' 'struggle by law' as proposed by Yu (2004) is one of the most dominant interpretative frameworks at present.<sup>8</sup> It is based on Li and O'Brien's (1996) notion of 'policy-based resistance'.<sup>9</sup> 'Policy-based resistance' refers to farmers' recourse to national law and central policies in order to protect their political rights and economic interests from the infringement of local governments and officials. This form of resistance is quasi-institutionalised, with the aim of confronting local Party cadres' behaviour in perverting the law and central government's policies by appealing to higher authorities. In 'struggle by law', farmers' representatives build up a core of resistance through networks of social mobilisation. They directly challenge local government. Their activities represent a form of political resistance with the aim of declaring and establishing 'legitimate rights and interests' or 'civic rights' for farmers as a social group as a whole. Yu points out that changes have also been taking place in how farmers go about such 'rights-safeguarding' (*weiquan*) activities. Though appeal is still one of the most

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<sup>7</sup>According to the *Regulations on Letters and Visits*, it 'means that citizens, legal persons or other organisations give information, make comments or suggestions or lodge complaints to the people's governments at all levels, and the relevant departments of the people's governments at or above the county level through correspondence, e-mails, faxes, phone calls, visits, and so on, which are dealt with by the relevant administrative departments according to law.' Art. 2 (1), *Regulations on Letters and Visits* (2005), [http://www.gjxfj.gov.cn/2006-03/07/content\\_6399309.htm](http://www.gjxfj.gov.cn/2006-03/07/content_6399309.htm), Accessed May 13, 2011. The system is crucial to understanding land-lost farmers' relationship with the local authorities. Refer to later chapters, especially Appendix III, for the operational mechanism of this system of appeal through 'letters and visits', including its inherited nature from tradition.

<sup>8</sup>However, many conclusions drawn from my investigation are contradictory to Yu's point of view.

<sup>9</sup>O'Brien (1996) uses the term 'rightful resistance' which is later said by O'Brien and Li (2006) to be more suitable.

important forms of farmers' resistance, resistance also manifests as strengthened organisation and more initiative, including new forms of propaganda, sit-ins and demonstrations; thereby conflict is upgraded.

Nevertheless, to other researchers, such an interpretative framework suggests a simplistic evolution of farmers' responses, and that farmers' rights-safeguarding activities are politicised, which is at odds with experiences on the ground. In countering Yu's argument, for example, Ying (2007) analyses farmers' responses as a social group from the perspective of 'grass-roots mobilisation'. Ying points out that in China, actions which are construed as political, even if carried out by recourse to quasi-institutionalised methods, if they fall at all outside the formal legal system, immediately have to confront the predicament of their own legality in challenging the authorities. Therefore, farmers' responses are often characterised in practice by weak organisation and non-politicisation, and Ying's account may be more in line with the general condition of farmers' rights-safeguarding actions.

In the present study, I try not to frame conflict only as a pan-politicised dichotomy of 'democracy-totalitarianism', which differentiates the grass-roots land-lost farmers as representing the force of democracy from the government as representing the force of totalitarianism. Instead, I extend the analysis of land-lost farmers' responses to include the mutual relationship and interplay between them and local officials. Such a relationship is specified in a particular 'field' (Bourdieu 1992), which constitutes the basis for the existence of a 'network of power-interests structures' within rural society, and including its new derivative form within the rural-urban fringes of rapidly expanding Chinese cities. In this field, composed by formal hierarchies and informal connections, the 'network of power-interests structures' can exert influences on agents within it, and in turn, agents take actions based on these structures. Though local government's power may dominate economic and social life, it is also constrained by these structural networks. Both sides' understandings of and manipulation of the 'network of power-interests structures' are the topic of the present study. Land-lost farmers' and government officials' responses need to be considered from the perspectives of their own particular interpretative frameworks. The above-mentioned studies, as in examples provided by Yu and Ying, have been keen on constructing grand narratives without analysing the issue from the perspectives of both parties as their relationship is played out in particular communities. The analysis undertaken here combines concerns both for structure and agency and for the views from land-lost farmers and local government respectively.

## 1.5 Research Question

As Liang Shuming's widely-referenced assertion goes, Chinese society is relation-based. There are complex and overlapping relations between and among people, weaving a thick and tight social web (King 1991: 64). Against the background of such 'stock knowledge' (Schutz and Luckmann 1973: 99–182), the

present study concerns the relationship between land-lost farmers and local government.

In order to get a complete sense of the relationship between land-lost farmers and local government, the study takes the viewpoint of Levine (1991) in combining Simmel's (1950) emphasis on forms of interaction and Parsons' (1968 [1937]) emphasis on orientations and contents of action. Following Simmel, a relationship, like super ordination-subordination, is a form considered with respect to the kind of connection linking different statuses; a process, like conflict, concerns the kind of activity that goes on among the incumbents of those statuses. Nevertheless, I want to complement Simmel's perspective with that of Parsons, who believes that human actions possess some sort of meaning or relevance to human goals and interests; these meanings provide an actor's orientations, and a plurality of orientations of action constitutes a system of action.<sup>10</sup> Based on this, the present study seeks to answer a fundamental question:

What is the form and content of the relationship between land-lost farmers and local government?

Considering the forms of that relationship, I seek to understand whether there is any other characteristic of this relationship between the two sides apart from conflict as shown by the extant literature (Yu 2004; Yao 2006; Ying 2007; Tan and Tu 2009, etc.). Considering the contents of this relationship, namely orientations or motives, I seek to understand what motives the actions of both sides in this particular relationship. The contents of the relationship concern not only the static orientations by which each side is respectively driven, but also the dynamic process of realising such orientations. In this way, I take an approach of Simmelian-Parsonian combination,<sup>11</sup> not only lying in the form/content combination<sup>12</sup> but also lying in the static/dynamic<sup>13</sup> combination, which incorporates the pluralism of sociology (Levine 1991: 1111). Considering the particularity of this

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<sup>10</sup>Actually, according to Alexander (1988: 13), 'Every theory of society ... assumes an answer to the question, "What is action?" Every theory contains an implicit understanding of motivation'.

<sup>11</sup>As Levine (1991: 1114) argues, 'one can use a given principle, like forms of interaction or systems of action, in ways that take into account many of the facts and constructions highlighted by the other principles'.

<sup>12</sup>According to their respective frame of reference, Parsons neglects forms for contents while Simmel neglects contents for forms (Levine 1991: 1105).

<sup>13</sup>When Parsons discusses structure, he defines it as relatively constant features of a system of action, which is distinct from the system's dynamic or processual aspects. By contrast, Simmel provides analyses that could be formalised into a schema of pattern variables for the analysis of interaction structures, such as group size, social distance, vertical position, positive/negative sentiments, self-involvement, etc. That is, how many actors it involves, how close they stand to one another, the degree and type of vertical gradation they exhibit, the respects in which they are positively and/or negatively disposed to one another, how they claim the personalities of their members (Levine 1991: 1108-9). Such variables, it will be proved, are essential when analysing a particular relationship, especially in terms of the dynamic process.

relationship, there derives the fundamental hypothesis of the present study: its form and content is constructed by integration and conflict, and their interplay.

On the question of the relationship between the upper and the lower layers of society, most research and discussion by scholars pertains to conflict between them. Mainstream sociological concern and research of conflict can be traced back to Marx and Weber. While Marx analyses class conflict from the perspective of the ownership of the means of production, Weber's emphasis on the exercise of authority, namely domination, makes a greater contribution to the analyses of conflict which was undertaken for the present study. Following this logic, conflict theory especially Coser's (1965 [1956]) functional approach and Dahrendorf's (1959, 1968) dialectical approach, which grow out of Weberian perspective, will be utilised to understand conflict in the relationship between land-lost farmers and local government.

Study of integration can be traced back to Durkheim and Parsons, with the latter drawing largely on the former. They attach much importance to society or a particular social structure that acts as a system of active forces which determines the conduct of men and women in it. Critically on this basis, when asserting the duality of structure and agency, Giddens' structuration theory (1979, 1984, etc.) pays attention to the constraint of structure exerted on agents within it, as well as agents' rationalised actions. In this sense, encompassing both conflictual and consensual accounts, structuration theory supplements the present study with the analysis of the force of integration existing in the relationship between land-lost farmers and local government.

Therefore, in addressing the fundamental question for the study of the form and content of the relationship between land-lost farmers and local government, I am guided by Giddens' structuration theory as well as Weberian conflict theory (especially Coser's functional approach to conflict and Dahrendorf's dialectical approach to conflict). On this basis, the first research question for the study is:

In what ways do the forces of integration and conflict manifest themselves in the relationship between land-lost farmers and local government?

This first research question provides a *static* view of that relationship. But this study of the relationship between land-lost farmers and local government will not be framed within a static analysis alone. Rather, it is grounded in the basic tenet of conflict theory that roles situating in different statuses will strive for their particular interests (Dahrendorf 1959) as well as the emphasis of structuration theory on the initiative of agents. I hold the opinion that the two sides—land-lost farmers and local government—actively participate in this relationship, and thus move it forward. The theoretical construct of 'modalities'—comprising norm, interpretative scheme, and facility—from structuration theory (Giddens 1984: 29) will be used to analyse the dynamic interplay of agents in their contexts and with existing behaviour patterns. The second research question provides a *dynamic* view:

How do land-lost farmers and local government apply respective modalities in proceedings within the binary interplay?

Generally speaking, I am concerned most about institutionalised norms, including those established systems, policies, laws, etc., that set the foundation for the particular structure within which the relationship between land-lost farmers and local government takes place; further, the two sides do not just play out their relationship set against these norms, but generate their respective interpretations and put their respective facilities to play; and the norms undergo update; while the ongoing process of the relationship is reproduced.

Acknowledging Mannheim's (1991 [1936]) concern with a science of politics or a quest to discern 'reality' free from ideological and utopian distortions, the present study is committed to constructing thick description and neutral knowledge of the relationship between land-lost farmers and local authorities, for example by discarding the pan-politicised tendency. To this end, the perspectives taken by each side and the measures and responses they adopt, as well as strategies employed in the interplay, will be analysed. Through the process of analysing such interwoven matters, readers can come to understand how the relationship between land-lost farmers and the local authorities is manifested in two forms, as integration and conflict, and how they move that relationship forward.

## 1.6 Methodology

The study attempts to take a detached approach to analyse the relationship between land-lost farmers and local government. Furthermore, given the aim of the study, as well as being aware of Weber's research paradigm of *Verstehen*, the study attempts to not only give voice to the conventionally 'voiceless' but also to let actors on both sides of the relationship have their say.

Such an analysis of the relationship between land-lost farmers and local government entails the study of resistance which requires a more incisive methodology because of the difficulties in accessing informants and the reluctance of informants to participate. As Ortner (1995: 190) argues:

Resistance studies are thin because they are ethnographically thin: thin on the internal politics of dominated groups, thin on the cultural richness of those groups, thin on the subjectivity – the intentions, desires, fears, projects – of the actors engaged in these dramas.

In order to overcome such methodological difficulties, also due to the fact that detailed statistics concerning the expropriation of land and resettlement of land-lost farmers are not readily available, the present study utilises the ethnographic technique of semi-structured interviews and participant observation, guided by the

reflexive model of science,<sup>14</sup> and thus, the extended case method (Gluckman 1961; Van Velsen 1967; Burawoy 1998).

My fieldwork takes place in Changsha City, which is situated in central China. The fieldwork sites are comprised of three resettlement communities, among 24 that I have investigated in five districts and one municipally-directed development zone of Changsha. According to the latest official statistics, by the end of 2014, the immediate region around Changsha had an urbanisation rate of 72 %. Its selection as the study location was mainly out of the consideration of its central geographic location, giving it an average level of socio-economic development. In other words, compared to the coastal cities in the east and the less developed cities in the west of the country, Changsha could be seen as occupying an intermediate level of urbanisation, with average vigorousness of relationship between land-lost farmers and local government.

During my visits to the three resettlement communities in Changsha, I interviewed more than 150 land-lost farmers. Of these, 35 were 'active' in their communities, and known to people of the other communities too, so that these study participants were often mentioned by government officials and recommended by other land-lost farmers as key informants. The other 122 land-lost farmers were chosen at random<sup>15</sup> or by snowballing. I also conducted interviews with government staff responsible for land management at all local levels from the provincial to resettlement communities. Initially, I was reliant for information on the people to whom I was introduced by the local government cadres. It was clear that these were 'safe informants' who were chosen for outsiders to visit (*kaifanghu*). I understood that impartial access was not always guaranteed through such 'official' approaches. Thus, as time went by, I developed my own network of contacts in the field, apart from official contacts. The cadres' initial reserve toward me also wore off since they tended to open up after repeated interviews and discussions as I became a familiar face. In addition, whenever there was an open day for 'letters and visits' at various levels of local government, I spoke to the appellants and tried to observe as many of the interactions and exchanges between them and local officials as I could. I would then make detailed notes from memory when I was alone, as soon afterwards as possible. Though fieldwork in this form is arduous, as Burawoy (1998: 17) remarks, researchers may get a great deal in return, and so did I.

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<sup>14</sup>According to Burawoy, the reflexive model of science is 'a model of science that embraces not detachment but engagement as the road to knowledge' (1998: 5).

<sup>15</sup>They were those whom I came across in the resettlement communities and revisited on more than one occasion.



## 1.7 Outline of the Book

The aim of the study is to explicate the relationship between land-lost farmers and local government.

Chapter 2 sets out the theoretical basis for the study, which derives from structuration theory, and not only conflict-based perspectives. A review of existing studies on the topic highlights three themes: land and farmers, showing the significance of land to farmers; land ownership and urbanisation, which display existing institutional arrangements; farmers and authorities, providing a conflict perspective on each side's position. The chapter then turns to a discussion of the relevance of the structuration theory to the case study which was undertaken for the study, and how it can be incorporated into the analysis.

Chapter 3 explains the study's research design and methodology. This is a qualitative study, conducted by using the extended case method, and the techniques of semi-structured interviews and participant observation, along with documentary analysis and basic questionnaire survey. Accompanying an introduction to the case study location are the reasons for choosing the particular sites for fieldwork. Resettlement communities and government institutions were accessed, and both sides of land-lost farmers and local government staff were interviewed. The study was guided by the reflexive model of science. The latter half of the chapter is concerned with the practice of reflexivity in the whole process of research, including a discussion of the strengths and limitations of the research design and methods used.

Chapter 4 contextualises the fieldwork and analysis undertaken for the study by examining the setting in which the relationship between land-lost farmers and local government takes place. It is firstly concerned with the significance of localisation. Then the chapter moves on to discuss the norms which constitute the foundation of the structure within which land-lost farmers and local government find themselves, and work around to produce their actions and responses.

Chapter 5 looks at the perspectives of land-lost farmers and local government based on their respective circumstances, which constitute their interpretative schemes. I firstly present the standpoints of the land-lost farmers and local government officials respectively. And then I introduce the obstacles they respectively encounter. After looking at the 'problems' as seen from each side's perspective, readers will come to understand how and why either side come to think and act in their own particular ways, and how the particular interpretative scheme that each side uses draws upon and reproduces dimensions involving norms and sanctions (legitimation) as well as power and authority (domination).

Subsequent chapters examine the interplay between the two sides through their respective facility of power, focusing on the process of how they mobilise resources to bring their interests into play. Generally speaking, the interplay involves negotiation initiated on the part of both sides, though there is limited space for the weak side, land-lost farmers, to mobilise its insufficient resources. The usual situation is that the local authorities tolerate land-lost farmers' interests-striving activities, since

in the end, this is beneficial to reaching their own goal of urban development. Ultimately, disentangling the contradictions in the relationship between land-lost farmers and local government in contemporary China entails understanding the interaction between ‘interests-striving activities’, ‘bending the rules’ (*kaikouzi*) and ‘removing the snags’ (*badingzi*). I conclude by summarising the two sides’ capacity for facility of power in both structural and agential terms.

The final chapter sums up the key findings of the study, and it then discusses the applicability of structuration and conflict theories in analysing the relationship between land-lost farmers and local government. It concludes with directions for future research.

## References

- Alexander, J. C. (1988). *Action and its environments: Toward a new synthesis*. New York: Columbia University Press.
- Alitto, G. S. (1986). *The last Confucian: Liang Shu-ming and the Chinese dilemma of modernity* (2nd ed.). Berkeley: University of California Press.
- Blumer, H. (1969). The methodological position of symbolic interaction. *Symbolic interactionism: Perspective and method* (pp. 1–60). Englewood Cliffs, NJ: Prentice-Hall.
- Bourdieu, P. (1992). *The rules of art: Genesis and structure of the literary field* (S. Emanuel Trans.). Stanford: Stanford University Press.
- Burawoy, M. (1998). The extended case method. *Sociological Theory*, 16(1), 4–33.
- Burns, T. (1980). Sovereignty, interests and bureaucracy in the modern state. *The British Journal of Sociology*, 31(4), 491–506.
- Cohen, M. L. (1993). Cultural and political inventions of modern China: The case of the Chinese ‘peasant’. *Daedalus*, 122(2), 151–170.
- Coser, L. A. (1956[1956]). *The functions of social conflict* (Vol. 9). London: Routledge.
- Dahrendorf, R. (1959). *Class and class conflict in industrial society*. Stanford: Stanford University Press.
- Dahrendorf, R. (1968). *Essays in the theory of society*. Stanford: Stanford University Press.
- Dearlove, J. (1973). *The politics of policy in local government*. London; New York: Cambridge University Press.
- Ding, C., & Knaap, G. (2005). Urban land policy reform in China’s transitional economy. In C. Ding & Y. Song (Eds.), *Emerging land and housing markets in China* (Vol. 2, pp. 9–37). Cambridge, MA: Lincoln Institute of Land Policy.
- Ding, C. (2003). Land policy reform in China: Assessment and prospects. *Land Use Policy*, 20(2), 109–120.
- Elliot, B., & McCrone, D. (1982). *The city: Patterns of domination and conflict*. London: Macmillan.
- Foucault, M. (1980). *Power/knowledge: Selected interviews and other writings, 1972–1977*. In Gordon, C. (Eds.). (K. Soper, Trans.). New York: Pantheon.
- Giddens, A. (1979). *Central problems in social theory: Action, structure and contradiction in social analysis*. London; Basingstoke: Macmillan.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- Gluckman, M. (1961). Ethnographic data in British social anthropology. *Sociological Review*, 9, 5–17.

- Guojia Tongjiju Nongdiao Zongdui (Rural Investigation Chief Team of National Bureau of Statistics) (2003). Shidi nongmin de kunnan, xintai he xuyao jiejie de wenti (Land-lost farmers' difficulties, perceptions, and problems ought to be solved). <http://www.sannong.gov.cn>. Accessed August 22, 2016.
- Guotu Ziyuanbu Zhengdi Zhidu Gaige Yanjiu Ketizu (Land Requisition System Reform Research Project Group of Ministry of Land and Resources). (2003). Zhengdi zhidu gaige yanjiu baogao (Research report of the reform of land requisition system). *National Land & Resources Information*, 11, pp. 48–55.
- Ho, P. (2001). Who owns China's land? Policies, property rights and deliberate institutional ambiguity. *The China Quarterly*, 166, 394–421.
- Huang, R. (1990 [1988]). *China: A macro history (Revised ed.)*. In M. E. Sharpe (Ed.). NY: London: Armonk.
- King, A. Y. (1985). The individual and group in Confucianism: A relational perspective. In D. J. Munro (Ed.), *Individualism and holism: Studies in Confucian and Taoist values* (pp. 57–70). Ann Arbor: Michigan University Press.
- King, A. Y. (1991). Kuan-hsi and network building: A sociological interpretation. *Daedalus*, 120 (2), 63–84.
- Levine, D. N. (1991). Simmel and Parsons reconsidered. *The American Journal of Sociology*, 96 (5), 1097–1116.
- Liao, X. (2005). *Zhongguo shidi nongmin yanjiu (The study on Chinese land-lost farmers)*. Beijing: Social Sciences Academic Press.
- Li, B., & Lian, H. (2008). Zhengdi zhengce, quanli yishi yu zhengfu gongzuo celüe de tiaozheng —Jiyu C shi QY shequ shidi nongmin de diaocha (Land-expropriation policy, rights consciousness, and adjustment of governance strategy: Based on the investigation of land-lost farmers of QY Street, City C). *Exploration and Free Views*, 4, 47–50.
- Li, H., Waley, P., & Rees, P. (2001). Reservoir resettlement in China: Past experience and the Three Gorges Dam. *The Geographical Journal*, 167(3), 195–212.
- Li, L., & O'Brien, K. J. (1996). Villagers and popular resistance in contemporary China. *Modern China*, 22(1), 28–61.
- Liu, S. (1996). Zhanyou zhidu de sange weidu ji zhanyou rending jizhi (Three dimensions of the system of ownership and recognition mechanism of ownership). In N. Pan & R. Ma (Eds.), *Shequ yanjiu yu shehui fazhan (Community studies and societal development)*. Tianjin: Tianjin People's Press.
- Lu, Q., & Ye, X. (2005). Reflection on the arrangement and compensation for lost-land farmers. *Journal of South China Agricultural University (Social Science Edition)*, 2, 9–14.
- Lu, X. (Ed.). (2003). *Yanjiu zhengdi wenti tansuo gaige zhilu (Examining land expropriation problems: Reform path seeking)* (Vol. II). Beijing: China Land Press.
- Mannheim, K. (1991 [1936]). *Ideology and Utopia: An introduction to the sociology of knowledge (New ed.)*. London: Routledge.
- National Bureau of Statistics of China. (2001). *China statistical yearbook 2001*. Beijing: China Statistics Press.
- National Bureau of Statistics of China. (2005). *China statistical yearbook 2005*. Beijing: China Statistics Press.
- O'Brien, K. J., & Li, L. (2006). *Rightful resistance in rural China*. Cambridge: Cambridge University Press.
- O'Brien, K. J. (1996). Rightful resistance. *World Politics*, 49(1), 31–55.
- Ortner, S. B. (1995). Resistance and the problem of ethnographic refusal. *Comparative Studies in Society and History*, 37(1), 173–193.
- Parsons, T. (1968 [1937]). *The structure of social action*. New York: Free Press.
- Population Division of the Department of Economic and Social Affairs of the United Nations (2009). *World urbanization prospects the 2009 revision*. <http://esa.un.org/unpd/wup/index.htm>. Accessed May 14, 2011.

- Prottas, J. (1979). *People processing: The street-level bureaucrat in public bureaucracies*. Lexington, MA: Lexington Press Inc.
- Schutz, A. & Luckmann, T. (1973). *The structure of the life-world* (R. M. Zerner, & H. T. Engelhardt, Jr. Trans.). Evanston Ill: Northwestern University Press.
- Shanxi Agricultural University. (2009). Nongpu keti: Chengshihua jinchengzhong nongcun tudi zhuan chengshi yongdi liyi guanxi yanjiu (Agricultural project: Research on the interests relations of rural land turning into urban land uses in the course of urbanisation). <http://www.stats-sx.gov.cn>. Accessed August 22, 2016.
- Simmel, G. (1950). The metropolis and mental life. In K. H. Wolff (Ed.), *The sociology of Georg Simmel* (pp. 409–424). New York: Free Press.
- Tan, S. & Tu, S. (2009). The game theory analysis on the stakeholders involved in farmland-acquisition conflicts: Taking the local Government and land-lost peasants as an example. *China Land Science*, 23 (11), 27–31.
- Van Velsen, J. (1967). The extended-case method and situational analysis. In A. L. Epstein (Ed.), *The craft of social anthropology* (pp. 129–153). London: Tavistock Publications.
- Weber, M. (1949). *The methodology of the social sciences* (E. A. Shils, & H. A. Finch, Trans.). Glencoe Ill: The Free Press of Glencoe.
- Wei, X., & Wang, Y. (2008). Perfection of land expropriation system and protection of land-losing farmers' rights and interests. *Journal of Northwest A&F University (Social Science Edition)*, 8 (6), 1–4.
- Woolcock, M. (2006). Toward an economic sociology of chronic poverty: Enhancing the rigor and relevance of social theory. In *Proceedings of CPRC's 'Concepts and Methods for Analysing Poverty Dynamics and Chronic Poverty' Conference Working Paper 104*.
- Yao, C. (2006). Lost land farmers in the process of urbanization—System arranging and benefits conflicting. *Population & Economics*, 3, 61–66.
- Ying, X. (2007). Grassroots mobilization and the mechanism of interest expression of the peasants group: A comparative study of four cases. *Sociological Studies*, 2, 1–23.
- Yu, J. (2004). Dangqian nongmin weiquan huodong de yige jieshi kuangjia (An interpretative framework of farmers' rights-safeguarding activities at present). *Sociological Studies*, 2, 49–55.
- Zhai, N., & Xiang, G. (2012). Employment status, constraints and policy support of land-lost farmers in the process of urbanization. *Chinese Public Administration*, 2, 50–53.
- Zhang, W., (Comps.), et al. (1987). *Riben nongye dili (Agricultural geography in Japan)*. Beijing: The Commercial Press.
- Zhao, S. (2003). Shangfang shijian he xinfang tixi: Guanyu nongmin jinjing shangfang wenti de diaocha fenxi (Events of appeals and the system of letters and visits: The investigation and analysis on the issue of farmers lodging appeals in the capital). <http://www.ccrs.org.cn>. Accessed August 22, 2016.
- Zhong, Q. (2001). Farmers speak out. *Beijing. Review*, 32, 17–18.
- Zhou, K. X. (1996). *How the farmers changed China: Power of the people*. Boulder, CO: Westview Press.

## Chapter 2

# Literature Review and Theoretical Setting

According to the extended case method used in the present study, method and theoretical foundation are inextricably intertwined (Star 1989). In particular, method is built on ‘pre-existing theory’ (Burawoy 1998). Therefore, before examining the particular case under consideration, it is necessary to introduce the theoretical foundation to the study, which itself flows out of the extant literature.

In general terms, discussions of the issues confronting Chinese farmers, and especially land-lost farmers, in the extant literature can be categorised as follows: (1) consideration of the relationship between land and farmers, which examines the significance of land for farmers; (2) consideration of land ownership in the process of urbanisation, which examines the difficulties with institutional arrangements; and (3) consideration of conflict between farmers and the authorities. The following discussion of the literature seeks as its principal aim to develop factual<sup>1</sup> and conceptual bases for the empirical analysis presented in later chapters. From reading this literature, one can begin to understand why and how farmers have become caught up in a struggle with the Chinese local authorities. Existing literature on land-lost farmers emphasises conflict and resistance, hence it uses conflict and resistance theories.

### 2.1 Conflict Theory

Social conflict has been a central subject of social research ever since Marx and Weber. From the perspective of the ownership of means of production, Marx (1971 [1859], etc.) established the theory of class conflict on the basis of historical materialism. Those who follow the line of Marx, such as the Frankfurt School analysts, ascribe conflict as economic, where different classes have incompatible

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<sup>1</sup>Meaning the backdrop to extant literature and the research status quo in Chinese academia which is often limited to proscribed confines of set issues.

interests, thus they take criticism of existing social arrangements as their obligation. From a Marxist perspective, the main task for intellectuals is to engage in praxis, to combine political criticism and political practice, through which the society is bound to evolve into an ideal order where there is no conflict at all. However, I take the Weberian viewpoint that it is impossible for human society to evolve into perfect, conflict-free, and harmonious circumstances, which Weber thinks is a utopian fantasy. Conflict theorists deriving from Weber are against social analysis bearing value judgement, and among the different approaches that exist within conflict theory, Coser's functional approach and Dahrendorf's dialectical approach I see as offering most to my own analysis of the relationship between land-lost farmers and local government.

### ***2.1.1 Coser's Functional Approach to Conflict***

First of all, Coser inherits Simmel's emphasis on social forms, such that the society itself is a unified entity that accommodates contradictions of cooperation and conflict, inclusion and exclusion, and so on. In order to argue for his functional conflict approach, Coser (1965 [1956]: 7–8) advances the basic hypothesis that conflict does not bring down but reinforces the adaptation and adjustment of particular social relations or social groups.

According to Coser (1965 [1956]), the cause of conflict can be categorised into material and non-material relations. The material causes of conflict refer to distributional unevenness of power, status, and resources; and the non-material causes refer to inconsistency of value conceptions and beliefs. Coser thinks that the degree of seriousness of conflict depends on different degrees of interrelationship between social structure and emotions, values and beliefs.

In Coser's point of view, conflict may cause strengthening of social control. But what he emphasises is the positive functions of conflict, from which stems his discussion about a social safety-valve system. On the one hand, conflict can stimulate social reformation and cause social changes; on the other, conflict promotes the establishment and maintenance of distinctive groups; thus in his opinion there is external conflict and internal conflict. This approach can be seen as providing one perspective from which to evaluate the causes and possible functions of conflict happening between land-lost farmers and local government.

### ***2.1.2 Dahrendorf's Dialectical Approach to Conflict***

From Dahrendorf's (1959, 1968) point of view, conflict is generated from social status structure, thus he uses social structure to explain conflict phenomena. He focuses on conflict between groups arising from the authority structure of social association.

Some important concepts underlie Dahrendorf's dialectical conflict approach, including authority and authority structure, interests, quasi-groups and interest groups. He believes that such concepts can be used to describe and understand the specific social structure, and can also be used to explain the generation of conflicting groups, conflict forms and consequences. These concepts indeed play an important part in my evaluation of the conflict between the two sides.

Dahrendorf thinks that the study of the social structural elements that bring about conflict between groups should start with the concept of authority/domination, for which he draws upon Weber's definition, which treats domination as 'a special case of power' (1978: 53). In Weber's opinion (1978: 943), 'domination' does not only include 'domination by virtue of authority', that is, 'the probability that a command with a given specific content will be obeyed by a given group of persons'; but also 'domination by virtue of a constellation of interests' which confers influence over others who may still be motivated by their own interests. Based on this, Dahrendorf thinks that the basic analysing unit of social structure is social status, which manifests as of two different types in most social associations. One is of dominant status, and the other is subordinate status. The association of these two types of statuses is the most prevalent structural element and contains the structural cause of social conflict. Dahrendorf refers to this kind of association—in his terms, imperatively coordinated association—between dominant status and subordinate status as authority structure.

Dahrendorf explicates the concept of interests or in other terms, role expectation, which he regards as a kind of social-status-related expectation of the action inclination of status holders. Since there are two basic types of authority status in every imperatively coordinated association, there are accordingly two types of basic interests. The interest of the dominant role is to maintain the original authority structure and authority distribution; conversely, since no one is willing to be always situated in a subordinate status, the interest of the subordinate role is to change the status quo that restricts their access to authority. Through the concept of interests, Dahrendorf reveals the dialectical nature of authority structure. On the one hand, the authority structure is the legitimate relationship between different authority statuses; meanwhile, its legitimacy is subject to potential threat. So the legitimacy of the authority relationship is unstable and variable.

Based on these concepts, he analyses the transformation from quasi-groups to interest groups. In theory, this will happen of necessity but is not always true in practice. Thus, he goes on to identify the conditions that affect the formation of interest groups. He also analyses the conditions that influence the form that conflict takes. To do this, he distinguishes two dimensions to conflict, the level of violence and intensity. These evaluate the energy consumed in conflict, the level of involvement in its various aspects, and the various means taken to express anger. The interrelationship between authority structure and other structures of social status also has implications for conflict form. Such conditions that influence conflict form would simultaneously influence structural change. Dahrendorf's dialectical conflict approach provides a way to evaluate the causes and structure of conflict.

## 2.2 Land and Farmers

According to Coser's (1965 [1956]) statement about the material causes of conflict, the status of farmers first of all depends on their tight connections to land.

### 2.2.1 *Land as Property and Life Support System*

Social scientists have long understood that all economic objects—whether land, machinery or finished goods—have what are known as ‘use values’. According to Marx (1974 [1867]), use value or value in use is the utility of consuming a good; the want-satisfying power of a good or service. Use values reflect a mix of social needs and requirements, personal idiosyncrasies, cultural habits, lifestyle, and the like, which is not to say that they are arbitrarily established through consumer sovereignty. At their most basic, use values are basically formed with respect to what might be called the ‘life support system’ of the individual (Harvey 1973: 157–60).

Land has been the focus of policy debates among scholars, politicians and policy makers, partly because it is a peculiar good and partly because there is increasing scarcity of land due to rapid population growth and urbanisation. This is particularly so in developing countries. Weber (1946) recognises that urban land, housing, and other forms of real estate could be more than just items of consumption. Not only is land considered essential to the life support system of farmers in particular, but it also becomes a principal source of wealth and power (Mattingly 1993).

Land has a fixed location. It cannot be moved around and this differentiates it from other commodities such as wheat, automobiles, and the like. Absolute location confers monopoly privileges upon the person who has the rights to determine use at that location. Moreover, land is something permanent. Land and the rights of use attached to it, therefore provide the opportunity to store wealth. Many capital goods have this quality to them, but land and structures have historically been the single most important repository of stored assets (Harvey 1973: 157–8). Land is peculiar in a separate respect, however, for it does not necessarily require upkeep in order to continue its potential for use; there is, as Ricardo (2005 [1817]: 67) points out, something ‘original and indestructible’ about it.

Combining the above two aspects, farmers who are definitely associated with land have fixed lifestyles. The traditional property-holding unit has been the family that either owned the land or occupied it as tenant (for the state) (Eisenstadt and Shachar 1987: 128), with family ownership in capitalist societies, and on behalf of the state in socialist societies, of which China is a typical example of a collective ownership model. In socialist societies, where property rights remain unclear, problems, especially those concerning distribution, tend to arise. Despite all attempts to maintain a relatively equitable type of agricultural organisation, the major systems of holdings—equal allotments and so forth—usually break down



because of poorly applied policies of centralised administrations and the rapacity of officials who want to extend their properties and privileges and are thus not eager to enforce laws limiting their prerogatives (Eisenstadt and Shachar 1987: 128, 129).

When it comes to China specifically, farmers as tenants cannot prevent the state if it wants to take the land from them. The appearance of land-lost farmers, particularly as set against the increasing trend to urbanisation in China, therefore ensues. However, the consequences of such land expropriation can be profound. The impacts on displaced households can be far-reaching and long-lasting (Syagga and Olima 1996). Given that land represents not just a major source of income but also a way of life full of cultural and symbolic value (Li et al. 2001: 206), land-lost farmers find it difficult, even impossible, to contemplate life without land. Furthermore, in a society with underdeveloped pension schemes and insurance provisions, land provides security when getting old and can be used by dependants in their turn. Mainstream research in China reveals the negative influences of land expropriation on land-lost farmers' lives and livelihoods.<sup>2</sup> In Liao's (2005: 102–9) opinion, to farmers, losing land is acute, and it involves many losses: the sum of family wealth, a basic occupation, security, and the bases for both subsistence and the future.

### 2.2.2 *Marginalisation of the Peasantry*

According to Dahrendorf, farmers' interests are interdependent with their status. The nature of small-holding land also represents a chronic barrier to the release of productive forces. Such is the state of underdevelopment that degrades people working the land and gradually, erodes away their productive potential, and fixes their lowly status in society. Underdevelopment excludes, and therefore marginalises, those men and women directly affected by it (Sahli 1981: 489).

First of all, in political terms, as Marx (2001 [1852]: 130–1) states:

Each individual peasant family is almost self-sufficient; it itself directly produces the major part of its consumption... In so far as millions of families live under economic conditions of existence that separate their mode of life, their interests and their culture from those of the other classes, and put them in hostile opposition to the latter, they form a class. In so far as there is merely a local interconnection among these small-holding peasants, and the identity of their interests begets no community, no national bond and no political organisation among them, they do not form a class. They are consequently incapable of enforcing their class interests in their own name... They cannot represent themselves, they must be

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<sup>2</sup>See some investigations done by formal or informal organisations e.g. Zhejiang Provincial Bureau of Statistics: Zhejiangsheng Bufen Shidi Nongmin Shenghuo Xianzhuang Jianxi (Basic Analysis of the Living Status Quo of Part of Land-lost Farmers in Zhejiang Province), <http://www.zei.gov.cn>, accessed 13 Oct 2009; Guangdongsheng Nongdiaodui (Rural Investigation Team of Guangdong Province): Guanyu Zengchengshi 'Shidi Nongmin' Jiuye Wenti de Diaocha (Investigation on Employment of 'Land-lost Farmers' in Zengcheng City), <http://www.sannong.gov.cn/fxye/nejjfx/200405270775.htm>, accessed 8 May 2010.

represented. Their representative must at the same time appear as their master, as an authority over them, as an unlimited governmental power that protects them against the other classes and sends them rain and sunshine from above. The political influence of the small-holding peasants, therefore, finds its final expression in the executive power subordinating society to itself.

Second, farming has undergone considerable socio-economic disintegration (Sahli 1981: 490). The introduction of science and technology and the beginning of economic development in most Third World countries have benefited only a fraction of the total population, and those who benefit are urban populations, for, by virtue of their role as 'axes of development', they are deemed suitable for providing dynamic growth in the economy of the country. In addition, associated cultural marginalisation thwarts social progress. The marginalised segments of the population, unable to gain access to the technical progress of the country, and capable of satisfying their wants only at a basic level, find themselves excluded from the benefits of cultural progress too (Sahli 1981: 491, 496).

Take Chinese farmers as an example. Until relatively recently, China's economy was based for the most part around agriculture (Eisenstadt and Shachar 1987: 128). In the process of colonising the subcontinent, the Chinese did not in fact regard the city as the prime instrument of penetration into new territory; the expansion of agriculture, centred on peasant villages, constituted the main vehicle for development. And when establishing modern communist China, Mao Zedong disavowed the Marxist-Leninist idea that the industrial proletariat should initiate the revolution in favour of advocating that rural forces spearhead the communist movement in China. In light of the fact that around 80 % of the Chinese population in the 1930s was either a tenant farmer or a poor peasant, Mao developed the tactic of using rural forces led by the Red Army to encircle the country's cities. In his article *On New Democracy* (1940), Mao declared that the 'Chinese revolution is an agrarian movement'. The main activity of the Chinese Communist Party (CCP) prior to 1949 was to focus on the communisation of rural areas. However, after 1949, when the People's Republic of China (PRC) eventually became the sole political regime in the subcontinent, it had to begin the socialisation of the urban population as well. As early as March 1949, in the Second Plenary Session of the Seventh Central Committee, which discussed post-liberation political and economic policies, the importance of developing urban areas was declared. Mao pointed out that (Tien 1973: 28):

From the major defeat, in 1927, of the Chinese Revolution to the present... the focus of the revolutionary struggle of the Chinese people was in rural villages. In the villages strength was gathered, villages were used to ring and isolate the cities, and [we] then fought to occupy the cities.... History has already proved this strategy as being completely necessary, completely correct as well as completely successful. But the period during which this tenet was considered appropriate for the execution of our task is now over. From this moment onward... [we] are to enter an era... in which the city is to lead the rural villages.... The focus of work must be centred in the cities... [We] must endeavour to learn how to administer the cities and how to develop the cities.

From then on, the situation of farmers in China has been largely ignored by the state, especially under the circumstances of urban-rural administrative distinctions. They possess nothing but the land they work, and even then, not in the sense of ownership on an individual basis. Working in the fields day after day and year on year has been the reality for Chinese farmers. Throughout the post-liberation era, the security offered by working the land has been paramount for Chinese farmers. They would be bound to resist where this right was jeopardised.

Developing into the contemporary fast urbanising era, the need to address social issues, such as equity and justice, and the question of who benefits exactly, is urgent and critical. When development is led by the state, as is often the case in developing countries, it is instructive to examine the effects created. When analysing the socio-economic and political implications of land acquisition in Zimbabwe in the 1990s, for example, Moyo (2000) claimed that the Zimbabwean case has been cast as an attempt to pursue a radical state-led approach to land redistribution through compulsory land acquisition, or as a failed bureaucratic and 'non-transparent' process. In contrast, as Moyo observed, the South African experience can be held up as a more democratic, transparent, community driven and less costly 'market assisted' approach. From Mukherji's (1976) analysis too, we can see various laws were enacted by Bangladesh in order to reform the agrarian sector in the country, and the actual implementation of these reform programs did make some progress. Other studies of state-orchestrated development in the developing world show on the whole, it is through the course of counterbalancing effects caused by state direction and market direction that the state puts rural community on its path towards further development (Mellor et al. 1968; Barlett 1980; Rondinelli et al. 1989; Chisari et al. 1999; Ellis 2000, etc.). However, China may be a unique case because during the transformation from a planned economy to hybrid socialist market economy, it is by no means easy for the Chinese state to accommodate distinct needs for development and interests pursued by various sections and groups; the situation, especially that faced by farmers, may become more complicated, when government at regional/local levels also brings their own self-interests into the process of rural development, particularly through rural land expropriation.

In China, two processes are underway at the same time (Watson 1989). On the one hand, institutional changes have introduced greater flexibility at the household and local government levels, with many investment decisions taken by individual producers. This has enabled a shift of labour out of agriculture, a diversification of rural production and an improvement in rural incomes. Nevertheless, the policies have also led, on the other hand, to a decline in investment in agricultural production. In the Chinese context, the question is thus whether the current investment priorities of producers and of the government conflict with the longer-term needs of agricultural development and, as a consequence, will have implications for overall economic growth. According to Watson, the state not only has to find ways of sustaining infrastructural investment in regions focused on agriculture, but also find ways to counteract the negative economic and social consequences of wide variations in regional development, and growing income disparities, and of ensuring that the farmers who remain within agriculture are able to maintain and improve

their living standards. At the same time, the state has to play a role in promoting and improving technical skills and educational levels in the countryside.

Within the existing development process, farmers' dependence on the land has led to their marginalised status; and in turn such marginalisation aggravates dependence on land; thus a vicious cycle is presented. Faced with a situation of rapid transition, the state has kept command by requiring that local authorities oversee development within a legislative framework stipulated at the national level, where the alternative would be to relax the state's institutionalised controls over farmers' access to land markets, land prices, and land tenure security. The situation provides an important instance of the socialist market economy in operation throughout the country, with the extraction of capital in the form of land expropriation at the local level by means of legitimate central state mechanisms as applied by local government at the expense of Chinese rural society in order to finance urban development at the local level. Additionally, by products are, profits for developers, based on borrowings on high-interest loans from state-owned banks in order to finance such 'private' development projects, and profits for corrupt local administrators too.

## 2.3 Land Ownership and Urbanisation

According to Coser's and Dahrendorf's accounts, the uneven arrangement of land ownership and the associated distribution of resources and interests during urbanisation can be seen to constitute the material causes of conflict.

### 2.3.1 *Land Ownership*

'Land ownership' is a key idea which plays a fundamental role in explaining the gap among various ideologies, and also, the legitimisation of modernisation. The right to property is always a right against other people.<sup>3</sup> Ownership confers rights: rights of exclusion, rights to decide who should or should not have access, rights to revenue and to capital accumulation (Elliot and McCrone 1982: 98). Furthermore, there was, and is, more to the ownership of property than material interest. Acquiring property, even on the most modest scale, represents an avenue of social mobility (Thernstrom 1974). It represents a stake in the wider system of property ownership and serves, in the context of local status systems, as an indicator of moral and social worth. Marshall (1963: 239) identifies its sociological relevance when he writes:

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<sup>3</sup>Some of the most acute observations on the institution of private property are found in the work of Macpherson (1975).

The significance of property in determining social attitudes is enormous, not because of the income it yields, but because it is a guarantee of the right to enjoy the blessings of civilisation... it shows that we are solid and to be trusted to fulfil our obligations.

Real estate property, especially the notion of land ownership, is the core concept differentiating the socialist state from capitalist state. In practice, the legacy of Confucianism still has influence over contemporary China. Thus, the issue of land ownership in the Chinese context involves traditional as well as socialist elements. For centuries, a centralised bureaucracy, acting on behalf of powerful elite, exercised control over the production and flow of resources in China (Eisenstadt and Shachar 1987: 126); but that control was mediated more or less successfully through its local representatives, within a hierarchy of layers of government.

In modern times, China has chosen its own path to land reform: a centralised, state-owned and controlled land market that prohibits private ownership<sup>4</sup> yet with the ideological compromise of paid lease and transfer of land use rights, administered through the state's local representatives.<sup>5</sup> Thus, when considering land ownership titles in the Chinese legal and political setting, rather than taking Demsetz's (1967) notion of property as a 'bundle of rights', it is more appropriate to talk about ownership as an absolute and supreme right, but of the state and not the individual, as set out below:

Ownership is the supreme right, there can be no rights which would not be contained in ownership. Ownership is abstract: its content cannot be described by enumerating single powers, and none of these powers needs to be legitimised specifically, or related to an acceptable social purpose. Ownership is absolute: apart from what the law expressly forbids the owner may do whatever he likes, he can exclude everybody else from influencing the goods, everybody else is obliged to abstain from breaching his ownership rights, the owner is the supreme ruler over his goods (Van den Bergh 1996: 172).

Even under the state-in-transition, the fundamental principle of land rights in China is based on the state and the collective as the absolute owner.<sup>6</sup> All other rights derive from this basic legal principle. Moreover, the ownership of collective land can be changed into state ownership if the proper legal procedures for land expropriation are followed.<sup>7</sup> Indeed, the most complicated and debated issue concerns not state ownership but the notion and legal status of collective ownership. A concern for the Chinese authorities and academics is the powerful control of the lessor (the rural collective) over land rights. Specific household responsibility contracts of members of the collective are often but a 'paper

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<sup>4</sup>For an excellent introduction on land ownership in China from 1950s until the early 1990s, see Selden and Lu (1993).

<sup>5</sup>For example, a systematic study by Ho and Lin (2003) investigates the evolution of land use system in China, from socialist era to current market economy.

<sup>6</sup>Art. 2, Land Administration Law of the People's Republic of China (2004), [http://www.gov.cn/banshi/2005-05/26/content\\_989.htm](http://www.gov.cn/banshi/2005-05/26/content_989.htm), accessed 9 Jan 2011.

<sup>7</sup>For the theoretical background of Chinese state and collective ownership, see Hu (1998), pp. 211–40.

agreement' because collectives can appropriate and redistribute leased land whenever deemed necessary (Ho 2001: 397).

The current format of collective ownership is the direct heritage of collectivisation and the commune system. The former people's commune consisted of three echelons: the commune, the production brigade and the production team (Ho 2001: 404). Although land ownership was vested in the lowest collective level (the production team) during the period of the people's communes, land ownership of its successor (the natural village or villagers' group) is no longer self-evident in the era of reforms, which can be seen in the Revised *Land Administration Law* (LAL) as follows:<sup>8</sup>

In lands collectively owned by farmers those that have been allocated to villagers for collective ownership according to law shall be operated and managed by village collective economic organisations<sup>9</sup> or the villagers' committee<sup>10</sup> and those that have been allocated to two or more farmers' collective economic organisations of a village, shall be operated and managed jointly by the collective economic organisations of the village or villagers' groups<sup>11</sup>; and those that have been allocated to township (town) farmer collectives shall be operated and managed by the rural collective economic organisations of the township (town).

It is unclear which collective level (natural village, administrative village, or town) actually holds the titles to land. In Ho's opinion (2001: 400–1), leaders at collective level are appointed and paid by local government, and so, they are not really independent and behave more in the interests of local government than farmers. Thus, in the course of shifts in land ownership, there is a real danger that the collective ownership rights of villagers may be ignored to a large extent. In addition, owing to low legal awareness, villagers are unclear about the rights they enjoy to land property, which further complicates the issue.

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<sup>8</sup>Art. 10, op. cit., accessed 7 May 2011.

<sup>9</sup>This term is not defined in law. The Villagers' Committee Organic Law only states that 'The villagers committee shall respect and support the decision-making power of the collective economic organisations in conducting their economic activities independently according to law'. Art. 8 (3), Organic Law of the Villagers' Committees of the People's Republic of China (2010), <http://vip.chinalawinfo.com/newlaw2002/slc/slc.asp?db=chl&gid=139685>, accessed 7 May 2011.

<sup>10</sup>The Organic Law stipulates that 'Villagers committees shall be established on the basis of the distribution of the villagers and the size of the population and on the principles of facilitating self-government by the masses, and making for economic development and social administration. The establishment or dissolution of a villagers committee or a readjustment in the area governed by it shall be proposed by the people's government of a township, a nationality township or a town and submitted to a people's government at the county level for approval after it is discussed and agreed to by a villagers assembly'. Art. 3 (1 and 2), *ibid*.

<sup>11</sup>'A villagers committee may, on the basis of the residential areas of the villagers and the collective land ownership relations etc., establish a number of villagers groups.' Art. 3 (3), *ibid*.

### 2.3.2 *Urbanisation and Urban Development*

The study of cities was a subject that had already appeared in the second part of the 19th century in early classical sociology with its celebrated dichotomies between the nature of the countryside and the nature of cities, such as Maine's distinction between status and contract (1983 [1861]) and Morgan's (1877) contrast between savagery, barbarism, and civilisation. It was further developed by Tönnies (1957 [1887]), who contrasted '*Gemeinschaft*' (traditional community with strong bonds) and '*Gesellschaft*' (a society of individuals with weak bonds), and by Durkheim (1984 [1893]), who distinguished between 'mechanical' and 'organic' solidarity, and by Wirth (1938), who described the replacement of primary relationships with secondary ones. Tönnies and Durkheim stressed the uniqueness of each of their described social forms and the difficulties individuals face when moving from one form to the other, especially going from a rural to urban dweller. Other than these, Simmel (1950) outlined the psychological characteristic of 'metropolitan man' and explained the blasé attitude as a defence mechanism against the threat of nervous exhaustion.

More recently, researchers were more inclined to analyse the demarcation of the rural and urban and the process of transformation from rural to urban using a structural-functional approach, focused on the problem of how the dimension of power is institutionalised in the construction (or production) of the social order. In economic terms, the policies of post-colonial governments attempted to stimulate urban growth by further enhancing the attractiveness of towns and cities at the expense of the countryside and agriculture. As Auty (1995) points out, this is usually accomplished in three ways. One way is through the exaggerated bias of government expenditures on infrastructure and services in favour of urban areas and modern cities. Another is improved working conditions, higher wage rates and better employment protection that exist in cities, for example because urban workers are organised into trade unions, and which attract rural workers to the cities in the hope they too might share in these perceived benefits in contrast to their own increasingly impoverished circumstances in the countryside. A third way is the decline in the demand for locally-produced traditional staples as urban consumers develop a taste for seemingly more cosmopolitan imported food items. As a result, a highly ambivalent attitude toward urbanisation is found: on the one hand appreciation of all the power, wealth, and potential creativity stored up within the city, and on the other hand fear of its corrupting influence contrasting with the supposedly simple virtue of the countryside. In political terms, among urban studies since 1970s, there has been no shortage of political economic and political sociological studies showing how capital and power get involved in spatial production and shape urban spatial patterning, as well as critical cultural studies, showing the relationship between space and society (Harvey 1973; Lefebvre 1974; Castells 1977, 1983).

Specifically in the Chinese context, the ways in which local administrative power allies with capital to form a local power bloc is an important element of urban political-sociological studies (Chen 2003). In the multiple relationship among power, capital, bureaucrats and citizens, the reasons for the fact that developmental

capital can make such deep incursions into the operations of the local administration to generate spectacular profits in present-day China (Hu and Peng 2005) do not lie only in the central state's institutional arrangements, which promote such practices within the socialist 'marketplace' nor in the ambiguity of the state's legal framework underpinning land transactions, but also farmers' lack of access to political, economic or legal process. Underscoring the state's central role in the process, development capital is often in the form of high-interest loans from state-controlled banks in order for developers to lease land use rights from local government for commercial development projects.

By the 1990s, large-scale urban construction had begun all over China, raising the issue of social unfairness, as priority was given to pursuing economic reform from the end of 1970s. The consequences of such growth have been a major issue for the Chinese public and the intelligentsia, inside and outside the country. Furthermore, paradoxically, when Chinese academics have looked to developed countries in search of concepts, theories, and experiences about 'advanced cities', they often encounter critical theories, neo-Marxism, neo-urbanism produced in the 'post-urban era' in the West. Within only a few years, neo-Marxist urban theories have come to the fore that highlight spatial production mechanisms and spatial resource competition in cities, such as Castells' (1977, 1983), Harvey's (1973, 1990, 1992), and Soja's (2000) spatial theories, and their symbolic concepts such as 'urban justice', 'spatial justice', and so on.

Chinese scholars have started to reflect on the problem of spatial fairness which accompanies the large-scale 'urban extension' programs (Gu and Kerstode 1997; Li et al. 2004; Yang 2006). The existing system in which the government both monopolises development and receives the benefits from development is criticised. The government's role of 'referee as well as player' and its practices in working with development partners often financed by state-banks in order to accumulate huge profits are viewed as principal reasons for injustice and a corrupt administration (Xie and Niu 2005; Hu and Peng 2005). Evidence of social and economic injustice resulting from the rural land expropriation and compensation process is well documented (e.g. Cartier 2001; Li 2003; Tan and Wang 2003; Ding and Knaap 2005: 32).

### ***2.3.3 Urbanisation and Land Ownership***

What is the dividing line between state-owned land and collectively-owned land? According to the Constitution, suburban and rural land (including privately farmed plots of cropland and hilly land) is collectively owned, unless state ownership has been established. Urban land is state-owned,<sup>12</sup> there can be no urban land owned by

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<sup>12</sup>Arts. 9 and 10, Constitution of the People's Republic of China (1982), <http://english.people.com.cn/constitution/constitution.html>, accessed 7 May 2011. These articles have been unchanged during the four revisions of the Constitution in 1988, 1993, 1999, and 2004.



the collective. There are also associated differences of administration between urban and rural land. At present, urban land is administered by state institutions under the direction of municipal government, called the Land Administrative Agency or Real Estate Administrative Agency. Rural land falls under the jurisdiction of the Ministry of Land and Resources, administered by its agencies. This all seems clear in principle: urban land is state-owned and administered municipally, while suburban and rural land is collectively owned and administered by central government's local agencies.

In practice, economic reforms have exposed many weaknesses in this legal and administrative structure. The one that most concerns us here is: what happens to the ownership of rural land included within expanding cities (Ho 2001: 403)? The revised LAL stipulates that land of the 'city's urban area' (*chengshi shiqu*)<sup>13</sup> is state-owned, while land of the 'city's suburbs' (*chengshi jiaoqu*) belongs to the collective. This is not fixed in stone and due to continuous urban expansion, much of the former collective land has been subsumed within the limits of the city. Rapid urbanisation and the frenzy for development have led to a boom in the value of land. Practices within the real estate sector mean that land and improvements are frequently valued at their highest price rather than by reference to their use value. The implications of this for the determination of land values as well as for investment opportunities are well documented in the land economics literature (see, for example, Ratcliffe 1949; Bell et al. 2006). Given the potential risks, as well as the rewards involved, local government welcomes the legitimisation of its own practices through the state's legal framework: removing ownership from the village collective at low cost to feed demand for land at high returns, where the risks are passed on to developers, and ultimately, the state-owned banks who lend to developers in order to finance development projects. Institutional ambiguities over land ownership often allow local government the space for manoeuvre it requires within the development process (Ho 2001: 421).

## 2.4 Conflictual Relationship Between Farmers and Authorities

Such institutional and cultural shortcomings have given rise to increasing social tensions between local governments and farmers. From a conflict perspective, the relationship between land-lost farmers and local government should begin with

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<sup>13</sup>There is confusion about the distinction between the terms 'city' and 'urban area'. According to the interpretations of the Legal Committee, 'city' must be read as the 'municipality directly under the central government, city or town according to the administrative and organisational setup by the state'. In contrast, 'urban area' must be understood as the built-up area rather than the planned construction area. See 'Bufen Zhuanjia, Xuezhe, Lüshi he Keyan Renyuan Laixin dui Tudi Guanlifa de Yijian (Remarks on the "Land Administration Law (Revised Edition)" in Letters Sent by Some Experts, Scholars, Lawyers, and Researchers)', in Bian (1998: 395).

Dahrendorf's concept of authority structure, where there is a superordination-subordination antithesis within the imperatively coordinated association. Touraine (1981) claims that at present the principal form of domination is the state apparatus over citizens and that this domination is perhaps greatest in Marxist states. Government officials in the name of one ideology or another are gathering control over people's lives.

Huang (1990 [1988]: 134) defined the Chinese world as 'dominated by a large and undifferentiated peasantry governed by a large and undifferentiated bureaucracy', which indicates the paramount relationship between authorities and farmers within the state system. Nevertheless, as Li and his colleagues state (2001: 201), 'this was hitherto obscured by the scale of China, its political upheavals and a political philosophy that prioritised the interests of the state'. Farmers still interact with the state through local Party and government cadres and thus are effectively bound to their intermediaries (Zhou 1996: 28), who are called *tuhuangdi*, or local emperors (Zhou 1996: 33). This explains why the anger and upset of land-lost farmers is often so intensively focused on these local officials.

## 2.4.1 *On the Part of Farmers*

### 2.4.1.1 Resistance Studies

Though I do not wish to elaborate on the idea of resistance in my study of land-lost farmers partly because I do not wish to import into the study at the outset uncritical connotations such as 'rightful resistance', I cannot neglect the existence of a debate concerning the role of resistance in the discussion of power. So the part of farmers first needs to be considered within the paradigm of resistance studies.

As Barbalet (1985) argues, in Weber's definition of power, the over-coming of resistance is a necessary feature of power, thus he gives an irreducible role to resistance in the analysis of power. In distinguishing power and resistance as qualitatively distinct contributions to power relations, it follows that power and resistance are based on different aspects of the social structure of power relations, or of the social system. Therefore, in Barbalet's point of view, there can be no adequate understanding of power and power relations without the concept of 'resistance'; resistance is presented as a function of power.

With roots in agrarian studies and Marxist historiography, research of resistance is the field concerned with the struggles of 'subordinate', 'subaltern', 'oppressed' or 'marginal' populations to combat 'domination' at the hands of powerful 'elites'. Fundamentally, resistance studies are concerned with the struggle for equality, the fight to end exploitation, and the desire to achieve a more just and humane society (Fletcher 2001: 43–4).

Early resistance studies employed a classical Marxist conception of power. 'Power' for them was something 'held' by one class of people (the 'elites') and used to 'repress' or 'deny' the interests of another (the 'subalterns'). Its function,

in this sense, was primarily negative. However, it is now well known that, even in dictatorships, the seemingly powerless turn out in fact to have a certain amount of power. Barbalet's (1985) theoretical analysis holds that, the exercise of power over others draws upon resources not available to subordinate agents. Nevertheless, those subordinate agents can mobilise other social resources in contributing to power relations through resistance. In limiting power, resistance influences the outcome of power relations. The scholarly contributions of Scott (1977, 1985, 1990) also establish this.

Other literature also discusses the ways in which the less powerful can resist policies designed by elites in a more overt manner, thus for example, the possibility for the existence of countervailing power, which is used by Galbraith (1980) to describe one aspect of the power system in a mature capitalist democracy. In the theory of pluralism, powerful groups and interests maintain a rough balance, none being strong enough to dominate all the others. Galbraith proposes a similar balance of powers in mixed economies to produce better functioning societies. For example, trade unions function as a countervailing power to the corporate community's control of the economy in liberal democracies. However, in the present study, land-lost farmers in China lack formal institutions of countervailing power for reason discussed below.

In this regard, it is useful to consider briefly instances of subordinate groups that exert countervailing power. Starting in the 1960s, Piven and Cloward elaborated their own distinctive analysis of political change in the United States. From their early work (1977) to their more recent work (2000, 2005; Piven 2006), they reflect upon the relatively rare occasions when the lower classes and the poor mobilise, agitate, organise, and win reforms. They identify a powerful counter force that lies behind the successful reform movements in modern US history, namely, 'interdependent power' when popular movements break the rules and disrupt the status quo. Thus, in their point of view, the only fruitful strategy for the emancipation of the lower classes entails escalating disruptive protest when possible by 'pushing turbulence to its outer limits' (1977: 91). The fact that China's land-lost farmers lack institutional 'interdependent power' to invoke this type of protest may not necessarily mean that they cannot squeeze a way out to exert counter force.

#### **2.4.1.2 Farmers' Resistance**

Drawing on the perspective developed by Oberschall (1973), Tilly (1975) and Gamson (1975), Jenkins and Perrow (1977) analyse the political process centred round farm worker insurgencies. They argue that the important variables to account for either the rise or outcome of insurgency pertain to social resources—in their case, sponsorship by established organisations. Farm workers themselves are powerless; as an excluded group, their demands tend to be systematically ignored. But powerlessness may be overridden if the official response is neutral and political elites sponsor insurgent challenges by contributing resources. Jenkins' later study (1982) concludes that research on the sources of 20th-century peasant rebellions

have centred on two basic theories: a structural theory of class relations that points to the greater political volatility of smallholder tenancy and a historical theory pointing to the strength of traditional village institutions in the midst of the increasing economic insecurity of the peasantry. After analysis, he corroborates the basic propositions of the historical theory: peasants rebel because of threats to their access to economic subsistence, not because of the particular form of class relations in which they are enmeshed.

In the Chinese context, there are basically two perspectives on contemporary farmers' resistance. The first holds that farmers' rights-safeguarding (*weiquan*) activities are based on development of their rights' consciousness and thus tend to be politicised. The dominant interpretative frameworks flowing from this perspective include 'policy-based resistance' (Li and O'Brien 1996) or 'rightful resistance' (O'Brien and Li 2006) and 'struggle by law' (Yu 2004). 'Rightful resistance' analyses the farmers' utilisation of state law and policies at the national level in order to safeguard their own political and economic rights and interests from the encroachment of local governments and officials by the basic form of appeal. While in Yu's opinion 'struggle by law' which is grounded on 'policy-based resistance', farmers' rights-safeguarding activities have developed from resistance for rights and interests to resistance for political rights, resisters becoming organised to some extent, forming rudimentary institutionalised decision-making mechanisms, and working towards progressive agendas for reform.

Nonetheless, the other perspective holds that present farmers' resistance is still unorganised. In a state that concentrates and centralises extraordinary power, resistance engendered from those who suffer at the hands of such power can at best be presented as 'an aggregation of large numbers of spontaneous individual behaviours' (Zhou 1993: 54). There is a view that (Zhou 1996: 14):

The farmers resemble Mao's guerrillas more than modern 'Westernized' protesters: they strike where they expect the fewest casualties and retreat from confrontation. Unlike Mao's movement, though, the contemporary farmers' movement is not organized. There is no Mao in their movement.

Given the fact that the state has never at any point tolerated organised confrontation, any action that challenges the state must remain unorganised if it is to be effective. This acts to limit formal institutions of countervailing power. As Zhou (1993: 57) points out: 'In the Chinese context, on the one hand, if interests are organized, they are basically state organizational apparatuses and hence not autonomous; if interests are independent of the state, they are often unorganized.' By comparing Chinese farmers' expressions of their interests with Western social movements, and the South-Asian paradigm provided in subaltern studies, Ying (2007b) analyses Chinese farmers' expression of interests from the perspective of 'grass-roots mobilisation'. In his point of view, such grass-roots mobilisation makes the means of farmers' expression of group interest expedient, its organisation dualistic, and its political nature vague. Mass resettlement of land-lost farmers has become much more complex than previously, as Li and colleagues (2001: 202) observe, 'unlike past relocatees who could be easily mobilised in response to

government calls, current migrants are more aware of their economic interests and political rights; many expect to benefit from the process.’

Studies on resistance among Chinese farmers—including land-lost farmers—have pointed to the main form of resistance which they adopt, appeal (*shangfang*), or its institutionalised name, the system of letters and visits (*xinfang*). Zhang and Zhang’s (2009: 77–80) investigation found that land disputes due to urbanisation constituted the main source of appeals. Chinese academia tends to highlight appellants’ rights-safeguarding determinedness and consciousness (Ye 2002; Yu 2004), while government agencies tend to emphasise the antagonism and destructiveness of their behaviour (Tan 2002; Yang 2002). Though there are legal stipulations for the system of letters and visits, *Regulations on Letters and Visits*, which were promulgated in 1995, and revised in 2005, there are few constraints on activities undertaken and the officials visited in the course of appeals within the system. From the ordinary people’s point of view, the advantage of the letters and visits system is that it is not bound by rules and regulations; as long as there are problems that need to be resolved, appellants can immediately go to any place that they regard as likely to resolve such problems and in order to complain about the injustices visited upon them by officials of the state (Zhang and Zhang 2009: 3).

## 2.4.2 *On the Part of Authorities*

### 2.4.2.1 Authorities’ Response

The response of the authorities needs to be considered hierarchically. As Wallace and Wolf (2006: 94) argue, according to Marx, ‘the state, with its legal authority, bureaucracies, law enforcement agents, and armed forces’ provides stability, under which government officials ‘may be seen as a separate group with independent interests, and not merely as part of the ruling class’. In analysing a ‘seemingly’ natural disaster in Chicago, Klinenberg (2002) also implies that government tends to withhold people’s deserved rights unless those people discover and strive for the rights by themselves. Djilas (1966: 44–5) goes even further in arguing that the self-interested use of power in socialist societies has formed a ‘new class’:

The Communist political bureaucracy uses, enjoys, and disposes of nationalized property... In practice, the ownership privilege of the new class manifests itself as an exclusive right, as a party monopoly, for the political bureaucracy to distribute the national income, to set wages, direct economic development, and dispose of nationalized and other property. This is the way it appears to the ordinary man who considers the Communist functionary as being very rich and as a man who does not have to work.

In the Chinese context, roles respectively played out by central and local authorities manifest in an even more complicated manner. Theoretically, the central state, which is the seat of the law, and is the source of the legitimate use of force to

ensure the effectiveness of law, holds the highest position. Schram (1985: back cover) has described the state's major concern:

The state was the central power in Chinese society from the start, and exemplary behaviour, rites, morality, and indoctrinations have always been considered in China as means of government. The continuity between this tradition and the principles and practices of the Chinese People's Republic is evident. ... Neither in the realm of organisation nor in that of ideology and culture would Mao and his successors have striven so hard to promote uniformity if the unitary nature of state and society had not been accepted, for the past two thousand years, as both natural and right.

When analysing the political development of China, Yu (2008: 21–2) believes that as far as the operation of state power is concerned, the present political system in China is developing as a 'corporate authoritarian system', and there also exists transition of social control during political development. In the era of centrally planned authoritarianism before 1978, the state completely controlled the movement of people and their position in society. However, since the inception of the reform and openness policy, there has been large-scale movement of people to the cities prompted by increased economic development, outside direct central state control, which has greatly changed the social fabric of Chinese society, which originally had its basis in the imposition of political identities, tied to pre-specified positions and state functions. In consequence, the established methods of mobilising the people by means of mass movement and ideology are no longer viable. Now the Party proposes to rule the country by law as it must resort to new methods in order to secure legitimacy and exercise political authority.

Nevertheless, there is a common view that with the decentralisation of the fiscal system and the development of regionally-based economies, local interests have begun to come to the fore in terms of political development (Yu 2008: 20). However, that process of state decentralisation has had the consequence that local government is more easily influenced by interests, especially monied interests.<sup>14</sup> Local bureaucrats and officials can now employ the model of the professional in order to win for themselves considerable autonomy from the central state, and the capacity to sustain and recreate occupational niches. Formal, legitimate power has been extended to produce new, and in Chinese terms, essentially illegitimate forms of domination on the part of local bureaucrats (Elliot and McCrone 1982: 95). Observing these developments from the viewpoint of the traditional Confucian model of administration, as Huang (1990 [1988]: 143) notes, 'bureaucratic management of the Chinese tradition was cumbersome and wasteful, and sometimes perfunctory and hypocritical'.

Yu and Cai (2009: 60) also sum up the obvious paradox of power now located at the local level within the Chinese political system. On the one hand, political leaders of the local Party and government are liable to use the power they command to expropriate farmers' land, remove farmers' houses and to use the judiciary as an instrument in order to manage the populace and media when criticisms and

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<sup>14</sup>On this point, see Schattschneider (1942), especially Chaps. 5 and 6.

complaints are raised, even applying controls, such as blocking appeals (*jiefang*), detentions, and so on. On the other hand, local officials also claim they lack the capacity to deal with ensuing confrontation at the grass-roots level nationwide in consequence of their actions since departments are administered vertically, and therefore, that the local authorities are not in the position to regulate and control confrontation. In short, the local Party and government complain they now have to bear limitless responsibilities while possessing only limited power.

Moreover, the law in China remains bound tightly to the state regime of the Communist Party, at the national level, which maintains the tradition of mutual-cooperation between politics, the Party and its organs, and the legal institutions of the state. As the only party, the CCP plays the decisive role in enacting, applying and revising the Constitution and the laws. Consistent with the orthodox Marxism-Leninism doctrine, the state and the Party act as one in building communist society (David and Brierley 1978: 187). As Wang (1997: 18) claims:

No important statute has been passed without discussion or scrutiny by the Politburo of the Central Committee of the Party. Therefore, the comprehension and interpretation of legal rules should be done in line with the Party's policy and instructions.

The intervention of the Party in every aspect of legislation had been institutionalised in 'Several Opinions as to Strengthening the Leadership of National Legislative Work' issued by the Central Committee of the CCP in 1991 (Cai 1999: 165–6). Law is frequently explained by reference to a certain policy. Suffice it to say that law is the instrument of policy (Cai 1999: 259). For example, the maintenance of stability, as central to Party and state policy, has a higher priority level than any other factor in the settlement of legal disputes. In conjunction with regionalism, judgments may be amended for the purposes of protecting the local economy (Wang 1997: 25). Under the constitutional principle of 'Democratic Centralism', the People's Congresses have the general authority to 'supervise the government, court and procuratorate at the corresponding level' pursuant to the Constitution<sup>15</sup> and Organic Law.<sup>16</sup>

The state institution that fully reveals the combination of political and legal power is *zhengfawei* (the Political and Legislative Affairs Committee of the Party). It is one of the institutions belonging to the CCP, which is responsible for information-gathering, public security, re-education through labour, judicature, and prosecution. There are corresponding committees in four levels from the CCP Central Committee to province (region), city, and county. Based on the prerogative of the Party, the mechanism of handling legal cases through *xietiao ban'an zhidu*

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<sup>15</sup>Art. 104, Constitution of the People's Republic of China (1982), <http://english.people.com.cn/constitution/constitution.html>, accessed 6 Jul 2011.

<sup>16</sup>Art. 44 (6), Organic Law of the Local People's Congress and Local People's Governments of the People's Republic of China (2004), <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN003082.pdf>, accessed 6 Jul 2011.

(the system of coordination by *zhengfawei* to deal with cases) is instituted. The court should report to *zhengfawei* and request their instructions when they hear especially important cases or when there are serious disagreements between law enforcement agencies. Thus *zhengfawei* plays a crucial role as the final decision-maker, or as coordinator in resolving disputes.

The system of one party has a crucial impact on the present functioning of the socialist legal system, contributing to what has been termed ‘politicised law’ (Mattei 1997: 5; Lubman 1991: 294) or less bluntly as ‘policy law’ (Lubman 1999: 135) or as the ‘political-legal system’ (Zeng and Sun 2009). Though legality is increasingly emphasised in socialist Chinese law, from Ying’s (2007a: 69) study, many problems that should be dealt with in the courts are not, which further adds to conflict within society.

It is currently arranged that local judicial power belongs to the locality, thus the operation of law follows the operation of the Party and government’s power at the local level. As regards the problem, Yu (2008: 25) suggests the centralisation and vertical administration of trial powers. The separation of national judicature from local political power might be able to more effectively balance the uniformity of central politics and specificity of local politics.

Existing literature examines the issue of land-lost farmers and their relationship with government from the perspective of conflict and resistance. But this does not capture the complexities of the ‘game’ that both land-lost farmers and government officials are engaged in. Conflict theory implies too dichotomous and static a conception of this conflict, so the present study adds structuration theory to conflict theory to show the game that both groups of land-lost farmers and local government officials are engaged in, which constitutes a complex relationship consisting of integration and conflict, as well as dynamic interplay, is being reproduced over time and being altered by the ongoing actions of individuals on both sides.

## 2.5 Structuration Theory

In Giddens’ (1979, 1984 etc.) structuration theory, social life is seen as a system of structured practices. Social structures do not only shape human conduct or practices, but human conduct and practices also constitute and transform social structures. Here structure is the matrix of rules and resources that people draw on to enable their actions, but these same structures also constrain people’s actions as well. We can find structure by looking for the regularities that make interaction meaningful and consequential. Its enabling and constraining characteristics function as a ‘duality’, according to Giddens. Several types of ‘dualisms’, including that of static from dynamic analysis, can be addressed. Some structural sub-concepts of special relevance to my topic are highlighted here.



### 2.5.1 *Social Integration and System Integration*

According to Giddens (1979: 76–7), social integration yields ‘systemness on the level of face-to-face interaction’, and system integration yields ‘systemness on the level of relations between social systems’. ‘The systemness of social integration is fundamental to the systemness of society as a whole’. These two concepts are useful for discussing integration at the local and national levels of Chinese society.

### 2.5.2 *Modalities*

The rules and resources that agents can draw on include: interpretative schemes or the meaning and interpretation agents place on their behaviour (the dimension of signification); facilities, or the exercise of power via mobilising allocative (material) and authoritative (non-material) resources (the dimension of domination); and also, norms or the rules that decide the nature of the structure (the dimension of legitimation). Importantly, these dimensions are separable only analytically (Giddens 1984: 33), as they tend to occur simultaneously and in a compounded fashion in social practices—thus it is hard to consider norms without considering their interpretation—a matter of meaning—and the process by which they are ‘made to count’—a matter of power. One theoretic construct that enables an analytical separation is ‘modalities’. Giddens categorises modalities as such (1979: 81):

When institutional analysis is bracketed, the modalities are treated as stocks of knowledge and resources employed by actors in the constitution of interaction as a skilled and knowledgeable accomplishment, within bounded conditions of the rationalisation of action. When strategic conduct is placed under an epoché, the modalities represent rules and resources considered as institutional features of systems of social interaction. The level of modality thus provides the coupling elements whereby the bracketing of strategic or institutional analysis is dissolved in favour of an acknowledgement of their interrelation.

Giddens explicitly holds that the general link between structure and interactive reproduction holds in the case of these three elements. So, involving normative judgements, social acts imply and reproduce an order of legitimation—an institutional dimension that in turn suggests general, basic, and valid social value judgements. All actions, embodying meaning, imply and reproduce an ‘order of signification’. And all acts involve power—the capacity to alter a course of events by the very nature of action, then, a distinctive type of institution—an order of domination—exists and is reproduced.

The concept of modalities is of much use for investigating the construction of relationships. Specifically, I will consider the construction of the three dimensions in the relationship between land-lost farmers and local government: first, the operation of the norms—meaning policies and laws; second, the use of interpretative schemes—interpretation of situations on both sides; and third, the facility of power—the structural mobilisation of resources and strategic behaviour by both sides.

### ***2.5.3 Stratification Model of Social Behaviour***

Action as a continuous process of behaviour is explained by Giddens by means of three components of social behaviour, in what he terms as the stratification model, which is predicated on the judgement that actors are ‘knowledgeable’ people, who know what they are doing and how to do it. First, actors show their knowledge by describing in words what they do and their reasons for doing it. Giddens refers to this first component of social behaviour as discursive consciousness, a terminology used to explain what actors are able to say, or to give verbal expression to the circumstances of their own actions and those of others; awareness which has a discursive form. Second, their knowledgeability as actors is more than just what they can say about what they do. Giddens refers this second component of social behaviour as practical consciousness. Finally, the third unconscious motivational component of social behaviour includes ‘those forms of cognition or impulsion which are either wholly repressed from consciousness or appear in consciousness only in distorted form’ (1984: 4). Therefore, knowledge can cast light on preferences and perceived options; knowledge can also bring forth salient solutions to problems under negotiation, helping parties coordinate their behaviour in a mutually beneficial way.

Accordingly, the subjective processes sustained by an actor include the following: motivation (purposive or intentional character of behaviour), rationalisation (giving reasons to their conduct), and reflexivity (planning and monitoring their conduct, and its context and results). Through reflexive monitoring of conduct they make conduct able to be accountable. Of course, accountability involves three senses that correspond to the three modalities of interpretation, norm and facility: an account can signify the meaning of someone’s action, how they describe what they are doing; it can also relate the action to norms and values for positive judgement; finally, it can cast light on the agent’s power over outcomes. Also power-revealing, accounts can show what kinds of reasons ‘count’ in the social system: ‘[t]he reflexive elaboration of frames of meaning is characteristically imbalanced in relation to the possession of power, whether this be a result of ... the possession of relevant types of “technical knowledge”; the mobilisation or authority or “force”, etc.’ (1976: 113). In sum, Giddens’ stratification model is useful in assessing the behaviour of parties concerned, land-lost farmers and local officials, and in assessing whether their behaviour contributes to the force of integration.

### ***2.5.4 Dialectic of Control***

Reflexive self-regulation may make it appear that individuals are under control in a ‘one-dimensional’ society. At this point Giddens takes into consideration the dialectic of control as involving a countervailing process. In all social systems there is a dialectic of control. The capacity to resist gives actors ‘some degree of control

over the conditions of reproduction of the system' (1982: 32). This concept is fundamental to including the force of conflict in the relationship between farmers and authorities, and the generation of a dynamic process in that relationship.

## 2.6 Structural Relationship Between Farmers and Authorities

Xiao (2004) observes that farmers' acts of protest would become institutionalised within a Western democratic political system, such opposition becoming incorporated into the political process, whereas there would be a relationship of resistance and suppression within an authoritarian system. He contends that neither the democratic model nor the autocratic model can adequately represent the Chinese position, where the country's social and economic structures and institutions are undergoing rapid change, and to which the political system must respond. I will explain in the remainder of the chapter why the approach is well-suited to the Chinese case. To introduce a structural approach is to incorporate both forces of integration and conflict into the analysis of the relationship between land-lost farmers and Chinese local government, as well as the dynamic nature of their interrelationship.

### 2.6.1 *Within a Structure*

The first step is to situate the structure. According to Giddens, '[t]he problem of order in social theory is how form occurs in social relations' (1981: 4). In seeking this, he puts a premium on the 'situatedness' of social relations and interactions (1984: 110). Giddens (1984: 118–119) makes a key distinction between social integration and system integration and he explains how they come to be connected through locale and presence availability. In his terminology, locales 'provide the settings of interaction, the settings of interaction in turn being essential to specifying its contextuality'. By the same token, the distinctive relationship between land-lost farmers and Chinese local government, as described by Xiao (2004), must be considered within the 'field' (Bourdieu 1996 [1992]) in which it takes place. According to Bourdieu, a basic definition of the notion of field is (2005 [1995]: 30):

[A] field of forces within which the agents occupy positions that statistically determine the positions they take with respect to the field, these position-takings being aimed either at conserving or transforming the structure of relations of forces that is constitutive of the field.

[I]t is the site of actions and reactions performed by social agents endowed with permanent dispositions, partly acquired in their experience of these social fields. The agents react to these relations of forces, to these structures; they construct them, perceive them, form an idea of them, represent them to themselves, and so on. And, while being, therefore,

constrained by the forces inscribed in these fields and being determined by these forces as regards their permanent dispositions, they are able to act upon these fields, in ways that are partially pre-constrained, but with a margin of freedom.

A field defines a set of roles and relationships within given sets of social domains. These fields are relatively autonomous social spaces which socialise humans into roles. With these theoretical considerations in mind, the analysis of the relationship between land-lost farmers and local government is undertaken as a kind of ‘situational analysis’ (Van Velsen 1967).

Following Brass and Burkhardt (1993: 444), there are two kinds of structural positions that serve as a basis for the exercise of power: formal (hierarchical level) and informal (network position). The power associated with the hierarchical level is often referred to as authority or legitimate power (Astley and Sachdeva 1984). Because of the socially shared, institutionalised nature of hierarchical position, it is one of the strongest sources of potential power and one of the most immutable structural constraints on the exercise of power. However, in addition to the formal structural position, there is still an informal social network as including interactions around social relations and economic interests. Developing as time passes, these interactions become relatively stable and thus take on an institutionalised-like quality too. They mirror the formal, prescribed authority relationship and as stable patterns they represent a constraint on agents’ behaviour. Thus, the interests of social agents are often seen as proceeding from or caused by structures. In other words, even when we attribute power to individuals we can see the source of that power lies within structures; and further, recognise the structural influence upon individuals’ interests.

Put in the specific Chinese context, the Confucian idea of *li* uses relationships as its yardstick, whereby *li* can be understood as codes of conduct (Bodde and Morris 1973 [1967]: 19). From that viewpoint, the relationship between ruler and subject is one of the relationships thought of as universal to men and women’s condition and essential for a stable social order. Indeed, most of the literature, sociological or not, depicts Confucianism as a social force that has traditionally moulded the Chinese into socially dependent beings (Solomon 1971). Especially on the urban-rural fringe of land-lost farmers’ resettlement communities, which is the field for the present study, and derived from rural society where there are inextricably intertwined social relations—the usually-called society of ‘acquaintances’ (Fei 2005 [1948]) or ‘semi-acquaintances’ (He 2000)—it is argued that there exists a ‘network of power-interests structure’ in this field, which takes into account both formal and informal elements, and which involves every actor within it. This specific structure is theoretically predicated on the ‘structure’ in Giddens’ sense in which agents find themselves. Agents in this study include land-lost farmers and local government institutions,<sup>17</sup> while the specific roles concerned are those of land-lost farmers and local government officials, for example it is officials that carry out the decisions

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<sup>17</sup>Regarding collective institutions as agents, I borrow that insight from methodological individualists, which will be further clarified in Chap. 5.

made by the state's institutions. Land-lost farmers are involved in this structure as taking informal positions while local government assumes the formal position.

The existence of the network of power-interests structure also finds its theoretical basis in power-dependence theory (Blau 1964; Emerson 1962), which itself is based on the principle of social exchange (Blau 1964). Within power-dependence theory, power is viewed as the inverse of dependence; and dependence, in turn, is based on two dimensions: (1) it is directly proportional to the value attributed to the outcome at stake, and (2) it is inversely proportional to the possibility of achieving that outcome through alternative sources or means. Thus, A's power over B is directly related to the degree to which B is dependent on A, and vice versa. Such relationships of interdependency are especially prevalent in Chinese rural society. In the network of power-interests structure, it can be argued that webs of interdependency are of direct relevance to understanding power and dependence, and that they promote forces of integration within the structure.

### 2.6.2 *Forces of Integration and Conflict*

Within the framework of structuration, with the existence and reproduction of structure, as well as the dialectic of control, there is the potential for the concurrent analyses of forces of integration and conflict. As regards the force of integration, the ideas of Durkheim should be drawn on in the first place. He (1984 [1893]: 105–6) represents the penetration of collective conscience into the individual's conscience and personality as a conformity-producing mechanism. This conformity, in his opinion, is constructed through two formulations: every society is 'despotic', and this 'despotism' is both natural and necessary (1992 [1957]: 61); men and women in society have a basic 'need to be constrained, bounded, [and] restricted' (1961: 113).

Such forces of integration are especially emphasised in the Chinese case. Traditionally, Confucian social theory was concerned with the question of how to establish a harmonious secular order in the 'man-centred' world (King 1991: 65). Further, according to Liang Shuming, who was a Confucian social reformer of the modern era, in the 1920s and 30s, Chinese society is neither individually-based nor institutionally-based but rather relationship-based (King 1985: 63; Alitto 1986; King 1991: 65). King (1991: 63) explains, no one who has had firsthand experience with Chinese society could fail to note that Chinese people are extremely sensitive to *mianzi* (face) and *renqing* (obligation) in their interpersonal relationships. Likewise, no one who has lived in Chinese society could be totally unaware of the social phenomenon called *guanxi* (personal relationship). There is a general impression, correct or not, as observed by Butterfield (1983) and others, that the Chinese are hopelessly interlocked in *renqing wang* (a web of personal obligations) or *guanxi wang* (a web of personal relationships). It is no exaggeration to say that *guanxi*, *renqing*, and *mianzi* are key socio-cultural concepts to the understanding of Chinese social structure.

Such a structure provides the particular setting for interactions between land-lost farmers and local government officials. According to Giddens (1984: 142), '[s]ocial integration has to do with interaction in contexts of co-presence'. It is the structural emphasis on actor-structure interplay that provides the theoretical foundation for social integration within the structure. The structure functions as the context for actors to obtain and operate power. Structure represents both form and process. Structure represents relatively stable patterns of interpretation and action. These institutionalised patterns emerge as routine interaction over time. People then behave within these institutionalised patterns. Agents may 'draw on' structure strategically in acting. And the meaningful accountability of agents' conduct—as the agents can produce a certain extent of 'reflexive self-regulation' grounded in 'self-knowledge and in knowledge of the social and material worlds which are the environment of the acting self' (Giddens 1976: 85)—in turn means that social structure is reproduced in conduct, and thus social integration is maintained. In the particular context of resettlement communities, and in view of the long-established nature of official-populace relations, there can be seen to be mutually reinforcing and constraining roles at play in the relationship between land-lost farmers and local government.

It would however be a mistake to think that every individual has an equal ability to contribute to or modify structures. A person's ability to intervene in the social process depends upon his/her position in the social structure. According to Dahrendorf, the basic analysing unit of social structure is social status. Within the structure under consideration here, local officials hold the dominant status in their relationship with land-lost farmers. From a conflict perspective, the relationship between the two sides can be seen as kind of imperatively coordinated association breeding conflict (Dahrendorf 1959). Specifically, local government represents the power of the regime, and land-lost farmers represent the power of the grass roots. Local bureaucracies are the institutions that people confront in their everyday lives, the bodies whose decisions affect them, and the structures they can hope to change. In its most basic form, intimate closeness implies the possibilities for hatred of local bureaucrats (Coser 1965 [1956]). Local bureaucracies become the targets of petitions and demonstrators. According to the neo-Simmelian schema (cited from Levine 1991: 1107), the enmity that exists between land-lost farmers and local government underlies a process of conflict.

Herein lies a fundamental question that needs to be addressed at the outset: whether conflict is a necessary aspect of power. There are two distinct perspectives. On the one hand, Weber's definition of power has been understood to hold that conflict is essential to power relations (Wrong 1970: 54–5; Lukes 1974: 23) and the conflict theory perspective is based on the proposition that power necessarily implies conflict (Dahrendorf 1968: 227). On the other hand, from the perspective of structuration theory, power implies conflict only when resistance has to be conquered. And according to Parsons' discussion of the common-sense meaning of power, the 'problem of coping with resistance' 'leads into the question of the role of coercive measures, including the use of physical force' (1969: 252). This latter perspective allows for the possibility that power which overcomes resistance does

not necessarily lead to conflict; it depends on the form which power takes in coping with resistance.

In the event, detailed considerations of the interrelationships between power, resistance, and conflict are not taken into my analysis of the relationship between land-lost farmers and local government, but I still have to clarify my basic point of view. First, actually, I intentionally avoid the concept of resistance while inclining to the idea of ‘two-way’ power relations.<sup>18</sup> Second, since land-lost farmers and local government are respectively situated in low and high hierarchical positions, such a power relation between them may be very unequal, but I hold to the standpoint that conflict between the two sides can be contained within the network of power-interests structure in the local setting, in occasional situations it can also manifest itself as explicit conflict which would disrupt that structure. Therefore, when I subscribe to the conclusion drawn by Barbalet (1985) that resistance can take different forms, none of which are necessarily associated with conflict, I understand Barbalet to mean explicit conflict. I will look at the manifestation of conflict by looking at respective expressed interests of both sides concerned; and their interests would be reconstructed from their behaviour (including discourse) given the strategic situation. Third, power relations can be characterised as being both asymmetrical and reciprocal (Barbalet 1985: 541). In this sense, when analysing conflict, my principal focus will be on those conflicting elements involved in the processes of structuration. The key question, though, is how expressions of the asymmetry of power and reciprocity on the part of each side can be integrated (Barbalet 1985: 542). I believe the utilisation of both structuration theory and conflict theory can fulfil this task in my own research.

### 2.6.3 *Dynamic Interplay*

It is through the reaction of agents to the presence of the field (structure) that motivates the dynamic process of interplay among agents as well as between agents and the field (structure). Specifically in a relationship-based society, according to the Confucian human-centred philosophy, as Hu (1996 [1919]: 116) states: ‘all action must be in a form of interaction between man and man’; man (and woman) is defined as a social or interactive being (Moore 1967). It is also important to bear in mind that the Confucian individual is more than a role player mechanically performing the role-related behaviour prescribed by the social structure; the Confucian individual is the initiator of social communication (King 1991: 67). People in a relationship-based society are not only dependent upon the structure within which they find themselves, but more importantly, they are also interdependent upon each other and actively interact with each other to reproduce or even change the structure.

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<sup>18</sup>In this approach, as Barbalet (1985: 542) argues, the concept of resistance would be redundant.

Therefore, at any given time, the networks provide access to valued resources, while behaviours to acquire and strategically use resources are actively developed within networks. Land-lost farmers disadvantaged otherwise by current structural constraints can still act to change them (Zeitiz 1980) by such means. At this point in the framework of structuration, Giddens treats interaction as a power relation. He speaks of a countervailing process, the ‘dialectic of control’, which plays its part. Power relations are always two-way. The domination of one agent by another might derive from a direct relation between them. This is the obvious sense of one having power over another (Barbalet 1985: 544); but ‘however subordinate an actor may be in a social relationship, the very fact of involvement in that relationship gives him or her a certain amount of power over the other’ (Giddens 1979: 6). In other words, the capacity to resist gives them ‘some degree of control over the conditions of reproduction of the system’ (Giddens 1982: 32). While agents respond to their context, their actions might consolidate existing structures or, at crucial or critical junctures lead to changes in those structures. These can be reasonably regarded as moves in the dialectic of control.

Following this line of reasoning, in a structurational relationship, people act, but they act as constrained and enabled by others. Their views, interests, beliefs, and desires are formed through their interaction with others. And in the mobilisation of resources, it is important to take into account the two-way character of power (power as control). It is in this way that the structuration theory will be used to analyse the relationship between land-lost farmers and local government which takes place within the ‘network of power-interests structure’. The empirical chapters will deal with the norms determined by the structure, the interpretative scheme generated by agents, as well as the facility of power that actualises the effects of interaction, which function to construct that relationship.

## 2.7 Combination of Conflict and Structuration Theories

Given the specific context of the present study, it is clear that conflict is inherent in the relationship between land-lost farmers and local government due to the subordinate position of land-lost farmers. I consider elements of conflict theory, especially the functional conflict approach and dialectical conflict approach, which converge with structuration theory at some points. Structuration contributes to examining the habitual action (structural constraint) and the chances provided by structural facilitation (the ability of exercise of power). By adopting structuration theory, the emphasis will be on how the use of particular system elements, as rules and resources, reproduce or transform structural features.

It may seem the concurrent use of conflict and structuration theory is problematic. How and what bridges them? The bases for the combined use of the two perspectives can be outlined as follows. First, there is a shared concern with



structure. Second, my choice of a Weberian perspective on conflict, especially the point made by Dahrendorf's dialectical approach to conflict that roles situating in different statuses will strive for their particular interests, is compatible with structuration theory in that it allows for the possibility of variable or 'two-way' power relations. Third, that perspective on conflict theory admits non-material causes, namely, the inconformity of value conceptions and beliefs, and of actors' wills as well as their self-interests to situate themselves in a favourable place, which implies that conflict theory from a Weberian perspective acknowledges the importance of actors' knowledge and consciousness in shaping and transforming the structure within which they find themselves.

A central concern here is the conceptualisation of 'power' that both distinguishes and connects the two theoretical perspectives. The concept of 'power' and 'power relations' should be by any means invoked when discussing the particular kind of relationship, which is analysed in the present study. Studies of power are about the definitions of three key concepts: interests, consciousness and consensus (Gaventa 1980: 28). Thus, the key to understanding power relations is to figure out what interests are sought for by each side, what thoughts and consciousness they respectively have, and whether there is any consensus between the two sides, as well as whether each side has arrived at some kind of consensus within their own group. The present study uses both conflictual and structuration language to understand the manifestation of interests, consciousness, and consensus within the relationship between land-lost farmers and local government.

Whereas conflict theory tends to see power as negative, structuration theory sees power as positive. In this regard, nevertheless, the present study stitches them together and holds a view of power as: not only negative, in that it 'excludes', it 'represses' and 'censors'; but also as positive, in that it produces domains of objects and reality (Foucault 1995 [1977]: 194). The latter aspect of power means that the relations between superordinates and subordinates can be complementary, by taking into account how the less powerful manage the resources available to them in a way so as to exert influence over the more powerful within an established power relationship.

All in all, the existing literature provides the factual and conceptual foundation for further analysis. Land holds exclusive meaning to farmers economically, socially, politically, and culturally. In the process of urbanisation and urban development of China which in itself bears a certain extent of awkwardness, the obscure nature of land ownership especially collective land ownership makes things more complicated. Such background information will be involved later at some points. Confrontation between farmers and the local authorities in China as manifested in the review of the existing literature is inadequate for a full and detailed understanding of the relationship between the two sides. Thus, the theories of structuration and conflict act together as the theoretical framework for the present study. They will be used together to discuss the relationship between land-lost farmers and local government which involves integration, conflict, and interplay.

## References

- Alitto, G. S. (1986). *The last Confucian: Liang Shu-ming and the Chinese dilemma of modernity* (2nd ed.). Berkeley: University of California Press.
- Astley, W. G., & Sachdeva, P. S. (1984). Structural sources of intraorganizational power: A theoretical synthesis. *Academy of Management Review*, 9(1), 104–113.
- Auty, R. (1995). *Patterns of development: Resources, policy and economic growth*. London: Arnold.
- Barbalet, J. M. (1985). Power and resistance. *The British Journal of Sociology*, 36(4), 531–548.
- Barlett, P. F. (Ed.). (1980). *Agricultural decision making: Anthropological contributions to rural development*. New York: Academic Press.
- Bell, K. P., Boyle, K. J., & Rubin, J. (Eds.). (2006). *Economics of rural land-use change*. Surrey: Ashgate Publishing.
- Bian, Y. (Ed.). (1998). *Zhonghua renmin gongheguo tudi guanlifa shiyi (An interpretation of the Land Administration Law of the People's Republic of China)*. Beijing: Law Press.
- Blau, P. M. (1964). *Exchange and power in social life* (5th ed.). New Brunswick, NJ: Transaction.
- Bodde, D. & Morris, C. (1973 [1967]). *Law in imperial China: Exemplified by 190 Ch'ing Dynasty cases (Translated from the Hsing-an hui-lan) with historical, social, and juridical commentaries*. Philadelphia: University of Pennsylvania Press.
- Bourdieu, P. (1996 [1992]). *The rules of art: Genesis and structure of the literary field* (trans: Emanuel, S.). Stanford: Stanford University Press.
- Bourdieu, P. (2005 [1995]). The Political Field, the Social Science Field, and the Journalistic Field. In R. Benson & E. Neveu (Eds.) *Bourdieu and the Journalistic Field*. Cambridge; Malden: Polity Press, pp. 29–47.
- Brass, D. J., & Burkhardt, M. E. (1993). Potential power and power use: An investigation of structure and behavior. *Academy of Management Journal*, 36(3), 441–470.
- Burawoy, M. (1998). The extended case method. *Sociological Theory*, 16(1), 4–33.
- Butterfield, F. (1983). *China: Alive in bitter sea*. London: Coronet Books.
- Cai, D. (1999). *Lishi yu biange: Xinhongguo fazhi jianshe de licheng (History and change: The course of legal construction of new China)*. Beijing: China Political Science and Law Press.
- Cartier, C. (2001). 'Zone fever', the arable land debate, and real estate speculation: China's evolving land use regime and its geographical contradictions. *Journal of Contemporary China*, 28(10), 445–469.
- Castells, M. (1977). *The urban question*. Cambridge, MA: The MIT Press.
- Castells, M. (1983). *The city and the grassroot: A cross-cultural theory of urban social movement*. Berkeley: University of California Press.
- Chen, D. (2003). *Jinquan chengshi—Difang paixi, caituan yu Taibei duhui fazhan de shehuixue fenxi (Golden power city: Sociological analysis of regional factions, financial groups and the metropolitan development of Taibei)*. Taibei: Juliu Book Company.
- Chisari, O., Estache, A., Romero, C. (1999). Winners and losers from the privatization and regulation of utilities: Lessons from a general equilibrium model of Argentina. *The World Bank Economic Review*, 357–378.
- Coser, L.A. (1965 [1956]). *The functions of social conflict*. London: Routledge.
- Dahrendorf, R. (1959). *Class and class conflict in industrial society*. Stanford: Stanford University Press.
- Dahrendorf, R. (1968). *Essays in the theory of society*. Stanford: Stanford University Press.
- David, R., & Brierley, J. E. C. (1978). *Major legal systems in the world today: An introduction to the comparative study of law* (2nd ed.). London: Stevens & Sons.
- Demsetz, H. (1967). Toward a theory of property rights. *American Economic Review*, 62, 347–359.
- Ding, C., & Knaap, G. (2005). Urban land policy reform in China's transitional economy. In C. Ding & Y. Song (Eds.), *Emerging land and housing markets in China* (Vol. 2, pp. 9–37). Cambridge, MA: Lincoln Institute of Land Policy.
- Djilas, M. (1966). *The new class: An analysis of the communist system*. London: Unwin Books.

- Durkheim, E. (1961). *Moral education* (trans: Wilson, E.K. & Schnurer, H.). Glencoe, Ill: The Free Press of Glencoe.
- Durkheim, E. (1984 [1893]). *The division of labour in society* (trans: Halls, W.D.). Houndmills; Basingstoke; Hampshire: Macmillan.
- Durkheim, E. (1992 [1957]). *Professional ethics and civic morals* (trans: Brookfield, C.). London; New York: Routledge.
- Eisenstadt, S. N., & Shachar, A. (1987). *Society, culture, and urbanization*. California: Sage.
- Elliot, B., & McCrone, D. (1982). *The city: Patterns of domination and conflict*. London: Macmillan.
- Ellis, F. (2000). *Rural livelihoods and diversity in developing countries*. Oxford: Oxford University Press.
- Emerson, R. M. (1962). Power-dependence relations. *American Sociological Review*, 27(1), 31–40.
- Fei, X. (2005 [1948]). *Xiangtu zhongguo (From the soil: The foundations of Chinese society)*. Beijing: Beijing Publishing Group Ltd.
- Fletcher, R. (2001). What are we fighting for? Rethinking resistance in a Pewenche community in Chile. *Journal of Peasant Studies*, 28(3), 37–66.
- Foucault, M. (1995 [1977]). *Discipline and punish: The birth of the prison* (2nd ed.) (trans: Sheridan, A.). New York: Vintage Books.
- Galbraith, J. K. (1980). *American capitalism: The concept of countervailing power* (2nd ed.). Oxford: Blackwell.
- Gamson, W. (1975). *The strategy of social protest*. Homewood, Ill: Dorsey.
- Gaventa, J. (1980). *Power and powerlessness: Quiescence and rebellion in an Appalachian valley*. Oxford: Clarendon Press.
- Giddens, A. (1976). *New rules of sociological method: A positive critique of interpretative sociologies*. London: Hutchinson.
- Giddens, A. (1979). *Central problems in social theory: Action, structure and contradiction in social analysis*. London; Basingstoke: Macmillan.
- Giddens, A. (1981). *A contemporary critique of historical materialism Vol. I Power, property and the state*. London: Macmillan.
- Giddens, A. (1982). *Profiles and critiques in social theory*. London: Macmillan.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- Gu, C., & Kerstrode, C. (1997). Beijing shehui jihua yu kongjian fenyi yanjiu (A study on social polarisation and spatial differentiation in Beijing). *Acta Geographica Sinica*, 52(5), 385–393.
- Harvey, D. (1973). *Social justice and the city*. London: Edward Arnold.
- Harvey, D. (1990). *The conditions of postmodernity*. Cambridge, MA: Blackwell.
- Harvey, D. (1992). Social justice, postmodernity, and the city. *International Journal of Urban and Regional Research*, 16(4), 588–601.
- He, X. (2000). On the society of semi-acquaintances. *Journal of Political Science*, 3, 61–69.
- Ho, P. (2001). Who owns China's land? Policies, property rights and deliberate institutional ambiguity. *The China Quarterly*, 166, 394–421.
- Ho, S. P. S., & Lin, G. C. S. (2003). Emerging land markets in rural and urban China: Policies and practices. *The China Quarterly*, 175, 681–706.
- Huang, R. (1990 [1988]). *China: A macro history* (Revised ed.). Armonk, NY; London: M. E. Sharpe.
- Hu, C. (Ed.). (1998). *Tudi dengji lilun yu fangfa (Theory and methods of land registration)* (Vol. I). Beijing: Zhongguo Nongye Press.
- Hu, S. (1996 [1919]). *Zhongguo zhexueshi dagang (An outline of the history of Chinese philosophy)*. Beijing: Dongfang Press.
- Hu, Y., & Peng, X. (2005). A study of conspiracy behavior of interests community in city demolition management. *Journal of Changchun University*, 15(3), 71–75.
- Jenkins, J. C., & Perrow, C. (1977). Insurgency of the powerless: Farm worker movements (1946–1972). *American Sociological Review*, 42, 249–268.

- Jenkins, J. C. (1982). Why do peasants rebel? Structural and historical theories of modern peasant rebellions. *American Journal of Sociology*, 88, 487–514.
- King, A. Y. (1985). The individual and group in Confucianism: A relational perspective. In D. J. Munro (Ed.), *Individualism and holism: Studies in Confucian and Taoist values* (pp. 57–70). Ann Arbor: Michigan University Press.
- King, A. Y. (1991). Kuan-hsi and network building: A sociological interpretation. *Daedalus*, 120 (2), 63–84.
- Klinenberg, E. (2002). *Heat wave: A social autopsy of disaster in Chicago*. Chicago; London: University of Chicago Press.
- Lefebvre, H. (1974). *The production of space*. Oxford: Basil Blackwell.
- Levine, D. N. (1991). Simmel and Parsons reconsidered. *The American Journal of Sociology*, 96 (5), 1097–1116.
- Liao, X. (2005). *Zhongguo shidi nongmin yanjiu (The study on Chinese land-lost farmers)*. Beijing: Social Sciences Academic Press.
- Li, H., Waley, P., & Rees, P. (2001). Reservoir resettlement in China: Past experience and the Three Gorges Dam. *The Geographical Journal*, 167(3), 195–212.
- Li, L., & O'Brien, K. J. (1996). Villagers and popular resistance in contemporary China. *Modern China*, 22(1), 28–61.
- Li, P. (2003). Rural land tenure reforms in China: Issues, regulations and prospects for additional reform, land reform, land settlement and cooperatives. *Land Reform*, 3, 59–72.
- Li, Z., Wu, F., & Lu, H. (2004). Socio-spatial differentiation in China: A case study of three neighbourhoods in Shanghai. *Chengshi Guihua (City Planning Review)*, 28(6), 60–67.
- Lubman, S. B. (1999). *Bird in a cage: Legal reform in China after Mao*. Stanford: Stanford University Press.
- Lubman, S. B. (1991). Studying contemporary Chinese law: Limits, possibilities and strategy. *American Journal of Comparative Law*, 39(2), 299–341.
- Lukes, S. (1974). *Power: A radical view*. London: Macmillan.
- Macpherson, C. B. (1975). Capitalism and the changing concept of property. In E. Kamenka & R. S. Neale (Eds.), *Feudalism, capitalism and beyond* (pp. 104–124). London: Edward Arnold.
- Maine, H.S. (1983 [1861]). *Ancient law, its connection with the early history of society and its relation to modern ideas* (internet ed.). <http://www.heinonline.org/HOL/Index?index=beal/al&collection=beal>. Accessed April 18, 2011.
- Mao, Z. (1940). On new democracy. In *Selected works of Mao Tse-tung Vol. II* (internet ed.). [http://www.marxists.org/reference/archive/mao/selected-works/volume-2/mswv2\\_26.htm](http://www.marxists.org/reference/archive/mao/selected-works/volume-2/mswv2_26.htm). Accessed July 10, 2011.
- Marshall, T. H. (1963). *Sociology at the crossroads*. London: Heinemann.
- Marx, K. (1971 [1859]). *A contribution to the critique of political economy* (trans: Ryazanskaya, S.W., ed: Dobb, M.). London: Lawrence and Wishart.
- Marx, K. (1974 [1867]). Chapter 1: Commodities, in his *Capital I* (pp. 53–121) (trans: Paul, M.E. & Paul, C.). London: Dent.
- Marx, K. (2001 [1852]). *The 18th brumaire of Louis Bonaparte*. London: Electric Book Co.
- Mattei, U. (1997). Three patterns of law: Taxonomy and change in the world's legal systems. *American Journal of Comparative Law*, 45, 5–44.
- Mattingly, M. (1993). Urban management intervention in land markets. In N. Devas & C. Rakodi (Eds.), *Managing fast growing cities: New approaches to urban planning and management in the developing world* (pp. 102–131). Harlow: Longman.
- Mellor, J. W., Weaver, T. F., Lele, U. J., & Simon, S. R. (1968). *Developing rural India: Plan and practice*. Ithaca, NY: Cornell University Press.
- Moore, C.A. (1967). Introduction: The humanistic Chinese mind. In his (Ed.), *The Chinese mind: Essentials of Chinese philosophy and culture* (pp. 1–10). Honolulu: University of Hawaii Press.
- Morgan, L. (1877). *Ancient society*. New York: Charles H. Kerr.
- Moyo, S. (2000). The political economy of land acquisition and redistribution in Zimbabwe, 1990–1999. *Journal of Southern African Studies*, 26(1), 5–28.

- Mukherji, I. N. (1976). Agrarian reforms in Bangladesh. *Asian Survey*, 16(5), 452–464.
- Oberschall, A. (1973). *Social conflict and social movements*. Englewood Cliffs, NJ: Prentice-Hall.
- O'Brien, K. J., & Li, L. (2006). *Rightful resistance in rural China*. Cambridge: Cambridge University Press.
- Parsons, T. (1969). On the concept of political power. In his *Politics and the social structure* (pp. 240–265). New York: Free Press.
- Piven, F. F. (2006). *Challenging authority: How ordinary people change America*. Lanham, MD: Rowman and Littlefield.
- Piven, F. F., & Cloward, R. A. (1977). *Poor people's movements: Why they succeed, how they fail*. New York: Random House.
- Piven, F. F., & Cloward, R. A. (2000). Power repertoires and globalization. *Politics & Society*, 28, 413–430.
- Piven, F. F., & Cloward, R. A. (2005). Rule making, rule breaking, and power. In T. Janoski, R. Alford, A. Hicks, & M. A. Schwartz (Eds.), *The handbook of political sociology: States, civil societies, and globalization* (pp. 33–53). Cambridge: Cambridge University Press.
- Ratcliffe, R. U. (1949). *Urban land economics*. New York: McGraw-Hill Book Co., Inc.
- Ricardo, D. (2005 [1817]). *The works and correspondence of David Ricardo, Vol. 1 Principles of political economy and taxation* (eds: P. Sraffa & M. H. Dobb). Indianapolis: Liberty Fund.
- Rondinelli, D. A., McCullough, J. S., & Johnson, R. W. (1989). Analysing decentralization policies in developing countries: A political-economy framework. *Development and Change*, 20(1), 57–87.
- Sahli, Z. (1981). The phenomenon of marginalisation in underdeveloped rural communities. *Third World Quarterly*, 3(3), 489–498.
- Schattschneider, E. E. (1942). *Party government*. New York: Rinehart.
- Schram, S. R. (Ed.). (1985). *The scope of state power in China*. London and New York: St. Martin's Press.
- Scott, J. C. (1977). Protests and profanation. *Theory and Society*, 4(1), 1–38.
- Scott, J. C. (1985). *Weapons of the weak: Everyday forms of peasant resistance*. New Haven; London: Yale University Press.
- Scott, J. C. (1990). *Domination and the arts of resistance: Hidden transcript*. New Haven; London: Yale University Press.
- Selden, M., & Lu, A. (1993). The reform of landownership and the political economy of contemporary China. In M. Selden (Ed.), *The political economy of Chinese development*. Armonk, NY: M.E. Sharpe.
- Simmel, G. (1950). The metropolis and mental life. In K. H. Wolff (Ed.), *The sociology of Georg Simmel* (pp. 409–424). New York: Free Press.
- Soja, E. W. (2000). *Postmetropolis: Critical studies of cities and regions*. Malden, MA; Oxford: Blackwell Publishers.
- Soloman, R. H. (1971). *Mao's revolution and the Chinese political culture*. Berkeley: University of California Press.
- Star, S. L. (1989). *Regions of the mind: Brain research and the quest for scientific certainty*. Stanford, CA: Stanford University Press.
- Syagga, A. M., & Olima, W. H. A. (1996). The impacts of compulsory land acquisition on displaced households: The case of the third Nairobi water supply project, Kenya. *Habitat International*, 20(1), 61–75.
- Tan, Y. (2002). Diagnosing the excrescent mental state of visitors from the localities appealing to the higher authorities for help. *Leadership Science*, 13, 14–15.
- Tan, Y., & Wang, Y. (2003). Rural resettlement and land compensation in flooded areas: The case of the Three Gorges Project, China. *Asia Pacific Viewpoint*, 44(1), 35–50.
- Thernstrom, S. (1974). *Poverty and progress: Social mobility in a nineteenth-century city*. Cambridge, MA: Harvard University Press.
- Tien, Y. H. (1973). *China's population struggle*. Columbus, OH: Ohio State University Press.
- Tilly, C. (1975). Revolutions and collective violence. In F. I. Greenstein & N. Polsky (Eds.), *Handbook of political science* (Vol. 3, pp. 483–555). Reading, MA: Addison-Wesley.

- Tönnies, F. (1957 [1887]). *Community and society* (trans: C. P. Loomis). East Lansing: The Michigan State University Press.
- Touraine, A. (1981). *The voice and the eye: An analysis of social movements*. New York: Cambridge University Press.
- Van den Bergh, G. C. J. J. (1996). Property versus ownership: Some cursory notes. In H. L. J. Spiertz & M. G. Wiber (Eds.), *The role of law in natural resource management* (p. 172). The Hague: VUGA.
- Van Velsen, J. (1967). The extended-case method and situational analysis. In A. L. Epstein (Ed.), *The craft of social anthropology* (pp. 129–153). London: Tavistock Publications.
- Wallace, R. A., & Wolf, A. (2006). *Contemporary sociological theory: Expanding the classical tradition* (6th ed.). Upper Saddle River, NJ: Pearson Prentice Hall.
- Wang, C. (1997). Chapter 1 Introduction: An emerging legal system. In C. Wang & X. Zhang (Eds.), *Introduction to Chinese law*. Hong Kong; Singapore: Sweet & Maxwell Asia.
- Watson, A. (1989). Investment issues in the Chinese countryside. *The Australian Journal of Chinese Affairs*, 22, 85–126.
- Weber, M. (1946). Class, status, party. In R. Bendix & S. M. Lipset (Eds.), *Class, status, and power: A reader in social stratification* (pp. 63–75). New York: Free Press.
- Weber, M. (1978). *Economy and society: An outline of interpretive sociology* (eds: G. Roth & C. Wittich trans: E. Fischoff, et al.). Berkeley: University of California Press.
- Wirth, L. (1938). Urbanism as a way of life. *The American Journal of Sociology*, 44(1), 1–24.
- Wrong, D. H. (1970). *Max Weber*. Engelwood Cliffs, NJ: Prentice-Hall.
- Xiao, L. (2004, September 30). Falü qieru: Zhengzhi chongtu de zhixu he difang zizhi de qieshi (The intervention of law: The order of political conflict and deficiency of local autonomy). *Twenty-First Century (internet edi.)*, 30. <http://www.cuhk.edu.hk/ics/21c/supplem/essay/0405039.htm>. Accessed 23 August 2016.
- Xie, F., & Niu, J. (2005). Efficiency and justice: The value choice about the housebreaking in the city. *Journal of Chongqing Jianzhu University*, 27(2), 110–115.
- Yang, M. (2002). Starting with the characteristics in order to handle the events of mass' applying for an audience with the higher authorities to complain. *Journal of Zhejiang Police College (Public Security Science Journal)*, 2(47–48), 69.
- Yang, S. (2006). *Evolution of social space in Chinese metropolises*. Shanghai: East China University of Science and Technology Press.
- Ye, C. (2002). On the characters about the visitors from the localities appealing to the higher authorities for help in the new period. *Henan Social Sciences*, 10(4), 177–179.
- Ying, X. (2007a). 'Chengren de zhengzhi' ('Politics of admission'). *Nanfengchuan*, 10, 68–69.
- Ying, X. (2007b). Grassroots mobilization and the mechanism of interest expression of the peasants group: A comparative study of four cases. *Sociological Studies*, 2, 1–23.
- Yu, J., & Cai, Y. (2009). Xianzheng yunzuo de quanli beilun (The power paradox of the operation of county politics). *The New Orient*, 10, 60–62.
- Yu, J. (2004). Dangqian nongmin weiquan huodong de yige jieshi kuangjia (An interpretative framework of farmers' rights-safeguarding activities at present). *Sociological Studies*, 2, 49–55.
- Yu, J. (2008). Gongzhi weiquan yu fazhi weiquan – Zhongguo zhengzhi fazhan de wenti he chulu (Collegial authority and law-ruling authority: The problems and alternatives of political development of China). *Issues of Contemporary World Socialism*, 4, 17–25.
- Zeitz, G. (1980). Interorganizational dialectics. *Administrative Science Quarterly*, 25, 72–88.
- Zeng, X., & Sun, G. (2009). Zouxiang fazhi: Gongheguo liushinian huimou (Stepping forward to the rule of law: Review of the sixty years' People Republic of China). *Jurists Review*, 5, 1–27.
- Zhang, Y., & Zhang, W. (2009). *Lintong xinfang: Zhongguo jiceng xinfang wenti yanjiu baogao (Letters and visits in Lintong: Research report of the issue of grass-roots letters and visits in China)*. Beijing: Renmin Press.
- Zhou, K. X. (1996). *How the farmers changed China: Power of the people*. Boulder, CO: Westview Press.
- Zhou, X. (1993). Unorganized interests and collective action in communist China. *American Sociological Review*, 58, 54–73.

## Chapter 3

# Methodology

This chapter moves on to discuss the research design and methodology adopted for the study. The chapter begins by clarifying the main objective of the study. The research design and methodology under use are then discussed along with a detailed description of the setting and the sample chosen for application of the extended case method. Afterwards, there follows a full account of my research practice, including a discussion of the study's strengths and limitations in methodological terms.

### 3.1 The Objective of the Research

The primary objective of the research is to construct a systematic understanding of the relationship between land-lost farmers and local government officials in China in the process of land expropriation, that is, the relationship between the state bureaucracy and farmers supported (if any) by grass-roots activists. More specifically, guided by the theoretical framework which was set out in the previous chapter, the objective of the research is to analyse the form and the content of the relationship between displaced farmers and the local authorities, as constituted both by its static manifestation and dynamic process.

Despite sympathy for the traditionally 'voiceless', in the present study I am not trying to pronounce a definite resolution to social conflict, or crisis in China, to explain the government's motives, to adjudicate on the efficacy of the development and urbanisation process, to ask whether the benefits of urbanisation for national development outweigh the costs incurred to marginalised groups such as land-lost farmers and Chinese rural society, or to determine in policy terms, whether the compensation packages offered by the government in the process of land expropriation are adequate to meet the needs of those farmers who have been displaced from their way of life and their livelihoods. Rather, I am interested in people's own appraisals of their lives and the separate responses from both sides during their

contestation, while acknowledging that relationship is political and distorted by ideologies and utopias. My purpose is to understand the relationship between land-lost farmers and local officials in depth; only afterwards would it be possible to consider what is to be done about it.

Given the sensitive and politicised nature of the topic and restrictions on access to official sources of material there are major challenges to undertaking a study of the relationship between land-lost farmers and local government officials in China, perhaps especially for a Chinese citizen, not least permission to access study sites. The research was designed and undertaken using qualitative methods. First and foremost, qualitative methods allow the research to be conducted so that the informants are able to tell their stories, focusing on aspects of the process they perceive as important; and importantly, it also provides the flexibility to allow the researcher to pursue further topics as they arise during fieldwork, and address issues which may not have been anticipated in advance. The study is undertaken guided by the reflexive model of science, accompanied by the extended case method. More specifically, the main research techniques include participant observation in resettlement communities and government institutions and semi-structured interviews with land-lost farmers and government staff. Besides, documentary analysis is used with regard to relevant policies, and simple questionnaires are given to the land-lost farmers as a prelude to semi-structured interviews so as to obtain basic profiles of all study participants. The remainder of this chapter will examine the design and methodology in more detail, beginning with general guidelines to the chosen method.

## 3.2 Research Method

As Weber (1949: 115) says, methodology can ‘bring us reflective understanding of the means which have demonstrated their value in practice by raising them to the level of explicit consciousness’: what Burawoy (1998: 16) calls ‘methodological self-consciousness’. The present study concerns a particular kind of social relationship under the reflexive model of science, which Burawoy (1998: 30) claims is ‘better attuned to studying everyday social interaction’. According to Burawoy, the extended case method emulates the reflexive model of science (1998: 5):

Reflexive science starts out from dialogue, virtual or real, between observer and participants, embeds such dialogue with a second dialogue between local processes and extralocal forces that in turn can only be comprehended through a third, expanding dialogue of theory with itself.

In the extended case method, we ‘look upon the external field as the conditions of existence of the locale within which research occurs’; and we ‘move beyond social processes to delineate the social forces that impress themselves on the ethnographic locale’ (Burawoy 1998: 15).



The extended case method provides the methodological framework to the present study. The utilisation of it concerns what Burawoy alludes to as the third and the fourth principles (2009: 17):

The third principle is the extension from the microprocesses to macroforces, looking at the way the latter shape and indeed are shaped by the former. ... The fourth principle is the extension of theory that is the ultimate goal and foundation of the extended case method.

In this sense, the present study extends from a localised intervention to incorporate a wider analysis of regimes of power<sup>1</sup> and broader structuring external social forces. The use of the extended case method contributes to my ‘situational analysis’<sup>2</sup> (Van Velsen 1967) and fulfilment of the objective of the study: ‘dig[ging] beneath the political binaries’ (Burawoy 1998: 6) of land-lost farmers and local government, urban and rural, grass roots and authorities, local authorities and the central authority ‘to discover multiple processes, interests, and identities’. At the same time, the interaction context ‘provides fertile ground for recondensing these proliferating differences’ around local and national links.

The use of the extended case method also assists me in seeking differences among similar cases. Inspired by Lakatos (1970), the aim of the extended case method is to add yet another ‘protective belt’ or another layer of theory to the theoretical narrative, thereby reshaping it to fit the new set of observations. As a theory-method package (Star 1989), the extended case method puts much emphasis on the essentiality of theory, which guides interventions, constitutes situated knowledge into social processes, and locates those social processes in their wider context of determination. Therefore, in my research, the method is set alongside theories of structuration and conflict in order to analyse and understand the relationship under discussion between land-lost farmers and local officials.

### 3.3 Outline of the Setting and the Sample

As with the method of data collection, the locations and participants in the study were determined by the objective of the research.

#### 3.3.1 Selection of Study Sites

The fieldwork is done in Changsha in Hunan Province, which is situated in central China (see Fig. 3.1). It may be helpful to the reader if I explain why I choose to study

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<sup>1</sup>Whyte (1993 [1943]), Susser (1982), Haney (1996) also contribute to such effort.

<sup>2</sup>In Van Velsen’s opinion, ‘situational analysis’ supplements and enlivens ‘the statics of the structure’ with ‘an account of the actions ... of the individuals who operate the structure, i.e. the processes going on within the structure’ (1967: 141).

**Fig. 3.1** Position of Changsha in China



Changsha. In 1980s, which was the initial stage of reform and openness, the disparity between the economy of Changsha and that of coastal cities grew wide; since the later period of 1990s, Changsha has begun to develop rapidly and become an important city in the mid-west. The area under its administration is 11,819 km<sup>2</sup>, and it has jurisdiction over five districts, three counties, one county-level city (Furong District, Tianxin District, Yuelu District, Kaifu District and Yuhua District, and Changsha County, Wangcheng County, Ningxiang County and Liuyang City), and one direct agency of the National High-tech Industrial Development Zone, 53 streets, 83 towns, 31 rural towns, 566 residents' committees, and 1258 administrative villages.

There are several factors that point to its representativeness of wider socio-economic change. First, because of the central geographic position, the province where Changsha is located has neither high nor low levels of economic development relative to the Chinese average. Perhaps that could be said of its level of political activeness<sup>3</sup> as well. Second, unlike coastal cities, cities which have experienced long periods of urban extension, or western cities which remain underdeveloped with respect to urbanisation, Changsha is undergoing rapid urbanisation at present. During the most recent period of the Twelfth 5-year Plan (2011–2015), the GDP of the city had an annual increase of 12.0 % (national average 8.0 %). The speedy economic development of Changsha calls for greater demand for land. Moreover, a provincial plan of urban agglomeration of three cities centred on Changsha is under way. Therefore, Changsha is currently faced with large scale urban development. By the end of 2012, the area of the city proper expanded to 1007.66 km<sup>2</sup>, the urban built-up area increased to 316 km<sup>2</sup>; the urbanisation rate increased to 69.38 % (nationwide 52.57 %), and the population of the city proper rose to 2.973 million. Accompanying vigorous urbanisation the local authorities have faced the difficult issue of land-lost

<sup>3</sup>The relationship between economic development and political activeness can in part be illustrated by Huntington's statement that 'modernity produces stability and modernization instability' (1968: 47).

farmers. According to my own investigations, the city government has been forced to make land expropriation and resettlement of land-lost farmers one of its most significant agendas for the past eight years. And at the completion of my latest fieldwork for the present study, the city government is still working on a new draft of revised compensation methods. Nevertheless, with the implementation of a municipal policy concerning land expropriation over a period of eight years, and a new policy only recently drafted, a lot of problems have been left by the previous policy and contradictions regarding continuity of policies. All of these mean that the timing of fieldwork came at a critical juncture in processes of land expropriation and the relationship between the local authorities and land-lost farmers in Changsha.

Limited by resources, as well as considering the status quo of resettlement of land-lost farmers in Changsha, in the present study, I focus on those land-lost farmers who have been relocated. During the fieldwork, Changsha has been implementing the ‘reserve-land’ resettlement method, which means a particular proportion of the total expropriated land is reserved for land-lost farmers’ living needs and subsistence. Under this resettlement method, farmers of a particular village are resettled collectively by allocating a piece of land as residential space, which is called the resettlement community. Within such resettlement communities, land-lost farmers live in uniform resettlement houses or blocks of flats. The government gives every household area quotas of houses or flats, which are usually more than sufficient for the dwelling needs of families. So most land-lost farmers let their spare rooms. This resettlement mode is widely implemented nationwide.

I gained access to resettlement communities by means of official introductions, ordinary people’s recommendations and second-hand informants. I undertook preliminary investigations in 24 resettlement communities spread throughout the five administrative Districts and the National High-tech Industrial Development Zone of Changsha. Though the time at which these resettlement communities were established is different, they have similar arrangements and development histories. Based on that initial wider investigation of 24 communities, I selected three as broadly representative of the circumstances and situations of resettled land-lost farmers in Changsha—Qingyuan Community in Tianxin District, Sifangping Community in Kaifu District and Dongfanghong Community in the National High-tech Industrial Development Zone—to act as the sample sites of this study.<sup>4</sup>

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<sup>4</sup>Owing to my limited resources, the sample sites of necessity have some partialness and narrowness. Nevertheless, Burgess (1927: 117) has claimed, there is nothing inherently unscientific about the case study ‘provided that it involves classification, perception of relationships, and description of sequences’. Therefore, with theoretical consideration in mind and through intensive investigation, I regard these three communities as typical representatives of land-lost farmers’ resettlement communities of Changsha City. Further, there is a consensus that a case refers to the way in which the empirical observation or set of observations in a study are not only ‘ideographically’ analysed as a unique occurrence but as an instance situated within a series—a sociological topic of interest, a unit in an empirical or theoretical whole. With this study, I embrace the view and wish throughout that the themes discussed are not only of limited, localised relevance, but are also true of many other areas in central China (and indeed, in the whole country).

On account that the extended case method is a theory-method package, the sampling procedure for the study is out of theoretical considerations. As Mitchell (2006 [1956]) notes, there is often no statistical way to establish that a case is typical or representative, and theoretical saliency should therefore be used to justify sampling choice. Rather than merely including formal structural summaries of fieldwork data, Van Velsen (1967) argues for providing concrete empirical instances of actual behaviour to allow the emergence of ‘exceptional’ and ‘accidental’ instances in terms of the general theory used. Thus, the reason for me to choose these three resettlement communities was that they displayed distinctive characteristics as regards land-lost farmers’ actions and responses to relocation and thus distinctive relationships between land-lost farmers at the three study sites and their respective local government, which fit into different structures.<sup>5</sup> Considering differences between study sites allows for a more complete analysis of the relationship under discussion, and represents to a certain extent, generalisability. Next, I consider whether or not there is any implicit physical particularity that acts as context to the relationship between land-lost farmers and local government within each of three different study sites.

Qingyuan Community is under the jurisdiction of Qingyuan Street Agency,<sup>6</sup> the predecessor of which is the Changsha State-run Livestock Farm. This means all of the land-lost farmers of Qingyuan Community were not only smallholders of the

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<sup>5</sup>As the implicit requirement of the extended case method, I must be able to tell in advance what kind of empirical observations should be seen (Tavory and Timmermans 2009: 255).

<sup>6</sup>Street agencies are governmental field agencies of municipal districts or municipalities that do not set up districts, approximately equating to the level of town before institutional rearrangement brought about by urbanisation. According to the investigation of the Ministry of Civil Affairs, street agencies take on functions and responsibilities in at least 8 aspects: (1) Management of communities: carrying out laws and regulations pertaining to city management; drawing up and implementing city management plans in areas under administration; coordinating and supervising the city appearance management, environmental sanitation management, and infrastructure management in areas under administration. (2) Community service: planning, coordinating, and supervising the service for elderly people, disabled people, infants and young children, juveniles, and the service of mental health, social relief and aid, living convenience, and folk-custom reform in the communities; guiding positive development of community service sectors such as cultural entertainment, educational training, physical body-building, and health care. (3) Comprehensive treatment of public security: planning, coordinating, and supervising the publicity of laws, civil mediation, and public security; properly handling conflicts within the people and seriously implementing the treatment measures of public security to make sure social stability. (4) Construction of cultural civilisation: planning, coordinating, and supervising the culture, education, technology, sports activities, and health care of the communities; launching mass founding activities of cultural civilisation; encouraging social morality, family virtues, work ethic, and scientifically civilised and healthy lifestyle. (5) Economic management: managing the state-owned and collectively-owned assets; supporting, encouraging, and guiding the healthy development of individual and privately-owned businesses. (6) Management of civil affairs: conducting social welfare services. (7) Population management: taking charge of birth control management, labour employment management, and migrant management in areas under administration. (8) Guiding the work of residents’ committees. It can be seen that street agencies play quite a comprehensive and important role in grass-roots administration.

**Fig. 3.2** Real estate under development near the community. External environment of Qingyuan community, March of 2010



collectively-owned land under the household responsibility system but also employees in the state-run farm. The original farm had a total area of 4289.16 *mu*,<sup>7</sup> and there were in total 653 households and a population of 1769. Qingyuan Street Agency was formally instituted on 30th June 2002. It is situated at the southern gate of Changsha within the core zone of the provincial plan for urban agglomeration, so that it is at the forefront of the strategy of ‘extending the city and developing the south’ of the city’s Party Committee and Government. In this, Qingyuan Street acts as a sample street of urban enlargement in Changsha. So far, 641 out of 653 households have been moved and 1685 persons have been resettled, among whom 509 households have resettled into self-built houses while a further 428 households have attained property ownership certificates.

The prologue to land expropriation began in the original farm in 1998. Urbanisation has expanded rapidly since 2002. More than three-quarters (3327.19 out of 4289.16 *mu*) of the original farm land has now been expropriated. Among the expropriated land, 36 % has been used for the construction of buildings relating to state agencies, including the Provincial Party Committee and Government, District Party Committee and Government, District People’s Court, District People’s Procuratorate, District Public Security Bureau, and so on; 20 % has been used for construction of state facilities, including the District Technopark, Xiangfu Road; 25 % has been used for the private development of residential buildings; and the remaining 19 % (or 618.97 *mu*) has been used for living and livelihood resettlement of land-lost farmers from the original state farm. It can be seen that the most important feature for Qingyuan Community is that it has been at the forefront of urban development in Changsha, as well as being encircled through redevelopment by various key organs of local government (Fig. 3.2).

Qingyuan Community was built in 2003. There are self-built houses including stand-alone blocks and multi-stairway combined blocks. Most blocks have four

<sup>7</sup>*Mu* is a unit of area in China, approximating 666.67 m<sup>2</sup> or equating to 1/15 ha.



**Fig. 3.3** Built environment of Qingyuan community, March of 2010

floors, about 10 % have three floors, and about 5 % have five floors or more. The green environment looks good. There is an 1800 m<sup>2</sup> out-door exercise plaza, basic sports equipment, one basketball court, two kindergartens, one nursery, one community centre, one clinic, one police post, one fresh produce food market, and the Qingyuan Primary School which was built in 2005 is on the opposite side of the road. There is a full-time cleaning team of six persons so that cleaners can be usually found on the streets of the community. Given its position in a relatively busy area, most ground floors of residential blocks are used to run storefronts, and rooms are more easily rented out. The living conditions of the resettlement community as a whole compare favourably with the standard of other urban communities in the city. Generally speaking, Qingyuan Community provides a place for land-lost farmers' lives which integrates residence, leisure, entertainment, and business together (Fig. 3.3).

The second resettlement community selected for the study was Sifangping Community. It is located at the northern gate of Changsha and it is under the jurisdiction of Sifangping Street Agency. The predecessor of Sifangping Community comprised of the Red Fishery and Xianfu Village of Fu'an Town. All of the land in Red Fishery and Xianfu Village was planned to be expropriated, which took an area of 2967.418 *mu*, and in total there are 1236 households with a population of 3562. Land expropriation started in 1999. More than 95 % of the original land has now been expropriated. 57 % of the expropriated land has been used for the construction of roads and motorways; 35 % has been used for private development of commercial and residential buildings; and the remaining 8 % has been used for the living and livelihood production of the resettled land-lost farmers (Fig. 3.4).

Resettlement at the second study site is ongoing and the latest program of land expropriation for Qifeng Road was announced on 19 March 2008. Therefore, the resettlement houses being built for land-lost farmers are still under construction. The environment of the community is in a mess, adversely affecting the lives of those land-lost farmers who have been moved (Fig. 3.4). There is one study room in the community with books, magazines, and seven computers, which nonetheless,



**Fig. 3.4** Built environment of Sifangping community, March of 2010

**Fig. 3.5** The study room of Sifangping community, March of 2010



still seems underused. Apart from that single study room, I have not found any other public facilities in Sifangping Community (Fig. 3.5).

The third resettlement community in the study is Dongfanghong Community which is situated at the western gate of Changsha. The predecessor of Dongfanghong Community is the Changsha State-run Dongfanghong Farm which had a total population of over 8000. After land expropriation, it comes under the jurisdiction of Lugu Street Agency. The prologue of land expropriation was

**Fig. 3.6** Built environment of Dongfanghong community, April of 2010



launched in the original farm from 1992 onwards. The need for land was generated by the development of the National High-tech Industrial Development Zone. Since 2004, there has been an average of 780 households with 2239 farmers expropriated and removed in every three years. The expropriated land totals 4500 *mu*, mainly used for the construction of arterial roads and high-tech enterprises in Changsha Software Industrial Park and New Material Industrial Base. Six per cent of the original land has been set aside for the arrangement of land-lost farmers' living and livelihood production needs (Fig. 3.6).

The resettlement community at Dongfanghong was completed in 2005. There is lack of small business activity around the area. Hygiene conditions appear to be fine, but there is shortage of green space and public facilities (Fig. 3.6).

Notwithstanding variations in the built environments and facilities available, the construction of these three resettlement communities appears to have brought about much improvement as regards living conditions for land-lost farmers, as against that of their original villages. Worn out bungalows with tile roofs and brick walls have been transformed into brand new blocks of flats, and muddy roads have all but disappeared, as new housing has been constructed to the standards of the modern city. The three resettlement communities have the same style of housing. All floors from top to bottom on each landing of the stairway belong to only one or two households. The resettlement communities have been built in the vicinity of their original villages, and the residential pattern of the new community moves land-lost farmers closer to their original neighbours. Therefore, they are familiar with community members within their new living environment, which somewhat eases the tensions of lifestyle transformation. Though there are still ways in which they cannot accommodate themselves to urban life, e.g. they like making use of every possible piece of available land to plant vegetables, with their improved living environments, and much leisure time but a lack of entertainment, we can usually find land-lost farmers wandering around their new communities, chatting with each other, or most often, playing games of cards and mah-jong (Lian 2008). And it



seems in fact that they get on well in terms of income, which largely comes from renting out extra rooms in their resettlement houses or flats, alongside compensation they have received from land expropriation, since they always seem to show a lack of concern when asked about their new housing conditions.

### 3.3.2 *Selection of Subjects*

I conducted fieldwork in Changsha on three occasions: from November 2005 to May 2006, then from February 2008 to May 2008, and again from February 2010 to May 2010. This tracking-mode over time and 12-months of investigation in total established both familiarity with and contacts in the field. During my more recent visits, I interviewed 157 land-lost farmers. 35 of these study participants were active members within their own communities and even well known to people of other communities, so that they were often mentioned by government staff, and recommended by other land-lost farmers.<sup>8</sup> The other 122 study participants were chosen according to my observation or at random or by snowballing.

Interviews with land-lost farmers constitute the core of the fieldwork. According to observation, official record, and land-lost farmers' recommendations, I tried to ensure that sample contained ordinary-income, well-off, and poorer members of communities to make it more representative of key study design factors, such as household income levels. I tried to choose the 'head' of every household as the main interviewee. However, when the 'head' was not available, I turned to household members that were available, willing to participate, and who were aware of their family's conditions. The structures of gender, age, and educational background of interviewed land-lost farmers were as outlined in Table 3.1.

I also took into consideration families' economic situations after land expropriation from land-lost farmers' self assessment. The highest annual household income among participating households at the three study sites was 448,000 yuan<sup>9</sup>/year, which was in Qingyuan Community; while there were four cases with the lowest 5000 yuan/year, which were in Sifangping Community and Dongfanghong Community. As the number of household members can be very different between families, I further calculated per capita annual income for the sample households. The highest per capita annual income was in Qingyuan Community at 149,000 yuan/year, while the lowest was only 830 yuan/year in Dongfanghong Community. The per capita annual income of the selected samples in Qingyuan Community was 16,900 yuan/year, while it was 14,400 in Sifangping Community and 13,200 in Dongfanghong Community. The reason that land-lost farmers of

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<sup>8</sup>In his interactionist methodology, Blumer (1969) thinks that discussion with some people who are familiar with the situation is much more useful than sampling survey.

<sup>9</sup>Yuan is the basic unit of modern Chinese currencies. 1 Chinese Yuan  $\approx$  0.15 US Dollar according to the latest rate of exchange.

**Table 3.1** The physical structure of interviewed land-lost farmers

Gender			Age			Educational background		
Category	Frequency	Percentage (%)	Category	Frequency	Percentage (%)	Category	Frequency	Percentage (%)
F	81	51.6	16-25	13	8.3	Incomplete and primary school	42	26.8
M	76	48.4	26-35	24	15.3	Junior secondary school	57	36.3
			36-45	34	21.7	Senior secondary school	37	23.6
			46-55	42	26.8	Technical secondary school	14	8.9
			56-65	25	15.9	College	6	3.8
			above 65	19	12.1	Undergraduate and above	2	1.3
Totals		100.0			100.0			100.0

*Source* Derived by the author according to the questionnaire survey

Qingyuan Community have higher average annual incomes is not only because they are located in a more prosperous part of the city, but also because they hold a high proportion of reserve land from resettlement arrangements for living and livelihood production. When compared to urban residents in the city as a whole who have a per capita annual income of 17,175 yuan/year,<sup>10</sup> it can be seen that there is remarkable polarisation of land-lost farmers' annual incomes.

The purpose of the study was to understand the relationship between land-lost farmers and local government from both sides. Therefore, I also conducted formal and informal interviews with local government staff responsible for land management at various levels, from the provincial to resettlement community level, for example including the Head of Division of Letters and Visits of the Provincial Department of Land and Resources, the Head of the Management Office of Land Expropriation and Removal of Changsha Land and Resources Bureau, the Director of the Office of Coordinating and Leading Team of Land Expropriation and Removal of Tianxin District, the Vice-Director of Letters and Visits Bureau of Tianxin District, the Vice-Director of Qingyuan Street Agency, the Vice-Director and the Commissioner of the Office of Urban Construction and Development of Qingyuan Street Agency, the Deputy to the People's Congress of Qingyuan Street Agency, the Director of Legal Aid Centre of Tianxin District, the Director of the Removal Office of the National High-tech Industrial Development Zone, and also quite a few of the relevant clerks in these government agencies.

## 3.4 Research Technique

### 3.4.1 *Basic Questionnaire Survey*

The questionnaires are only used with land-lost farmers in order to collect basic profiling information. As literacy levels were anticipated to be basic for some participants, the questionnaire was made short and simple, just including questions such as the education level, occupation, income of family members and opinion about the living conditions. Though the questionnaire survey was not the main technique used in the study, it did provide information about the general situations of land-lost farmers as a group. Also, this served as a useful and effective prelude to more in-depth conversations with study participants. For one thing, they seemed happier to be involved in a study which in the first instance was expected only to last for 10 min; for another, the questionnaire gave them a preliminary feeling of what the study was about, then this may arouse some participants' interest and lead to further discussion. Actually, about 300 land-lost farmers completed the questionnaires, but only 157 of them were willing also to be interviewed. The questionnaires that were accompanied with interviews were marked, and the quantitative

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<sup>10</sup>This is the datum of 2009 according to the National Statistical Data Base.

tables reported in this thesis are according to the response of the 157 participants who completed a questionnaire and were then interviewed.

### ***3.4.2 Semi-structured Interviews***

It has been mentioned that a research design must be implemented which realises the research objective. The aim of the research is to explore the specific relationship between land-lost farmers and local officials, and to do this it is necessary to discover what people think is happening and what their views are about their situation. An interview is an appropriate method when seeking depth and complexity in ‘people’s situated or contextual accounts and experiences’ (Mason 2002: 65). Nevertheless, the success of an interview is dependent, among other things, on the interviewee having sufficient recall and the ability to conceptualise the issues at hand so as to interact with others in a way that establishes rapport. Considering the sensitivity of the topic and the low literacy of one side in the relationship, land-lost farmers, a certain degree of structure was needed in order to direct the information flow of the interviews; thus the use of semi-structured interviews.

In interviews with land-lost farmers, I was usually interested in such questions like land expropriation undertaken and associated compensation, their opinion about local government and its behaviour, their participation in activities related to land expropriation and resettlement, their opinion about other land-lost farmers within their communities, and so on. As to active members of the group, I tried to get as clear description of their activities as possible, and for this purpose I usually had to work to keep accounts on topic, otherwise they tended to digress, or else to focus solely on their resentment and grievance against local government. While in interviews with local government officials, I was interested in questions such as their self-evaluations of their conduct pertaining to land expropriation, their opinion about land-lost farmers’ complaints and related activities, the measures they took to negotiate or deal with land-lost farmers, and so on. In focusing on such topics, then, I did not limit in any other way on participants’ accounts but rather let them decide on what to talk about. And this often led to the opening up of unexpected avenues of enquiry. In most instances, the interviews I carried out were recorded, and I transcribed these by myself.

### ***3.4.3 Participant Observation***

Participant observation was used to strengthen the quality of the data garnered during the course of the fieldwork. It requires the researcher to observe the researched, while at the same time taking part in whatever the occasion is (Hammersley and Atkinson 1995). Specifically, in the field I play a role of ‘researcher-participant’, which, according to Gans (1968), means the researcher

participates in the situation but is just partly involved so that he/she continues to be able to work as a researcher throughout the course of the study as situations develop. Often I wandered around the three resettlement communities, observing people and their everyday lives, including those activities seemingly irrelevant to land expropriation, such as when land-lost farmers played games of poker or mah-jong or when they were having casual conversations in the neighbourhood. Whenever there was an open day for 'letters and visits' at the various levels of local government, I spoke to the appellants and tried to observe and remember as many of the interactions and discussions between land-lost farmers and local officials as I could. Sometimes I even encountered occasions of muddle and confrontation when a mass of people were involved and wanted to get a word in about the issue; on such occasions I became one of the crowd and my existence did not represent a threat to anybody. Overall, participant observation of this sort provided me with a good opportunity to look into the measures taken by each side within a naturalistic setting. I made detailed notes when I was alone, as soon afterwards as possible. Therefore, participant observation afforded me a level of contextual insight that I would not have obtained otherwise through interviews alone.

### ***3.4.4 Documentary Analysis***

Methodologically, to introduce the analysis of documents which are produced independently of the study would, I believe, bring a greater depth to the research in a way often termed methodological triangulation (Seale 1999). A document is something relating to the social world which can be read, and the use of documents in sociological research has a long history stretching back to Marx and Durkheim (Macdonald and Tipton 1993). Documents hold the promise of rich insights. In the present study, documents are used to help provide clarity and context (Mason 2002). Specifically, given that the broader circumstances of social forces are constituted as external to my observation, as Burawoy suggests (1998: 29), the technique of collecting and sorting out relevant documents can provide a necessary complement to data collected by means of participant observation, semi-structured interviews and questionnaire surveys.

None of the texts concerned were produced specifically for this particular project, and they comprise two distinct types. The first of these are documents produced for a wider audience, that is, they are published materials and texts. These mainly include relevant policies and figures issued by government at various levels, and leaders' speeches published online. The second type of document is those which have been provided voluntarily by informants, such as their appeals' materials for letters and visits. All of these documents constitute a valuable additional resource for the study.

## 3.5 Practice

Reflexivity is now part of good practice in sociological research. I regard reflexivity as an important methodological principle within the study. Generally speaking, the main meaning of reflexivity is that the observer is part and parcel of the setting, context, and culture he or she is trying to understand and represent, instead of some sort of objective, detached research tool. People are not studied in experimental or contrived situations as if divorced from the social world in which they live, but in naturally occurring situations (Frankenberg 1985; Mishler 1986; Atkinson 1992; Denzin 1994; Mauthner et al. 1998). Therefore, reflexivity is concerned with how to locate the data in the context of the social processes that brought them about, how to locate the role of social researchers in the process of data collection, and how to incorporate the researcher into the data (including writing-up). Based on Brewer's set of guidelines (1994: 235–6), next I will present through reflexivity those issues which come to my attention as well as those which threaten the legitimation and representation of my research in the course of my study, including material-collecting, material-analysing, and writing-up. In so doing, and by making explicit the partial nature of the material and the contingencies into which any representation must be located, my intention is that the legitimation and representation of the material can be improved.

### 3.5.1 *Material-Collecting*

#### 3.5.1.1 **My Personal Biography**

The concerns of the researcher's personal biography arise from the fact that, while doing fieldwork, in qualitative research sociologists often use themselves as the primary tool of the research. Fieldwork effectively brings home to me that no matter what I decide about my appearance and behaviour and how well I adhere to these decisions, ultimately I cannot determine how other people choose to see me.

I have the features of a young female researcher who comes from outside the investigation sites. To begin with, I have to deal with my female status. There is a greater potential for female researchers to meet with physical dangers in the field, especially in a remote area, such as mine in the urban-rural fringe among land-lost farmers. Thus, as female researchers, we are taught to be more careful. In this way, the experiences of female social researchers would encourage a self-aware and reflexive approach (Gill and Maclean 2002). Though as a researcher I make every endeavour to consider myself to be basically a genderless entity whilst carrying out fieldwork, my research subjects may not share this viewpoint. Instead they tend to focus first and foremost on my female status and treat me accordingly. Thus, I find that my awareness of myself as female is heightened. Again, they would bear in mind my status as a modern and educated person. And once I am seen in this way,

there must be some unavoidable distance between me and land-lost farmers due to our marked differences.

On the other side of the coin, I feel that my personal biography brings me advantages as well. My roles fit in with a humble, listening and learning mode which comes relatively easy to me, and is beneficial to the process of material collection with the aim of receiving and being receptive to information. To some extent, I can get trust from government cadres because they think that I can advance suggestions to solve problems concerning land expropriation. When I approach officials, I am always asked to show my researcher identity. Maybe they are afraid that I am a disguised journalist intending to publicise information received from them and about them. Hence, the status of being a researcher, though not wholly welcome, at least means that some of them provide neutral opinions once I have been accepted. I can gain the trust of those activists<sup>11</sup> among land-lost farmers because they believe that I am a scholar with a sense of justice and they hope that I can write down their stories of struggle with care. In addition, I can gain the trust of ordinary land-lost farmers because they hope or believe that I can have some influence on their daily lives through my status. Though these thoughts from the various respondents put some pressures on me, they can all act as favourable factors when utilised in an appropriate way.

It is in this manner I recognise that what I have absorbed are responses to my presence in the field, shaped by the painful unravelling of my own ideological assumptions, as much as by the efforts of participants to balance what they feel I should know and what they feel they are politically obliged to tell me (Siu 1989: 301).

### 3.5.1.2 Getting Access to Respondents: My Powerlessness

If a fieldworker cannot get certain approval of the community, cannot eliminate the local people's feeling of 'outsider', and cannot observe in participation, the penetration of his/her fieldwork would become a problem; furthermore, impartial access is not always guaranteed.<sup>12</sup> When the researcher's power over the respondents is emphasised, it seems that the researcher's powerlessness is being ignored. Actually, when the researcher is trying to enter the field, his/her status as 'outsider' determines that he/she is situated in an inferior position in interaction with the respondents. This is especially manifested in the respect that to get access to the respondents is usually an arduous process, especially when it comes to a contentious and politically sensitive topic like mine.

My respondents include land-lost farmers and local government staff. As regards land-lost farmers, at the outset, I relied for information on the people to whom I was

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<sup>11</sup>Refer to Chap. 6 for more details about the categorisations in the group of land-lost farmers.

<sup>12</sup>Okely (1983), for example, who studied traveller-gypsies, was given access by local officers who were thinking about introducing sedentarisation.

introduced by the local cadres. It is clear that these are ‘safe informants’ who are advised to tell only the things that are beneficial to the government and they may belong to the households chosen for outsiders to visit (*kaifanghu*). Thus, I try to develop my own network of friends in the field. By wandering around the communities, it is very easy for me to come across the land-lost farmers who also spend a lot of time roaming and chitchatting in the community’s public spaces. Once this happens, I usually stand aside to listen to their conversation, and find chances to chip in. Some of them would just ignore me but some of them respond to me, and it is through those who respond that I establish the initial contact. Once there is any initial contact, I try to visit them repeatedly, and those who chat with me energetically often would then bring in more informants. As to those ‘activists’, since they are famous in their own community and their houses are very easily detected by asking anyone of the community. Generally speaking, these people are more easily accessed, because they can understand what I am doing and know I will not bring harm to them but may be helpful. These people are also the most important informants, not only because they are more knowledgeable to provide more information but also because they take a lead in activities that may take place in the whole community. So they are the ones with whom I spend most time to excavate information. In this way, as time goes by, I get comparative understanding between official connections and the unofficial ones I have established. As regards the local government staff, their initial reserve toward me also wears off. At times, over tea and fruit, my respondents and I exchange ideas and share observations until late at night. There is also an interesting phenomenon. When people of either side discuss topics that are relatively sensitive with me, they usually add a ‘note’ in advance: ‘we are now talking with the door closed’. The word ‘closed’ signifies that the boundary between the inside and the outside is clear-cut and that a temporary united front between them and me is formed.

But it is an arduous process to reach the state of mutual trust. On the one hand, I attach plenty of significance (‘felt necessities’<sup>13</sup>) to my own topic as most researchers would do to theirs, but this kind of feeling is not usually shared by the research respondents. On the other, ‘[a]ny group will often put up a great deal of formal and informal resistance to being studied at close quarters—resistance that discloses much about the core values and interests of its members as well as its capacity to ward off danger’ (Burawoy 1998: 17).

As regards the land-lost farmers, to begin with, the power of common sense plays a primary part in the way ordinary people understand the world and themselves. Specifically, when it comes to my topic, which attempts to explore the relationship between land-lost farmers and the local government, farmers feel incapable of taking a more positive part in the relationship, even to the extent that their deserved rights are often dismissed by them. Furthermore, they have met with some instances when they extend their trust to media reporters and talk about their

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<sup>13</sup>In Stanley’s (1990) opinion, the researchers have the ‘felt necessities’ about the topic and keep on with their approach to it that resonates with them passionately.



situation to the media but later find that their voices have not been truly reported in the media because of the local government's intervention. This has made them almost desperate about striving for their rights, including the right to speak out.<sup>14</sup> As the class standing nearly at the bottom of Chinese society, they care more about their own immediate interests,<sup>15</sup> such as what my research can contribute to them. Throughout my fieldwork, when I approach land-lost farmers, they always start with such questions as: What is it that interests you about us poor and pitiful people? Can you make our problems heard by higher authorities? Can you make our problems public to the media? If not, what can you do to help us to resolve our problems? When being asked such questions, I am often filled with no other feeling than awkwardness. Even the media that they thought useful turn out not to be believed. They are inclined to think that research like mine is futile, and thus they are not willing to get involved, let alone the risk of speaking out directly about their discontents with the local government. Therefore, it is not easy for me to get land-lost farmers' consent to take part in interviews. Even if they gave permission, only few of them would treat the questions seriously, and most of them would focus on describing their disadvantaged situations.

It is also difficult to obtain the acceptance of officials. In consideration of the sensitivity of the topic, officials often seem to display nothing but indifference, and from their standpoint, there is a great deal of difference between a theoretical understanding of the situation informed by research and the practicalities of dealing with land expropriation and the resultant land-lost farmers.

Confronted with this circumstance, I often get confused about whether it is proper to adopt a disguised role<sup>16</sup> within the spectrum of ethics,<sup>17</sup> and if so, what is the more appropriate role for me to occupy when in the field. Nevertheless, I conceive that I would hardly manipulate any other roles with proficiency but simply bring on further mess and complexity. Thus, I have to abandon attempts at role disguising. All I can do is to promise the land-lost farmers that I am attempting to portray their situations more faithfully than the media and others have hitherto, while promising the government staff that my research will contribute to the management of their relationship with land-lost farmers. Therefore, mutual trust can

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<sup>14</sup>Gaventa provides theoretical justification for such apathy: 'the conceptions of the powerless may alter as an adaptive response to continual defeat. If the victories of A over B...lead to non-challenge of B due to the anticipation of the reactions of A, ..., then, over time, the calculated withdrawal by B may lead to an unconscious pattern of withdrawal, maintained not by fear of power of A but by a sense of powerlessness within B' (1980: 16).

<sup>15</sup>Darl (1961: 221) finds out similar phenomenon.

<sup>16</sup>Burawoy holds that '[t]o penetrate the shields ... the social scientist has to be lucky and/or devious' (1998: 22).

<sup>17</sup>Research ethics is not the same as morality. The ethics of social research should care about research subjects, sponsors and peers. The last one, which necessitates leaving a good figure in the site so as for other researchers to get access to the same site, obtains less concern than the first two. The ethics being discussed here to a larger extent relates to that for research subjects and peers.

only be established bit by bit through more and more adequate communication and inter-personal awareness.

Frankly, while in the field, what usually casts me down is the sense of powerlessness and dismay resulting from my lack of control over how the research is perceived. This severely affects my confidence in continuing with the research at some points. At times, when the study is impeded by doubts and scepticism from both sides, even I begin doubting what kind of realistic gains would come from my research, and what the research is being done for. It can be seen that the same mental suffering has happened to other researchers, including the founders of participant observation as a method such as Malinowski. His diary notes demonstrate his constant bouts of irritation and frustration with the ‘natives’ he studies, at one particularly low point retorting: ‘I see the life of the natives as utterly devoid of interest or importance, something as remote from me as the life of a dog’ (1967: 167). That a renowned social scientist like Malinowski can suffer from doubts and awkwardness to this extent may console us in one way or another.

It is safe to say that meeting with less-than-perfect realities in the field is ‘normal’ to a certain degree, so it would be helpful if more accounts of ‘first fieldwork’, discussing the supposed circumstances and emotionally difficult nature of the experiences are available before going to the field. Anyway, as Burawoy (1998: 17) confides, ‘[h]owever painful, we would always learn a great deal from final intervention’.

### 3.5.1.3 Handling My Power

On the other hand, the power of the researcher over respondents is more widely realised. This can be easily seen in the fact that observations are filtered through our own glasses (O’Reilly 2005: 223) and that respondents are also affected by the researcher’s charisma or pressure. Hereby, I would like to focus on the latter point.<sup>18</sup> At its simplest, different tones of the researcher in phrasing questions would induce different kinds of response from the respondents in the interview. With respect to two groups with unbalanced power, as in my research, this is particularly true as relates to the power-inferior group. For instance, when using a tone that is too gentle, land-lost farmers are inclined to overstate the unfair treatment they are suffering; on the other hand, when using a tone that sounds somewhat indifferent, it is more likely to appear to the land-lost farmers that I stand on the same side as the local government, and thus they would hold back their feelings. In this sense, as it is me as the researcher that is guiding the interview process, I have to strike a balance when bringing my personal charisma or pressures to bear on respondents.

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<sup>18</sup>This is similar to what Habermas (1984) calls ‘communicative competence’ due to ‘intersubjectivity’. By ‘communicative competence’, he means the ‘qualification of speech and symbolic interaction (role-behaviour)’.

### 3.5.2 *Material-Analysing*

#### 3.5.2.1 **Realising My Power**

Gouldner (1975: 27) advocates the belief that there cannot be uncontaminated research. Rather than value freedom, he argues ‘knowledge is moulded by a man’s technical skills and by his intelligence, moulded by all that he is and wants, by his passion no less than by his objectivity’. Methods of data analysis are not simply neutral techniques because they are infused with the epistemological, ontological and theoretical assumptions of the researchers who use them (Alvesson and Sköldbberg 2000). There is widespread recognition that the interpretation of data is a reflexive exercise through which meanings are made rather than found (Mauthner et al. 1998). The meanings of the interviewee’s stories are developed as the ‘traveller’ (researcher) absorbs them. As Atkinson (1992) suggests, the data with which we deal are open, intermediate texts with which the analyst interacts. Furthermore, as Scott (1990: 4) says, ‘there is no satisfactory way to establish definitely same bedrock reality or truth behind any particular set of social acts’. Thus, it is up to us researchers to interpret the researched for our own personal purposes, which means we may distil the known totality to fit in with our own interpretation.<sup>19</sup>

Therefore, I am aware that the way in which I understand the respondents’ accounts, ‘cut up’ the transcripts and quote selected extracts, may lead me to exclude information or details which are inapposite at the time of the research. I realise that I am not just observing and experiencing phenomena in their original social setting, rather, I am interpreting, analysing, seeking, sorting, sifting, and even affecting outcomes by my own presence (O’Reilly 2005: 222). Out of these considerations, there is no way to escape from our power as researchers in analysing the gleaned material since this is all done by ourselves. Even the field notes may have been distorted by ourselves. We can only realise such effect and try to be as faithful to the original circumstances as possible.

#### 3.5.2.2 **Handling Power Relations in the Field**

With respect to the power relations in the field, namely, ‘a site where some voices may be enhanced while others are silenced’ (Mauthner and Doucet 2003: 423), in my case, it is easy to understand that the government has the absolute superiority

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<sup>19</sup>I cannot resist my desire to reiterate Scott’s caricature (1990: xv) for this concern: Unsnarling the traffic meant shooting several drivers, burying their vehicles, and resurfacing the road as if they had never existed. ... The result of a reinvigorated moving-forward intellectual traffic comes at the considerable cost of eliminating intersections that would have permitted travel in different directions to new destinations. In a similar manner, it may be the inescapable destiny for a research to exclude several ‘irritating’ interpretations to become a ‘research’.

over farmers. It is significant to note this point since ‘in situations of inequality, the political response of the deprived may be seen as a function of power relationships’ (Gaventa 1980: vi–vii). Nonetheless, I have to say that my research topic is itself based on this consideration owing to its ultimate effort to probe into the relationship between land-lost farmers and local government. Thereby I not only interview land-lost farmers but also local government staff, so as to make their respective perspective explicit, to figure out their respective unconvincing accounts, and to find out whether there is any compromise between them. This is also an attempt to adopt a critical attitude towards what members say (since people may deliberately try hiding or exaggerating). What’s more, only by looking at both land-lost farmers’ and local government’s points of view can we understand the ways in which differences between them engender conflict.

### 3.5.2.3 Handling Respondents’ Utterances

In qualitative research, we draw mostly on utterances of respondents, which specifically include the land-lost farmers and local government staff in my study. As Davies (2008: 6.4) contends, ‘listening and responding to participants and their values is important to develop an ethical approach that privileges the research respondents’ views and experiences in qualitative sociological research’. Thus the issue arises concerning how we as researchers process respondents’ utterances. Nevertheless, this is compounded by the fact that, having experienced neither peasantry nor administration myself, I tend to view both the farmers and the local government staff as ‘experts’ about their attitudes towards and relationship between each other. Sometimes either the farmers’ or government staff’s accounts may be contradictory, and thus it becomes important though difficult to keep myself from being blindly influenced by the respondents’ utterances and to assess the credibility of their statements as much as possible.

Hence, first of all, we need to answer such questions: Is the respondent’s voice one that can be rendered transparent or is it viewed as an interactive resource between different research respondents (Frith and Kitzinger 1998)? Is the respondent’s account regarded as meaningful only in the particular research context in which it is produced (Mauthner and Doucet 2003)? These reflections make it necessary to pay great attention to the conditions and constraints under which the individuals’ accounts are produced and the ways in which I interpret them. My current view is that people are different from physical objects as they are meaning endowing. This means that respondents’ utterances are carrying a link with their experiences rather than transparent.

As regards the two sides of respondents with unbalanced power in my study, the concern about their utterances should be underlined by taking into account the existence of ‘public transcript’ and ‘hidden transcript’ put forward by Scott (1990), or in a broader sense, ‘front’ and ‘back’ regions suggested by Giddens (1984). Out of Scott’s (1990) observation, in ideological terms the public transcript will typically, by its accommodationist tone, provide convincing evidence for the hegemony

of dominant values as well as for the hegemony of dominant discourse. Furthermore, the greater the disparity in power between dominant and subordinate and the more arbitrarily it is exercised, the more the public transcript of subordinates will take on a stereotyped, ritualistic cast. But as a matter of fact, the subordinate would criticise power behind the back of the dominant; such 'hidden transcript' does not only contain speech acts but a whole range of practices. By this token, he asserts that there is something called 'the infrapolitics of the powerless'. Correspondingly, the powerful, for their part, also develop a hidden transcript representing the practices and claims of their rule that cannot be openly avowed. Being aware of this, the contradiction between 'public transcript' and 'hidden transcript' is still acknowledged to be existing in this research. Then it adds to the question how to peep into the back stage of both sides to get the relatively reliable utterances. I have to bring it to light that the possibility of probing into offstage discourse and conduct is minute and a lot more difficult for a little-respected early researcher like me. And the disadvantage is so obvious when lacking this possibility as Scott (1990: 4) himself admits that 'without a privileged peek backstage...we have no way of calling into question the status of what might be a convincing but feigned performance'. Fortunately though, I find a way of circumvention out of methodological as well as realistic consideration. First, with the task of exploring the conflict between land-lost farmers and local government, this study tries to mainly involve face-to-face occasions of both sides.<sup>20</sup> Second, this study of land-lost farmers in present China is very different from the historical studies of slavery, serfdom, untouchability, racial domination, and highly stratified peasant societies from which Scott draws the concept of 'hidden transcript'. Rather, the bilateral relationship in this study is based in great part on the developing rights-interests consciousness of the land-lost farmers; and as a group of people that are forced to transform their status, they are more likely to attribute problems and difficulties to the government. Third, in the contemporary Chinese bureaucratic society, the land-lost farmers and the local government staff seldom have the opportunity to relate to each other except when specific problems arise, for this reason, the necessity of 'hidden transcript', or what Scott designates as 'power-laden situations', would decrease dramatically. Instead, the land-lost farmers and local government staff in my research are more likely to recognise themselves as being on the front stage. Using Giddens' words to recapitulate (1984: 126):

[T]he differentiation between front and back regions by no means coincides with a division between the enclosure (covering up, hiding) of aspects of the self and their disclosure (revelation, divulgence). These two axes of regionalization operate in a complicated nexus of possible relations between meaning, norms and power.

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<sup>20</sup>But I am not saying that I only admit the existence of one-dimensional power, rather, I share the same idea with Gaventa (1980: 20) that 'the dimensions of power... must be seen as interrelated in the totality of their impact'; on the other hand, I do not agree with the pluralists in methodological sense that non-conflict represents social cohesion or integration.

In this sense then, the issue is more likely to be brought to light by analysing ‘meaning, norms, and power’ than differentiating between ‘public’ and ‘hidden transcript’. Thus back to the management of the subjects’ utterances. Our data are constrained by both the concepts and ideas which are current at the time of the research, in both the terminological sphere and the secular world beyond academic research. Under this concern, the researchers should ‘stress the situated, partial, developmental and modest nature of these accounts’ (Mauthner and Doucet 2003: 424). Apart from this, I pay attention to developing the capacity of attaining the implicit social meaning of the respondents’ utterances as well as, perhaps more importantly, behaviour. In my opinion, the distinctiveness of a potent social researcher entails that he/she is able to sort out credible narratives according to the respondents’ action including body language. And this is what I try to balance in participant observation: observing and musing on what I have seen in relation to what I have been told, provide me with a measure of understanding otherwise unobtainable.

In this regard, besides tolerance of ambiguity, a certain extent of categorisation may help improve the accountability. As not every respondent would tell the truth but the reliable ones actually exist,<sup>21</sup> what I can draw on is ‘the meat and potato of the fieldwork’ (Burawoy 1998: 23), i.e. the field notes I have taken, which are as identical to the voices of the respondents as possible, no matter whether they are actually the truth. Nonetheless, when sorting out the data I have collected from the field, I find it difficult to summarise a common nature from either the land-lost farmers’ or local government staff’s response. No matter on the positive or negative side towards each other, the counter cases (or in Emigh’s (1997) term ‘negative case’) would always come into existence, with some cases not so directly opposing (or in Emigh’s (1997) term ‘deviant case’). Actually the respondents themselves are aware of such diversity within their group. Therefore, I realise the importance to identify the indigenous<sup>22</sup> categorisation system. In this way, I can see there are diverse types of attitude as land-lost farmers take to the local government and vice versa. In my case, the categorisation of land-lost farmers as well as local government staff’s attitude may be a solution to handle respondents’ utterances, since by doing so I can divert my attention from discerning the genuineness of their utterances to analysing the internal differentiation. Consequently, with the categorisation system, first, the power relations in the field are unveiled much clearer as a result of the disclosure of negative case and deviant case, and thus the generalisability is actually increased. Further, my powerlessness in face of unwilling respondents can be explained from methodological as well as theoretical perspectives and thus can be endured to some extent.

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<sup>21</sup>Like in Scott’s research, at the side of farmers, the most economically dependent villagers are more likely to generate contradicting opinions, while there are some independent ones whose expressed opinions are more consistent (1990: ix).

<sup>22</sup>Brewer (2000: 54) proposes that ethnographers should introduce the grounds on which they advocated the categorisation system, identifying clearly whether this is an indigenous one or an analyst-constructed one.

### 3.5.2.4 Ethics Management

Whether Marxist or poststructuralist, sociologist or literary critic, those who consider themselves on the left of the political spectrum have taken as their mission to champion the rights of the 'weak', to give 'voice' to the 'voiceless', to assist the 'oppressed' in their efforts to escape exploitation at the hands of cynical 'elites' (Fletcher 2001: 42). Neither can I refrain from this tendency. Nevertheless, I make an endeavour in two aspects. One is related to what is expected of professional culture, which asserts the ethos of sober self-restraint and detachment as in a 'bedside manner'. Taking this into consideration, 'feeling rules' (Hochschild 1983) should be obeyed to some extent and emotion work should be taken to avoid being doubted about my professional competence. On the other hand, I realise the importance of averting the presupposition of considering the local governments' behaviour as cynical manipulations of power and to attribute all blame for the unfavourable relationship to them.

There is another ethical matter that needs to be confessed to here, which is regarding my relationship with some activists among land-lost farmers. Some activists not only accepted formal and informal interviews many times, but also arranged interviews for me with other activists and ordinary land-lost farmers. The reason that they were so warm-hearted is because they firmly believe what I said that my research would be used as a reference point in addressing yet greater problems with the upcoming tides of yet more land expropriation. Though I have not mentioned in which aspects their successors could draw lessons from their experiences, they believed that I have a tacit understanding with them, i.e., that they must struggle with the local government for their interests. Maybe it is such a tacit understanding that makes them help with my interviews in earnest. I suppose if they read the thesis which I have written, they would burst into anger and accuse me of having cheated them. I am perplexed by such a supposed outcome: have I really betrayed their trust? True, I suppose do play some sort of an 'informed-sympathetic' or 'naïve-sympathetic' (Mitchell 1993: 14–22) role with them. Though such sympathy does not totally disappear in my narrative, it is not a major concern of my study. In this sense, I am indeed in debt to them for their trust. But from another perspective, if I told them at the outset that I am not only doing research on land-lost farmers' resistance, but also want to figure out whether there is any counterbalance between land-lost farmers and local government, then basically my investigations in the field would not be carried through; while if I conceded to their wishes, then how could I also examine the efforts made on the part of local government? Certainly, such a complicated ethical problem is not only encountered by me but exists for many field researchers (Whyte 1993 [1943]: 400). As Chu (1997: 41) points out, the ethical embarrassment of ethnographic field research lies in the fact that participant observation is unavoidably involved with interactional hypocrisy, and more importantly that in direct experience, the 'supposition' of academic integrity runs up against the essence of social reality: impression management, information manipulation, camouflage, equivocalness,

secret, surface, and even deep, acting. To be honest, I cannot get rid of such perplexity but only regret it for these aspects of my research relationship with those activists who helped me in the field.

### 3.5.3 *Writing-up*

#### 3.5.3.1 **Writing Myself into the Data**

Denzin (1994: 503) points out, '[re]presentation ... is always self-presentation ... the other's presence is directly connected to the writer's self-presence in the text'.

What's more, as Mauthner et al. (1998: 738) put forward:

The amount of data and the number of issues raised can make it difficult to decide which ideas to focus on and pursue. There is anxiety about what this huge amount of data means and pressure to make sense of it all. Indeed, it is through this process of making sense of it all that data are constructed.

By understanding this, thereby, I try to hold that what gets called 'writing up' is not usually a matter of writing up the whole knowledge derived from the field but much more a matter that I communicate with my readers on basis of what I have learned. Speaking in a grand sense, learning is not a course that 'requires us to sell out what we know to any novelty or just to enlarge the quantity of the knowledge we store, but to review and transcend both' (Frankenberg 1985: 413–4).

Also, we need to be vigilant that while in the 'actual' social world event follows event in an ever-continuing succession, our narrative artificially binds time and space. Narrativity presents both the writer and the reader—according to White (1987)—with an ultimately fictitious sense of closure. Thus the narrative supplies the very structure of the historical world with the not-necessarily-true coherence and solidity that we crave. In other words, our narrative runs the risk of over-generalisation from a particular/unique case. However, I am using an extended case method where I compare three different resettlement communities in order to guard against such risk (Tavory and Timmermans 2009: 249–50).

#### 3.5.3.2 **Writing Style**

First and foremost, when writing up the material, my tendency is to use the technique of verisimilitude (the appearance of truth) as what most authors would usually do. In this way, I can pretend still being there, and write in the ethnographic present to treat the resettlement communities and characters therein as if they are frozen in time. As O'Reilly argues (2005: 215), this writing style 'carries much more authority than that past tense would evoke'.

In order to 'validate the authenticity' of the material, I provide 'voices in the text', allowing the people observed to speak 'via lengthy and judicious extracts from fieldwork notes or recorded talk' (Brewer 1994: 234). I do so also for the



purpose of obtaining a deeper understanding of the relationship under discussion by means of ‘thick description’ (Geertz 1973: 3–30). Only in this way can we substantiate both form and content of power and conflict within the relationship between land-lost farmers and local government, and the ways in which the two sides construct their own ‘modalities’ through their ‘voices’ for use in the interplay of relations with each other.

### 3.5.3.3 Manifestation of Reflexivity

In response to the argument that only those researches which could be checked by other people have a place in science, as well as Seale’s (1999) linking reflexivity with specification of the methodological details so as to permit an audit trail by peers, and thus possible replication of the results,<sup>23</sup> I would like to draw attention to the divergent ways of writing up ethnography. One of which by and large corresponds to the principle of reflexivity. Representative of this way would be Whyte’s *Street Corner Society* (1993 [1943]) which is recommended by O’Reilly (2005: 224) as ‘an excellent example’ of ‘a full and reflexive account of the field research and subsequent report writing’. It is written as well-structured diaries, packing text with facts, details, context and data. The other way of writing is a kind of fictionalisation. A representative of this way would be Lin’s *The Golden Wing* (1947). It arouses much criticism, questioning its academic status owing to its fictional style. But actually there is a continuation entitled *The Silver Wing* (*Yin Chi* in Chinese) written by another scholar, located at the same field site half a century after the former book’s publication, which demonstrates that it is also possible to track fictional-style ethnography, acting in a similar way to that of a series of novels.

I believe that there are two kinds of manifestation of reflexivity, namely, overt and covert. Reflexivity can be saliently incorporated into the ethnography, something like what Van Maanen (1988) calls ‘confessional tales’, making strong statements about the social world, while being sensitive to problems around representation and legitimation. However, it can also be covert. Take *The Golden Wing* as an example. It is actually the course of historical vicissitudes of his own family, which provides Lin with the capability to write that ethnography in a story-like structure. Taking this into account, it is possible for the researcher to hold to a decent extent of reflexivity without its noticeable trail in the text, when there is a fairly intimate relationship between the researcher and the researched setting. In that

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<sup>23</sup>In spite of this concern, we cannot assume effects of reflexivity and replicability equal. There is an argument that all social researches are subjective, as a result calls for replicability rely on naïve realist assumptions that there is a single external reality that can be known irrespective of how we come to know it. By the same token, Hammersley (1998) and Seale (1999) have attempted subtle realist (more self-aware realist) responses by suggesting practical ways through which we can ensure some degree of replicability, while acknowledging that complete replicability is unrealistic and even undesirable. See O’Reilly (2005: 227).

way, the researcher may possess greater ability to manage his or her role during the process of research, including being a member of the setting as well as a researcher, albeit arriving at that objective may demand much technical virtuosity on the part of the researcher. There is another instance which can be cited of this, Maclean's doctoral research (1997, cited from Gill and Maclean 2002) in Beulach, a parish in the Highlands of Scotland. Although Maclean is not from Beulach, her family has long-lasting ties to the area through their status as 'summer visitors', and many of her elderly interviewees have acquaintance with her grandfather. She is thankful for this: '[k]nowing and being known was largely beneficial to the research' (Gill and Maclean 2002: 3.2), in that she is able on many occasions to avoid role tension. Therefore, the means by which the principle of reflexivity is manifested or chosen rests with our personal skill in handling a particular technique and whether we have the status or position in order to put that technique into practice.

I adopt the overt manifestation of reflexivity in the present study. Though I have been in the field for a total of 12 months, and I have established relatively familiar relationships with the study's participants, I have to admit that except for the purposes of the study, I am not otherwise present in the field. My role in the field is no more than participant observer. I am sure I do not possess the abilities necessary to manage covert reflexivity, and the writing of ethnography in a fictional format.

### 3.5.4 *Unavoidable Limits*

As Bauman (2001: 11) claims:

[Sociologists] have no other point to start from than the daily experience of life they share with you and me – from that raw knowledge that saturates the daily life of each one of us. For this reason alone the sociologists, however hard they might have tried to follow the example of the physicists and the biologists and stand aside from the object of their study (that is, look at your and my life experience as an object 'out there', as a detached and impartial observer would do), cannot break off completely from their insider's knowledge of the experience they try to comprehend.

No matter how aware and reflexive we try to be, as Grosz (1995: 13) points out, 'the author's intentions, emotions, psyche, and interiority are not only inaccessible to readers, they are likely to be inaccessible to the author herself'. Some influences are easier identified and articulated at the time of our work while others may take time, distance, and detachment from the research to 'gain a vantage on who we are and what we are doing and thinking' (Frankenberg 1985: 414). Even so, 'there may be limits to reflexivity, and to the extent to which we can be aware of the influences on our research both at the time of conducting it and in the years that follow' (Mauthner and Doucet 2003: 425). Furthermore, the subjectivity of explanation is not easily explainable. So, the researcher should 'adopt a critical attitude toward their work' (Brewer 1994: 234) during all stages of the research. This may be achieved through two channels: self-consideration about possible criticisms from others and hearing others' criticisms when doing the research. As a consequence,

discussions with my colleagues significantly enhanced my ability to be reflexive about what I am doing when I am in the thick of my research.

There is a further point to be made. After we try every effort to construct a piece of what we think of as ‘reflexive’ work, all of its possible value and its appeal depend on readers’ assessment. However, we should, one way or another, avoid the suggestion that there are universal principles for the acceptance or rejection of knowledge (Hammersley and Atkinson 1995: 14 and *passim*). As Brewer (1994: 243) argues, notwithstanding the existence of ‘ethnographic imagination’, some readers ‘will always dispute the data because they are resistant to adopting the ethnographic imagination’ since they have different ‘value systems, theoretical frameworks, viewpoints and experiences’. As a consequence, what I as a qualitative sociologist can ensure is that through the practice of reflexivity, I may convince the readers that my explanation is one plausible pathway to interpret the events but not the only way.

Now that the research design and methodology have been described and discussed it is time to move on to the chapters detailing the research findings. As implied by the extended case method, as a kind of ‘situational analysis’, the first data chapter is concerned with the general situation within which the relationship between land-lost farmers and officials takes place.

## References

- Alvesson, M., & Sköldbberg, K. (2000). *Reflexive methodology: New vistas for qualitative research*. London: Sage.
- Atkinson, P. A. (1992). The ethnography of a medical setting: Reading, writing and rhetoric. *Qualitative Health Research*, 2, 451–474.
- Bauman, Z. (2001). Thinking sociologically. In A. Giddens (Ed.), *Sociology: Introductory readings* (pp. 10–14). Cambridge: Polity Press.
- Blumer, H. (1969). The methodological position of symbolic interaction. *Symbolic interactionism: Perspective and method* (pp. 1–60). Englewood Cliffs, NJ: Prentice-Hall.
- Brewer, J. D. (1994). The ethnographic critique of ethnography: Sectarianism in the RUC. *Sociology*, 28, 231–244.
- Burawoy, M. (2009). Introduction: From Manchester to Berkeley by way of Chicago. *The extended case method: Four countries, four decades, four great transformations, and one theoretical tradition* (pp. 1–18). Berkeley; Los Angeles; London: University of California Press.
- Burawoy, M. (1998). The extended case method. *Sociological Theory*, 16(1), 4–33.
- Burgess, E. W. (1927). Statistics and case studies as methods in sociological research. *Sociology and Social Research*, 12(2), 103–120.
- Burgess, E. W. (1967). Statistics and case studies. *Sociology and Social Research*, 12(2), 103–120.
- Chu, Y. (1997). Betrayal: On the ethnographic underworld. *Taiwan: A Radical Quarterly in Social Studies*, 26, 29–65.
- Darl, R. A. (1961). *Who governs? Democracy and power in an American city*. New Haven: Yale University Press.
- Davies, H. (2008). Reflexivity in research practice: Informed consent with children at school and at home. *Sociological Research Online*, 13. <http://www.socresonline.org.uk/13/4/5.html>.

- Denzin, N. K. (1994). The art and politics of interpretation. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (pp. 500–515). London: Sage.
- Emigh, R. (1997). The power of negative thinking: The use of negative case methodology in the development of sociological theory. *Theory and Society*, 26, 649–684.
- Fletcher, R. (2001). What are we fighting for? Rethinking resistance in a Pewenche community in Chile. *Journal of Peasant Studies*, 28(3), 37–66.
- Frankenberg, G. (1985). Critical comparisons: Re-thinking comparative law. *Harvard International Law Journal*, 26, 411–455.
- Frith, H., & Kitzinger, H. (1998). ‘Emotion work’ as a participant resource: A feminist analysis of young women’s talk-in-interaction. *Sociology*, 32, 290–320.
- Gans, H. J. (1968). The participant-observer as a human being: Observations on the personal aspect of field work. In H. S. Becker, B. Geer, D. Riesman, & R. S. Weiss (Eds.), *Institutions and the person* (pp. 300–317). Chicago: Aldine.
- Gaventa, J. (1980). *Power and powerlessness: Quiescence and rebellion in an Appalachian valley*. Oxford: Clarendon Press.
- Geertz, C. (1973). *Thick description: The interpretation of cultures*. New York: Basic Books.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- Gill, F. & Maclean, C. (2002). Knowing your place: Gender and reflexivity in two ethnographies. *Sociological Research Online*, 7. <http://www.socresonline.org.uk/7/2/gill.html>.
- Gouldner, A. W. (1975). *For sociology*. New York: Basic Books.
- Grosz, E. (1995). *Space, time and perversion*. London: Routledge and Kegan Paul.
- Habermas, J. (1984). *The theory of communicative action Vol. 1* (trans: Macarthy, T.). Cambridge: Polity Press.
- Hammersley, M. (1998). *Reading ethnographic research* (2nd ed.). London: Longman.
- Hammersley, M., & Atkinson, P. (1995). *Ethnography* (2nd ed.). London: Routledge.
- Haney, L. (1996). Homeboys, babies, men in suits: The state and the reproduction of male dominance. *American Sociological Review*, 61(5), 759–778.
- Hochschild, A. R. (1983). *The managed heart: Commercialisation of human feeling*. Berkeley: University of California Press.
- Huntington, S. P. (1968). *Political order in changing societies*. New Haven: Yale University Press.
- Lakatos, I. (1970). Falsification and the methodology of scientific research programmes. In I. Lakatos & A. Musgrave (Eds.), *Criticism and the growth of knowledge* (pp. 91–197). Cambridge: Cambridge University Press.
- Lian, H. (2008). *Kongjian de zhuanhuan: Yixiang dui shidi nongmin zhufang de yanjiu (Spatial transformation: A study on land-lost farmers’ residence)*. MRes diss. Changsha: Central South University.
- Lin, Y. (1947). *The golden wing: A sociological study of Chinese familism*. London: Kegan Paul.
- Macdonald, K., & Tipton, C. (1993). Using documents. In N. Gilbert (Ed.), *Researching social life* (pp. 187–200). London: Sage.
- Malinowski, B. (1967). *A diary in the strict sense of the term*. New York: Harcourt, Brace & World.
- Mason, J. (2002). *Qualitative researching* (2nd ed.). London: Sage.
- Mauthner, N. S., & Doucet, A. (2003). Reflexive accounts and accounts of reflexivity in qualitative data analysis. *Sociology*, 37, 413–431.
- Mauthner, N. S., Parry, O., & Backett-Milburn, K. (1998). ‘The data are out there, Or are they?’ Implications for archiving and revisiting qualitative data. *Sociology*, 32, 733–745.
- Mishler, E. G. (1986). *Research interviewing: Context and narrative*. Cambridge, MA: Harvard University Press.
- Mitchell, C. (2006 [1956]). Case and situation analysis. In T.M.S. Evens & D. Handelman (Eds.), *The Manchester School: Practice and ethnographic praxis in anthropology* (pp. 23–45). New York: Berghahn Books.
- Mitchell, R. G., Jr. (1993). *Secrecy and fieldwork*. Newbury Park: Sage.

- Okely, J. (1983). *The traveller-gypsies*. Cambridge: Cambridge University Press.
- O'Reilly, K. (2005). *Ethnographic methods*. London: Routledge.
- Scott, J. C. (1990). *Domination and the arts of resistance: Hidden transcript*. New Haven; London: Yale University Press.
- Seale, C. (1999). *The quality of qualitative research*. London: Sage.
- Siu, H. F. (1989). *Agents and victims in South China: Accomplices in rural revolution*. New Haven; London: Yale University Press.
- Stanley, L. (1990). Feminist praxis and the academic mode of production: An editorial introduction. In L. Stanley (Ed.), *Feminist praxis: Research, theory and epistemology in feminist sociology* (pp. 3–19). New York: Routledge.
- Star, S. L. (1989). *Regions of the mind: Brain research and the quest for scientific certainty*. Stanford, CA: Stanford University Press.
- Susser, I. (1982). *Norman Street: Poverty and politics in an urban neighbourhood*. New York: Oxford.
- Tavory, I., & Timmermans, S. (2009). Two cases of ethnography: Grounded theory and the extended case method. *Ethnography*, 10(3), 243–263.
- Van Maanen, J. (1988). *Tales of the field: On writing ethnography*. Chicago; London: University of Chicago Press.
- Van Velsen, J. (1967). The extended-case method and situational analysis. In A. L. Epstein (Ed.), *The craft of social anthropology* (pp. 129–153). London: Tavistock Publications.
- Weber, M. (1949). *The methodology of the social sciences* (trans: Shils, E.A. & Finch, H.A.). Glencoe, Ill: The Free Press of Glencoe.
- White, H. (1987). *The content of the form: Narrative discourse and historical representation*. Baltimore, MD: Johns Hopkins University Press.
- Whyte, W. F. (1993 [1943]). *Street corner society: The social structure of an Italian slum*. Chicago; London: University of Chicago Press.

# Chapter 4

## Local Setting and Institutional Norms

The present chapter sets out the general condition of the field where my research was conducted. This is to explain the significance of the local setting in which the relationship between the two sides is played out. The chapter then considers the significance of the institutional norms that constitute the foundation of the particular structure in which the relationship takes place.

### 4.1 The Local Setting

The principal task of the present study is to determine the form as well as the content of the relationship between land-lost farmers and local government. First of all, I would like to explain the reason I focus on a particular local setting to study the relationship between land-lost farmers and government rather than consider government as a whole. There are theoretical and practical concerns.

According to Giddens, ‘regionalisation’ permits ‘the sustaining of distinctive relations’ (Giddens 1984: 124). Such a regionalised setting, Giddens (1984: 146) referencing Foucault, is an ‘analytical space’ in which agents can be watched and assessed. Therefore, the regional location of the relationship between land-lost farmers and local government is first of all theoretically predicated on structural concerns over ‘the contextuality of social life’ (Giddens 1984: 132).

A relationship such as the one between land-lost farmers and local government necessarily involves power. Power can be discussed more explicitly in a local setting than at the national and supra-national level. Under specific Chinese circumstances where the state endeavours to maintain its legitimacy within a process of marked and rapid social change, there are currents, even contrary forces at work. These forces become more fleshed out as we move downwards from the national political arena to the regional and local levels. As regards forces of integration, social integration as it applies at the local level is the prerequisite for integration at the system or society level; whereas regarding structural conflict, as opposed to

outright resistance and acts of violence, bargains or solutions can be frequently localised too. Further, in terms of social processes, every region has its specificity, and roles within this particular space have to be enacted accordingly. In Su's words (2000: 7), anyone really concerned for the social wellbeing of Chinese people cannot but care about people at the grass-roots level.

In the present study, the 'regionalisation' of forces of integration and conflict provides the social and political context within which agents' behaviour takes place, such that their manipulation of controls has to 'get around' structure. Thus the reason for me to focus on the local setting is because every social cause is administered by local government and acts on those within its jurisdiction. Land expropriation is implemented by local government and affects local farmers. More specifically, the extended case used in the present study is situated in the local setting of three resettlement communities, and the agents involved include, on the one hand, land-lost farmers of these three communities, and on the other, local governments at various levels that have jurisdiction over the communities, that is, government at provincial, municipal, district, street and resettlement community levels. This local setting forms the particular social structure for the practice of land expropriation, compensation and resettlement. Relations between the governed and the governing can only be observed within this 'contextuality'.

When analysing the processes within a particular structure, and in my case, questions of integration and conflict, according to Giddens, we cannot ignore forces generated at the 'system' level. In his words (1984: 143), 'virtually all societies, no matter how small or seemingly isolated, exist in at least loose connection with wider "intersocietal systems"'. In the present case, the relationship concerned is locally situated under the external forces of the central state. It is the state that delegates to local government, especially grass-roots government, the intrusive power to reach directly and immediately into land-lost farmers' lives. Chinese central authority has always striven hard to promote order and uniformity (Schram 1985: back cover), or in Giddens' word, 'system integration' (1979), the contemporary manifestation of which is the mantra of constructing a harmonious society or maintaining stability (*weiwen*). Under the expectations of the central state, and also the central state's application of institutional mechanisms to put pressure on its own bureaucrats, local government is required to keep internal political order congruent with the national political order, paradoxically, reminiscent of maintaining traditional order<sup>1</sup> while enabling decentralised, apparently market-based economic development in their locality. Contradictorily, the analyses in later chapters would indicate that it may be the central state with its imperative of maintaining rigid social stability that in practice situates land-lost farmers and local government in confrontation with each other. The influence of the central state is also manifested in its direction of institutional norms—judicial, administrative, political and economic—which play a key role in constructing the structure. Therefore, state control is without doubt the

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<sup>1</sup>The concept of tradition is used here in the Weberian (1997, 1947) sense as the conceptual opposite of 'rational-legal'.

elephant in the room in the case of China, which directs any path involving institutions and individuals. Although the present study emphasises the relationship between government and displaced farmers within a local boundary, the role of central authority cannot ever be ignored.

As analytically separable but interrelated indicators to evaluate the nature of the power-interests structure within the local setting, the three dimensions of signification, legitimation, and domination in structural sense can also be thought of in terms of morality, legality, and constructability in the context of the relationship between land-lost farmers and local officials: morality referring to value systems used as interpretative scheme to justify actions and support claims; legality as elucidating the formal rules and regulations that apply from within the state's legal, administrative and political systems and constructability relating to the extent of mutual expectations, authoritative limits on the exercise of power and the accommodation of informal rules. Understood in this way, in my view, the dimension that plays the fundamental part in constructing the particular network of power-interests structure within the local setting is legitimation, since the other dimensions of signification and domination have to work around the dimension of legitimation, especially in a process taking place in a modernising world, such as that involved in the process of land expropriation, compensation and resettlement.

Therefore, the operation of norms as formal and informal rules should be the first to enter into the constitution of social structure. Simmel (1896, cited from Levine 1991: 1112) acknowledges that norms provide indispensable conditions of human association. So to say, the existence of the structure itself provides a certain amount of psychological/cultural norms for the agents inside it, for example the essentially patriarchal nature of local bureaucrats' dealings with land-lost farmers and their predilection to combine strategies of control and appeasement and land-lost farmers' seemingly ingratiating responses,<sup>2</sup> So, this is especially true when we are talking about the specific power-interests structure considered here, an urban-rural locale involving displaced farmers and government officials within a relationship-based context (King 1985: 63; Alitto 1986; King 1991: 65). Within such a structure, an association would not necessarily take form by virtue of 'regulation through externally constraining norms' (Simmel 1896, cited from Levine 1991: 1112), but also (usually) through the fact that every member knows himself/herself to be interrelated one with the other in their networks of associations. Each agent's resources are mostly dependent on the structure of relations; it is those relational elements that influence or even determine the outcomes of action and interaction. In Giddens' terms, while human action is constrained by existing rules and resources, existing structure also makes human action possible. Therefore it is the structure that both constrains and enables the options of agents.

Now that the setting of the structure within which the relationship between land-lost farmers and local government takes place has been laid out, it is time to discuss the modalities available to each side, as well as constructed by them, in their

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<sup>2</sup>Refer to Chaps. 6 and 7 for more information.



relationship and in moving that relationship forward. The concept of modalities enables the analytical separation of the three compound dimensions of signification, legitimation, and domination. The following content of the book comprises a discussion of modalities, including norms, interpretation and exercise of power. Amongst these, institutional norms and thus the dimension of legitimation provide the foundation for the relationship and the interactions between the two sides within that relationship, either in the form of integration or else in explicit conflict.

## 4.2 Institutional Norms

Norm is mentioned by Giddens as one constituent of modalities. Before stepping into the empirical world of land-lost farmers and local government, it is necessary to first of all introduce the norms operating within the network of power-interests structure.

### 4.2.1 *The Role of Norms*

As the texts of legitimation, norms are a broad class of prescriptive statements—both procedural and substantive—that direct action in situations of choice, carrying a sense of obligation, a sense that they ought to be followed. Following Durkheim (1893) who used legal codes as a genre of norms that indicate types of solidarity, here I would like to extend the meaning of norms to include systems, laws, rules, regulations, policies, procedures, standards, and so forth. Actually, the norms as involved in systems, laws, policies, and so on are intertwined and dependent on each other. Systems play the fundamental role, with laws and policies stipulated on their basis; rights and obligations that are defined in laws and policies appear as standards of behaviour; while resultant rules prescribe relatively specific acts.

#### 4.2.1.1 Norms as Structuring Mechanisms

For one thing, norms affect actions and interactions, and they concurrently provide lenses for interpreting actions and interactions. According to Parsons et al. (1961: 120), norms are ‘generalised formulations more or less explicit of expectations of proper action by differentiated units in relatively specific situations’. Norms are ‘collective understandings of the proper behaviour of actors’ (Legro 1997: 33). Norms make a particular relationship ‘rule-governed’ in constraining the activities of social actors where legitimacy within that structure is obtained by acting in accordance with the rules. Norms spell out, therefore, not only what behaviour is appropriate but also what will happen if they are violated. They are beliefs of causation.

Structuring mechanisms associate regionalised actions and interactions with features of the larger society. Standard operating procedures, for example, are mechanisms through which a particular structure with actors inside it takes effect. One party develops standard operating procedures that are then used across structural locations and over time to regularise action. In other words, norms put the parties concerned into a specific ‘association’.

Systems, laws, and policies that will be introduced below within their specific background constitute structuring forces because they influence practices over a particular stretch of territory and time, whether or not particular individuals can be identified with their development/implementation. One example that obviously suggests this can be found in Meisenbach et al. (2008), who note the pervasive reference to an ambiguous ‘they’ as study participants discussed how policies were implemented and utilised.

The regularising capacity of systems, laws, and policies as structuring mechanisms is advantageous in that they give individuals a seeming sense of predictability and continuity incurs interactions within and with the structure. Laws and policies that are stipulated on the basis of systems structure time and space as they influence how, when, where, and by whom actions are taken. Individuals functioning within and with structures can use them to decide how they will act and with whom they will interact. Individuals rely on texts and practices of law and policy for information about their behaviour. Accordingly, such norms as systems, laws, and policies have an authoritative function that both controls and coordinates action, and that both proscribes and prescribes the behaviour of policy implementers and recipients.

#### 4.2.1.2 Norms as Social Construction

For another, many conflicts centred round specific issues are indeed out of the interpretation<sup>3</sup> and implementation of structural formulations. As Giddens (1979: 148) states, ‘[t]he written rules, like the formal authority relations they nominally co-ordinated, are frequently honoured in the breach’. This makes the capacity of institutional norms as structuring mechanisms appear more complex. Actors seek consistency between such norms and their existing values, goals, and desires. Further, such norms manifested as systems, laws, and policies reflect and create social values as they are implemented (Birkland 2005; Weintraub 2005). That is, they reflect specific principles and exigencies of the socio-historical context in which they are developed, for example in the change from a central planned economy to a decentralised fiscal system and socialist market economy; simultaneously, values and principles are created, modified and reproduced as systems,

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<sup>3</sup>Actually, interpretation is so inextricable with norms themselves since they constitute the ‘rules’ of the structure according to Giddens, with one as the interpretative rules and the other as the normative rules, holding the distinction and relation of informal versus formalised.

laws, and policies are implemented. However, research also clearly indicates that laws and texts of provisions are hardly likely to be accepted as unproblematic. For instance, Kirby and Krone (2002: 51) note, ‘the fact that a policy exists on paper does not mean it is always accepted as legitimate or followed as written’. That is, laws and policies are contested as they are developed and implemented (Smit 2005). Parsons (1977) holds an even more radical view: rational orientations mean adapting to life conditions and adopting the most efficient means to realise ends, and those orientations that are governed by norms are generally glossed as non-rational. Accordingly, law and policy interpretation can lead to resistance and to laws and policies being implemented in ways that differ from what their makers intended. This makes the analysis of institutional norms even more central to understanding the relationship between land-lost farmers and local government.

So to know what exactly happens within the land expropriation, compensation and resettlement process in China, and to understand the behavioural space for both land-lost farmers and local government, it is necessary to first consider the institutional norms which set the foundation for their relationship. Values and conduct on the parts of land-lost farmers and local government are destined to centre around such norms. Meanwhile, they both draw on their own values and principles when they interpret and utilise laws and policies. Taking the dominant hierarchical position within the structure, the local government has the legitimate right to enact institutional norms within their regionalised boundary. Let us see whether they have implemented such norms in favour of them, and if so, how they make them operate and what kind of effects they have and how land-lost farmers respond. In such process, norms will present their roles as structuring mechanisms and social construction simultaneously.

#### ***4.2.2 Institutional Space of Urban Development and Land Expropriation***

Urban development has taken off with uncontrollable force all over China. This has happened largely due to the institutional organisation of the country’s political, legal and economic systems supporting development.

The transition of the country’s political economy since 1978 from total authoritarianism to collegial authoritarianism and from a centralised planned economy to socialist market economy has ushered in a new institutional setting for changes in land use in China. From a Western point of view, land development or urban development is usually regarded as a process in which Chinese society gradually gets rid of the restrictions of the socialist system as it approaches marketisation with increasing urbanisation. Nevertheless, if specifically analysing the current urban developmental mechanism, it is not hard to see that the Chinese urban development process takes place with the potent backing of the existing central socialist system. This is manifested as below.

### 4.2.2.1 Political System

First, the system of administrative division of ‘municipalities leading counties’ has been formally established since the beginning of the 1980s. In the name of such theories and objectives as ‘urban-rural unification’, ‘reducing the disparity between cities and the countryside’, and ‘cooperating with counties and supporting each other’, cities have actually gained the institutional ability to draw various resources from the countryside (Pu 2006), including the possibility of continuously expropriating rural land to tackle the problem of land deficiency for cities’ development needs. During the rapid process of urban extension, the spatial order of the city proper—urban edge—suburb—outer suburb—changes all the time, thus causing the continuous extension of differential rents and of lease values for land. This constitutes an important backdrop to the Chinese ‘city miracle’.

Second, under the existing political system and administrative mechanisms, citizens lack not only the practical possibility of taking part in policy-making and the operation of public affairs, but also the legal and political support of forming interest groups freely. By contrast, local/urban governments not only command all powers, including urban planning, land expropriation, land use rights, financial dominance, valuation of land, marketisation of land, and project inspection, but they also monopolise the power of making social policies in the distribution of various kinds of public resources, such as implementation of compensation and resettlement policies for displaced farmers. It is hard to imagine the claim that ‘there is not any force that can obstruct the bulldozers’ in Chinese urban development without the support of this political system.

Third, land expropriation is generally based on two grounds: rural collectively-owned land shall firstly be converted to state-owned land; this process is institutionally attributed to the power of local governments who can expropriate land from farmers at low cost and then lease it to developers at much higher prices (in this course, the local government on behalf of the state always owns the rights to the use of expropriated land). According to the Land Administration Law (LAL), in most cases, the conversion of land use rights (LUR) and its subsequent expropriation of land are approved and implemented by local governments.<sup>4</sup> Other than a few land uses such as land for use by government agencies and for building urban infrastructure with the approval of the people’s government at and above the county level, nowadays construction units operate through a paid leasing system in their use of land owned by the state.<sup>5</sup>

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<sup>4</sup>Expropriation of land other than basic farmland, land exceeding 35 ha outside the basic farmland, and other land exceeding 70 ha shall be approved by the people’s governments of provinces, autonomous regions and municipalities. ‘For expropriation of land by the state the local people’s governments at and above the county level shall make an announcement and organise the implementation after the approval’. Arts. 45 and 46, Land Administration Law of the People’s Republic of China (2004), [http://www.gov.cn/banshi/2005-05/26/content\\_989.htm](http://www.gov.cn/banshi/2005-05/26/content_989.htm), accessed 13 May 2011.

<sup>5</sup>Art. 54, *ibid.*

Putting all of these together, local-urban governments effectively command the rights to the use of the most important resource in development—land. Furthermore, according to the land statutes of the central state, local-urban governments are also able to lay down laws and regulations at the local level in order to satisfy their appetite for development land. In this way, land expropriation encourages and facilitates urban encroachment into rural areas, promoting a cycle of economic and industrial development in its path.

#### 4.2.2.2 Legal System

The contribution of land expropriation to China's development has been largely attributed to the institutional setting of the LUR system, that is, the local administration's practice of leasing out public land after it has been expropriated, for development projects which may or may not be well founded, and at considerable net profit to the local administration. In policy terms, income from land expropriation has provided a mechanism which operates at the local level to fund growth (or progress) within the decentralised fiscal system. Through this process of expropriation and leasing out of land, local governments are able to accumulate large amounts of capital. The system operates as follows: the local government expropriates land through legal means sanctioned by the central state (but specifically carried out through district-level and street-level government), reserves it in the municipal or provincial land bank, then leases it through a process of bid invitations, auctions, or quotations, and finally deposits the funds made in the municipal or provincial financial centre.

Therefore, to understand the rural land expropriation process in China, one must examine in particular the laws that underpin that process. Different from the removal of urban housing, and the re-development of urban land, which derive from principles of assessment, valuation, and negotiation, the nature of limited market LUR (land use rights) transactions in the case of collective land serves to depress the real value of rural land in the expropriation process, and to manage the associated costs to local government of compensating and resettling displaced farmers.

Compensation in the compulsory expropriation of collective land is guided by the Land Administration Law (LAL) legal framework, passed in 1986, revised in 1998, and further amended in 2004. Indeed, only in the amended version of 2004, does the term 'expropriation' replace 'requisition',<sup>6</sup> with the implication that even though expropriated land will not now be returned to land-lost farmers and its former uses, the same rules of compensation are to be followed as previously. The LAL of 1986 set up four main components in land requisition compensation:

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<sup>6</sup>For this reason, the examples appearing later in this chapter will adopt the word 'requisition' if they took place before 2004. But actually, these two terms display the basically same nature of conduct.

actual land compensation, resettlement subsidies, compensation for young crops and over-ground attachments, as well as labour resettlement. The basic rule remains that the compensation amount is determined by the original usage of the land. Given economic development, the compensation standard of the 2004 LAL<sup>7</sup> contains: compensation for land should be six to ten times the average annual agricultural output value of expropriated land in the preceding three year period; funds for resettlement should be four to six times the associated derived land productivity value,<sup>8</sup> the total amount of resettlement subsidies per hectare should not exceed 15 times the average annual output value of expropriated land in the previous three year period. There is discretion and flexibility which was supposed to ensure living standards did not fall as a result of expropriation. Upon approval from the provincial authorities, the combined amount of resettlement and land compensation may be increased above these levels but by no more than 30 times the derived land productivity value, if that is required, in order to maintain the living standards of farmers affected by government land requisition-expropriation and resettlement.

Local governments work out compensation and resettlement according to the LAL. Thus, within an institutionalised process, fixed practices and standards apply which do not reflect the value of agricultural land in market terms.

#### 4.2.2.3 Economic System

Since the justification for development in the Chinese case has been modernisation necessary to improve living standards and remove poverty, rather than simply feeding the nation and supporting its people, there are two important aspects of any change in the level of real income brought about by such growth (or progress). These are efficiency and equity. Efficiency pertains to the amount of net social product while equity relates to the distribution of that product. It is important for state institutions to hold a proper balance between these two aspects. Nevertheless, under China's decentralised fiscal system, the conduct of each level of local government has been more often influenced by economic considerations and the self-interests of the local bureaucracy and its officials in the post-Mao era (Li and O'Brien 1996).

The financial returns brought by land expropriation and development have been enormous since the steady increase of land conveyance fees from the 1990s. The purchase price paid to collective occupants of rural land could well be over 100 times less than the resale (de facto sale by long-term lease) price available to the local authorities. Taking off land improvement costs, revenues in the form of land

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<sup>7</sup>This is actually the 1998 standard, since there was no change on the compensation standard in the 2004 amendment.

<sup>8</sup>This quantity is determined through the following calculations. First, the affected population is derived by dividing the total amount of expropriated land by per capita cultivated land. And then the amount of resettlement subsidies per person is set to equal 4–6 times the average annual output value of expropriated land in the preceding 3 years.

use conveyance fees may be 10 times the total costs of expropriating the land for development uses. For example, in one village in Hunan Province, the local government paid about 10,000 yuan/*mu* to farmers and resold it to developers for 200,000 yuan/*mu* as land zoned for industrial development and for 650,000 yuan/*mu* as land zoned for residential development (Guotu Ziyuanbu Zhengdi Zhidu Gaige Yanjiu Ketizu 2003: 49). Apart from the conveyance fees, developers have to pay various taxes and other fees associated with land expropriation, which can account for up to half of the total costs of land expropriation and are a significant funding source for local governments. Table 4.1 breaks down these sources for Changsha City in 2008.

The large gap between urban land prices, which are determined by the local market, and rural land compensation, which is determined by the state and usually artificially low, is a strong driver for local government to develop rural land. Indeed, local governments mainly have to rely on land expropriation to finance urban construction. Revenues generated from land can account for up to 60 % of total fiscal income of local governments (Lu 2003b). Clearly, one of the principal reasons for many local governments to propose and support urban development initiatives under threat of fiscal deficit is because re-designated use of rural land frees up capital and financial resources for growth. This can lead to local governments and their officials acting in short-sighted ways. The example of ‘development zones’ is indicative of this. Development zones have boomed since the early 1990s. Utilising national initiatives for economic development, local governments seize any opportunity to establish these notwithstanding the longer-term sustainability of the case for development. From big cities to small towns and from inland areas to coastal harbours, local governments set up numerous development zones with all kinds of fancy, modern titles, such as Economic and Technological Development Zone, High Technology Development Zone, and so on. According to the national land administration of Ministry of Land and Resources (MLR), there were 2700

**Table 4.1** Land expropriation costs (excluding compensation for over-ground attachments) payable to local government by developers in Changsha, 2012 (yuan/*mu*)

	Vegetation land	Cropland
Annual output	2400	1300
Land compensation	19,200	10,500
Resettlement subsidies	32,600	17,800
Land management fee	6000	4000
Cultivated land occupation tax	7200	7200
Vegetation development fund	24,000	
LUR fee for newly added construction land	53,280	53,280
Cultivated land expropriation fee	19,300	11,400
Public enterprise fee	3300	3300
Others	2400	2400
Total	169,680	111,180

Source Benchmark price data of Changsha, Changsha Land and Resources Bureau (2013)

development zones at the end of 1992 compared to only 117 at the end of 1991 (Liang and Zou 1993). Their sizes vary from that equivalent to a medium-sized city to just a few parcels of land. Many are even without approval from higher-level government. In recent years, new development zones were often officially approved by the central government in the light of the new national strategy of developing western China (Peng 2002). Since then, the number of development zones appearing below the provincial level has also exploded again. According to MLR statistics, there are now 3837 development zones among which only 6 % are approved by the State Council and 27 % are approved at the level of provincial government. However, a large portion of land located within these development zones, in fact, remains vacant, or else in practice, is developed for other residential or commercial uses which are different from the stated purposes of development.

As demonstrated in Table 4.2, various reasons and purposes are provided for the rapid urbanisation of rural areas, the greatest of which is the simple development of basic infrastructure, including transport infrastructure and energy and water supply projects.

It can be seen that the combination of political, legal and economic systems is particular to current regime in China, and that they provide the institutional mechanisms that drive urban development. Through state law and policy, they also provide the basis for the relationship between land-lost farmers and local government. The process of land expropriation has to be implemented by local government, and it is they and their representatives who have to face land-lost farmers. In the process, local government benefits from the margins yielded by LUR re-designation, while land-lost farmers have little say or benefit from the marketising of the land on which they have worked collectively and lived for generations, and such disparity can be the focus of much distress and confrontation between the two sides.

**Table 4.2** Land use and land supply

Land use	Total land	Land requisitioned		Farmland	
		Total land	%	Total land	%
Basic infrastructure	1,166,818.43	813,463.07	69.72	530,498.67	45.47
Public projects	243,369.76	188,136.79	77.30	129,865.42	53.36
Commercial projects	456,387.94	341,771.87	74.89	229,121.98	50.20
Urban and town service projects	314,417.13	197,973.98	62.97	153,824.49	48.92
Agricultural projects	183,785.34	18,916.89	10.29	10,983.61	5.98
Total	2,364,778.60	1,560,262.60	65.98	1,054,294.17	44.58

*Note* Basic infrastructure includes energy, transportation, and water projects; Public projects include subsidised housing and urban utility facilities; Commercial projects include industrial, retail, and real estate uses; Urban and town services include roads, schools, and village-owned enterprises in towns

*Source* Lu 2003b)



### 4.2.3 *Changing Resettlement Approaches and the ‘Issue of Land-Lost Farmers’*

Extant literature provides much evidence of the impacts of the expansion of cities on the lives of farmers in China (for example, Liao 2005). Large-scale land expropriation has been creating land-lost farmers at a striking rate. According to the survey done by the MLR at the end of 2002, in the course of land expropriation, whenever one *mu* of land was expropriated, on average 1.4 farming persons were displaced from their land. From 1987 to 2001, non-agricultural construction used up some 2.26 million ha of farmland nationwide; the datum for the period thereafter, from 2003 up to 2014 was another 2.43 million ha.<sup>9</sup> If calculated in accordance with the datum from MLR of an average 0.053 ha of farmland per person (the figure is actually less at under 0.048 ha of farmland per person in developed districts of the country), the estimated total number of land-lost farmers, at 1.4 per *mu*, would come to almost 70 million. Furthermore, if we add babies born outside the state’s birth control quota system, the number of land-lost farmers increases to over 75 million persons. According to some estimates the number of land-lost farmers may well exceed 110 million in China by 2030 (Lu and Ye 2005). The phenomenon is widespread, and it was investigated that by 2003 more than 40 % of peasant households had completely lost their land in the process of economic development (see Table 4.3).

Generally speaking, a variety of issues regarding lack of education and skills, age, and so on, make it difficult for most land-lost farmers to find re-employment on their own after land expropriation and it is difficult to achieve reasonable levels of well-being if displaced farmers cannot find relatively stable jobs and incomes. With the number of people displaced from the Chinese countryside increasing, the possibility that this social group comes to feel badly and unfairly treated and resorts to what the state deems undesirable behaviour only increases with the passage of time. Therefore, the growing mass of land-lost farmers requires to be properly resettled. This ‘social policy problem’ has given rise to various compensation and resettlement approaches over the years, mainly including: agricultural relocation and employment resettlement; or else, more recently, monetary and reserve-land resettlement. The former approaches were widely used during the era of the planned economy, while the latter approaches have been applied in the socialist market economic era. The so-called ‘issue of land-lost farmers’ was generated with the transformation of resettlement approaches. In other words, work of reassignment and relocation when rural collective land was requisitioned may have harmed individual farmers’ interests but they were self-consistent as approaches used within the state’s planned economy, and in principle, individual farmers could make administrative appeals against local injustices and wrongdoing by officials. However, such approaches were incongruent with shifts to a socialist market

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<sup>9</sup>These data are sorted out by author according to the annual land and resources bulletin of MLR of China: <http://www.mlr.gov.cn/zwgk/tjxx/>, but the datum for 2002 is missing.

**Table 4.3** Nationwide condition of farmers' loss of land, 2003

Number of investigated households	Overall family members	Labour force	Original agrarian land	Overall taken-up agrarian land	Present agrarian land	Original agrarian land per person	Present agrarian land per person	The percentage of households whose members own over 0.3 <i>mu</i> per person among all investigated households	The percentage of households whose members own below 0.3 <i>mu</i> per person among all investigated households	The percentage of households that completely lose land among all investigated households
2942	12,170	7187	13,740.15	9400.15	4340	1.13	0.36	15	42	43

Source Derived by the author according to data collected by Guojia Tongjiju Nongdiao Zongdai (2003)

Units *Mu*, %

economy, since evident contradictions emerged in the process of land requisition for displaced farmers, and risk of considerable abuse. The more recent change of approach to monetary and reserve-land resettlement may only exacerbate that situation by emphasising material and property-based compensation where much of the economic benefit from development is lost to farmers along with their livelihoods and support systems.

#### 4.2.3.1 During the Era of the Planned Economy

It was stipulated that ‘the People’s Committee of the town or the county should be responsible for the agricultural resettlement of land-expropriated farmers in the locality; to those who are indeed not able to be resettled agriculturally, the labour and civil affairs departments of local above-county-level People’s Committee should seek to resettle them in other ways in the locality’.<sup>10</sup> Accordingly, there were mainly two methods of resettlement during the era of the planned economy.

##### Agricultural Relocation

Most farmers have deep-seated attachments to the land. Thus, it is a more stable resettlement means to leave land-lost farmers in the countryside and allow them to continue their original forms of work. Agricultural relocation meant that after paying farmers compensation for over-ground attachments (such as houses) and crops, the rural collective economic organisations were responsible for resettling them by reapportioning the remaining land within their collective organisations. For instance, suppose there were originally 200 *mu* of land in the collective economic organisation thus the 200 *mu* of land was evenly allocated among farmers within the collective organisation, now that 50 *mu* was expropriated so the remaining 150 *mu* would be reallocated among the farmers. It needs to be noticed that this means is mainly suitable for regions where the average amount of land available is abundant and that only a small part of collective land is expropriated.

##### Employment Resettlement

Employment resettlement meant that the land-lost farmers were resettled to fit into public units, state-owned or collectively-owned enterprises of the state. The main characteristic of this approach was that the (re-)developer of the land played the principal role in the resettlement of farmers, for example to work in one of the

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<sup>10</sup>Art. 13, Guojia Jianshe Zhengyong Tudi Banfa (Approach to Land Requisition for National Construction Revision) (1957), <http://www.lawtime.cn/info/zhengdi/guojiazhengdi/gjzdc/20100413725.html>, accessed 22 Apr 2011.

enterprises established after development, integrating the functions of enterprise, government, and market as a whole. It was stipulated that ‘the residual labour force created by land expropriation are to be resettled by land-expropriating units, land-using units, and related units under the coordination of land management departments of the counties or the cities. And the residual labour force can be transferred to non-agrarian or township registered residence (*hukou*).<sup>11,12</sup> The relocation packages offered to land-lost farmers were non-agricultural jobs, which required the government to provide free skills’ re-training and then arrange for corresponding positions; the land using units should give priority to the absorption of land-lost farmers into their units; and importantly, land-lost farmers falling within areas of urban development plans should be granted urban *hukou* status, and so, included in the employment system of cities and towns, and also, the corresponding social welfare system should be made available to them locally. Compared to direct compensation packages for resettlement, the benefits accompanying the granting of a city *hukou* citizen status may prove far more attractive to farmers. This was particularly true in the early years of the post-reform era (after 1978).

Before 1994, these two kinds of resettlement approaches, with their origins in the era of the planned economy, were those adopted for the most part by central government. Albeit through compulsory schemes and the administrative reallocation of land, these ways appeared to be self-consistent with socialist system. Many land-expropriated farmers were provided with what seemed to them to be a secure future to continue working and living. Certainly at the beginning of the period of rapid urban development, farmers were willing to strike deals with local governments, and there was little evidence of precursors to a growing ‘issue of land-lost farmers’.

#### 4.2.3.2 During the Era of the Socialist Market Economy

After the 14th National People’s Congress in 1994 announced that a socialist market economy system to improve production efficiency would be put into practice in China, state-owned and collectively-owned enterprises started to change into economic entities that separated out political considerations from business and to assume full responsibility for their performance. However, this systemic transformation had to confront many of the effects left over from the previous era of the planned economy. Gu (1998) estimated an over-staffing of people employed in state enterprises of between 15 and 37 million, accounting for between 30 and 50 % of their total workforce at that time. Quite a few enterprises went bankrupt as a result of poor operation, and from then on the era of a secure, guaranteed position for life

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<sup>11</sup>Refer for more detail to Chap. 5.

<sup>12</sup>Art. 12, Guojia Jianshe Zhengyong Tudi Tiaoli (Rules of Land Requisition for National Construction), <http://www.law110.com/law/guowuyuan/2113.htm>, 14-05-1982.

came to an end. According to official statistics, 80 million urban workers in state-owned and collectively-owned enterprises were laid off (National Bureau of Statistics of China 1997). Rural and local township enterprises, which had been responsible for rural economic growth and labour transformation, faced yet greater challenges owing to insufficient provision of finance and resources, lower level of technological expertise and poor product quality. Thus these township enterprises were affected more than state-run enterprises and had more often to send their employees home with little or no pay. Some previously land-expropriated farmers who had originally been assigned jobs in local township enterprises (since large-scale and better-performing enterprises were unwilling to accept them) became unemployed again. In response, the 1998 revised version of LAL cancelled the implementation of employment resettlement for land-lost farmers and it substituted it with articles to pay out resettlement compensation instead.

### Monetary Resettlement

The so-called once-and-for-all monetary resettlement meant that land expropriating departments gave land-lost farmers a one-off payment as compensation for their expropriated land, crops, and over-ground attachments. The approach was easy to operate and thus local governments were happy to apply it. A survey conducted by MLR in 2002 of 16 provinces revealed that in 60–80 % of the cases, cash-based compensation was used. The investigation which sampled ten construction projects in Zhejiang Province also found that almost 95 % of 3379 land-lost farmers were resettled by monetary means (Lu 2003a). Furthermore, most farmers, especially those in the suburbs of economically developed regions where the value of land was increasing rapidly, were also more willing to accept monetary resettlement, seen from the standpoint of short-term interests. Nevertheless, the amount of compensation given to farmers was determined by implementing institutionalised standards which were set centrally, thus monetary resettlement disadvantaged farmers' interests, while the local administration benefitted greatly under the guise of implementing market reform.

The monetary resettlement approach may motivate land-lost farmers to access training and skills development necessary to finding new jobs in the urban labour market, but as a social policy approach, it has to be accompanied by other things, such as the establishment of social welfare system, the marketisation of occupational training and the expansion of the tertiary industry sector. An important premise underpinning monetary resettlement is that growth in urban accommodation capacity is greater than the numbers of farmers who are displaced from the land. In the simple application of one-off monetary payments for expropriated land as compensation it proved difficult to take into account problems which only emerged later; it also allowed land-lost farmers to make straightforward comparisons based on total amounts of compensation money. This all meant that land users seeking land at the lowest cost would inevitably find themselves in conflict with

farmers seeking levels of monetary compensation at ‘market’ values, within a system distorted by institutionalised government regulation.

### Reserve-Land Resettlement

Under this approach, compensation for crops and over-ground attachments was still given to land-lost farmers, while land compensation payments and resettlement subsidies were substituted by reserve land which was managed by collective economic organisations. It meant that a particular portion of land was reserved for the collective economic organisations in order to arrange for the living conditions and livelihoods of land-lost farmers. With land reserved for living, land-lost farmers could build houses; and the collective economic organisations could also use reserved land as an income stream. If managed well, this approach could provide land-lost farmers with long-lasting economic benefits.

Under the reserve-land resettlement approach, the important fact was that though relocated, land-lost farmers remained within collective economic organisations, and in practice, a large portion of land-lost farmers’ income would come from the collective management of reserved land. From the introduction in Chap. 3, the area of reserved land in three resettlement communities in the study was rather different, however, with 19 % of the total expropriated land under reserve in Qingyuan Community, 8 % reserved in Sifangping Community, and 6 % in Dongfanghong Community. In other words, the resettlement approach has been unevenly applied in the same city. This means that land-lost farmers of Qingyuan Community can anticipate better living conditions and more income from the larger amount of reserve land available to them. Those in Dongfanghong Community have least reserve land, and worse, it seems ordinary people there neither know what has happened to the collective reserve land nor how it has been used.<sup>13</sup>

It is likely that land-lost farmers within the present-day socialist market economy may not be able to secure their livelihoods in the ways that their counterparts were able to do in the planned economic era. The rules governing resettlement approaches now risk a generation of trouble with the ‘issue of land-lost farmers’. The monetary and reserve-land resettlement approaches place little legislative requirement on the local authorities to incorporate land-lost farmers into the urban economy. Thus on the one hand, the approaches allow local government much room for manoeuvre in securing its own interests. On the other, they have the potential for complaints and grievances from land-lost farmers about their resettlement, registration (*hukou*), schooling of children, medical insurance and other welfare provision, as well as retraining schemes, on top of amounts of compensation and allocation of collectively-managed reserve land, thus much confrontation between land-lost farmers and local government.

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<sup>13</sup>Refer to Chap. 5 for more information.

#### ***4.2.4 Institutional Problems of Land Expropriation***

Examination of the land expropriation process reveals institutional flaws that require further legitimation especially on the part of local government during implementation of the process locally, which breed confrontation between land-lost farmers and local government, and also from where the land-lost farmers can find fault with local government.

##### **4.2.4.1 Scope and Justification**

Such institutional flaws often stem from contradictions and controversies within the legal system that governs the land expropriation process. One of the first problems with the LAL is that the conditions under which rural land may be expropriated for development purposes are ill-defined. According to the stipulation of the LAL, land expropriation shall take place only when the purpose of expropriation is to serve the public interest, to meet the needs for land for state construction activities. However, any individual who wishes to build a development on non-urban land, regardless of whether it serves the public interest, must use state-owned land. The local government on behalf of the state owns the land and leases it out. Developers under the terms of lease own the rights to the land's designated uses as approved by the local government. This implies that potential land users, if their needs cannot be met by existing urban land, can seek land expropriation. This inevitably expands the stipulated scope of land expropriation. Developments such as infrastructure and the expansion of existing and establishment of new industrial enterprises or needs for residential housing, and so on all become targets for land expropriation justified as in the public interest for the sake of development and growth.

For instance, in Changsha, as all over the country, no matter infrastructure development (e.g. transportation, energy, and water projects) or commercial development (e.g. industrial and housing projects), all occurred on expropriated land. Although land expropriated for infrastructure represents the higher percentage of all expropriations, commercial projects still accounted for 35 % of expropriations in the period 2005–2007.<sup>14</sup> Whether or not commercial projects serve the public interest in the conventional sense that was intended within the original legislation is obviously a grey area.

##### **4.2.4.2 Fair Compensation**

Many countries, particularly in the West, enact legislation that requires government to compensate farmers based on market values for land taken. Clear-cut property

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<sup>14</sup>Data from the statistics published in the website of Changsha Land and Resources Bureau, <http://www.csgtzy.gov.cn/>, accessed 21 Apr 2011.

rights and functioning real estate markets in these countries largely ensure just compensation; at least, that is, in material terms. Ambiguous provisions of such rights and markets in practice make fair compensation difficult, if not impossible, to achieve in China. With the increasing development of aspects of a market economy in China, land-lost farmers are coming to understand that compensation should be based on local market prices, setting up a system of conflicting as well as competing interests, on both sides of expropriating and expropriated.

Further to LAL, fair and just compensation was defined by the ‘State Council’s Determination on Intensifying Reform of Strict Land Administration’ which was issued in 2004 in ways that intend to be sufficient to provide ‘non-worse-off’ living standards for land-lost farmers who were displaced by re-assignment of its uses.<sup>15</sup> However, the relevant clauses still offer no way to measure ‘non-worse-off’ living standards. Not surprisingly, the absence of concrete guidelines for just and fair compensation, or in the practicality of their assessment or implementation, often results in wide variations in compensation that seem to farmers to have been decided on an ad hoc and arbitrary basis.

#### 4.2.4.3 Inconsistent Levels of Compensation

Importantly, the law does not give sufficient consideration to consistency in levels of compensation and resettlement subsidies. Compensation is dependent on the different uses made of land after it has been expropriated, related to government planning priorities and type of project. Displaced farmers are usually paid higher prices for commercial projects than they are for public projects in China. Compensation can also vary between different villages, or between different positions in the same village. In addition, there is sometimes inconsistency in regulations of compensation amounts between higher-level policy and lower-level policy.

Article 51 of LAL states that different standards of compensation shall be applied to major development projects which are in the national interest, such as highway construction and energy projects. This article enables local government to exercise political power to under-compensate farmers by claiming a development project is strategically important to the national interest. Instances of inconsistent compensation are numerous. For example, farmers displaced for the construction of the highway from Hangzhou to Ningbo received 23,100 yuan/*mu* for their land. Yet, in other commercial development projects in Hangzhou City, land compensation and resettlement subsidies cost 200,000–300,000 yuan/*mu*, ten times as much and a much greater amount than the law provided (Wei and Wang 2008).

In the particular case of the present study in Changsha City, policy documents released by the different levels of local government concerning the Qingyuan Street Agency resettlement process are quite inconsistent.

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<sup>15</sup>Art. 12, State Council’s Determination on Intensifying Reform of Strict Land Administration (2004), [http://www.gov.cn/gongbao/content/2004/content\\_63043.htm](http://www.gov.cn/gongbao/content/2004/content_63043.htm), accessed 16 Jul 2011.



### Case 4.1:

In December 2005, when the Qingyuan Street Agency was putting in place Changsha City Government Order No. 60, the Provincial Government General Office issued Document No. 53,<sup>16</sup> stating that if rural collective economic organisations were unable to arrange other rural land for land-lost farmers to resettle, they must disburse no less than 75 % of compensation allocated to the collective for each household to the land-lost farmers themselves. Local government, on the part of Qingyuan Street Agency, responded that the Provincial Government document had not taken into account, as required, the specific circumstances of individual rural collectives, and also, City Government had not drawn up relevant implementing articles to comply with the directive to disburse funds to individual land-lost farmers. There were further discrepancies between Provincial Government Document No. 53 and that of City Government Order No. 60. According to the city, compensation for land was to be used by the rural collective, in other words, the sum of 20,000 yuan per person was to be managed by each rural collective, which sums of money had in fact already been used up, in demolition work to clear sites for resettlement, resettlement construction and infrastructure, installing water and power supplies, planting trees and grass, and so on. On the part of the land-lost farmers, based on their understandings of market values, one *mu* of land should be worth well over one million yuan, and there should be more than sufficient funds for resettlement construction, compensation and subsidies.

#### 4.2.4.4 Farmers' Rights and Interests

What rights and interests do Chinese farmers have with regard to collectively owned farmland? On this question, the LAL is ambiguous. Individual farmers have only a passive role in many important decisions that will affect their entire life.

Ownership is defined ambiguously in the laws governing farmland, village collective organisations, and farmers. Concerns and issues related to ownership and land tenure lead to a more basic question: who is entitled to benefit from land

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<sup>16</sup>Provincial Government General Office (2005) No. 53, Notice from Provincial Government Office as to Feasibly Dealing with the Security of Land-lost Farmer's Lives, <http://www.law110.com/law/32/hunan/law1102006214115.htm>, accessed 30 Jun 2011. Part of its relevant content is as follows (the sequence numbers taken here are the original sequence numbers in the document): 1. Feasibly improving the work of compensation during land expropriation. 2. Make sure that the compensations are given out to land-expropriated rural collective economic organisations and farmers. 3. Reinforce the management of distribution and use of the compensations. If the resettlement is carried on in rural collective economic organisation, compensations for land resettlement should be uniformly distributed within the organisation. If the organisation cannot arrange corresponding land for land-lost farmers to re-contract, they must disburse no less than 75 % of compensations for farmers. The compensations held by the organisation must be operated as accumulation fund and specifically used for land-lost farmers' social security and for developing livelihood production. Other ways of use are forbidden. Governments of cities, counties, and towns cannot draw compensations in any names. If land-lost farmers need not to be resettled uniformly, all compensations for resettlement must be given out to them. If land is all expropriated and the system of rural collective economic organisation is repealed, all compensations should be used for land-lost farmers' livelihood production and living. When the institution of 'changing villages into communities' takes place, land-lost farmers are entitled to be distributed collective assets of the original village until the disposal of the assets.

development and at what proportion or share? The LAL stipulates that compensation for young crops and over-ground attachments should be given to farmers whereas land compensation and resettlement subsidies should be retained within collectives that should use these funds for resettlement and development within the process of compensating affected farmers.<sup>17</sup> The focus of disagreements and confrontations is usually around land use compensation and resettlement subsidies retained within collectives.

A further question arises when it comes to state-owned farms, which were widespread in the past. Many places within the LAL, according to interpretations made by experts (Bian 1998), indicate that the land of state-owned farms is state-owned land, yet it is treated as collectively-owned land when expropriated. This makes the distribution of land compensation funds even more complicated. For example, in the case of the present study, Qingyuan Street Agency and Lugu Street Agency both derive from state-run farms, but the land of both was expropriated as collectively owned land. That was because the land was never formally registered as state-owned but rather as owned by the rural collective economic organisations. LUR (land use rights) were registered as collective and the construction of farmers' houses and buildings was also done collectively. However, land-lost farmers within the two communities have different viewpoints. 90 % of land was designated for resettlement in Qingyuan Community but only 6 % was designated for resettlement in Dongfanghong Community. With extra resettlement land available in Qingyuan, land-lost farmers have been able to make good use of their reserve land, which remains collectively-owned; while in Dongfanghong Community, the land-lost farmers now have no idea what has happened to their collectively-owned so-called reserve land, and feel it would have been better if their land had been expropriated as state-owned instead of collectively-owned land.

It is obvious to those involved that the wide variation and inconsistencies in levels of compensation and subsidies have a great deal to do with the lack of clear assignment of land rights and responsibilities (Lu 2003b). In one rapidly developing city on the east coast between 1990 and 2000 local government received the greatest proportion of land development benefits at 39 %. Farmers received 27 % of the total and the local village government received 22 %. The remaining 12 % went to central government (Lu 2003b).

As mentioned earlier, though it is required that farmers' lives not be adversely affected by land expropriation—they should be 'non-worse-off' afterwards—it is difficult to judge whether this requirement is properly realised. The lives of farmers are multi-faceted, but monetary payment for lost income sources and resettlement into new housing blocks, which is the most widely-used approach nowadays, represents only one of many aspects for which farmers should be compensated. Recognising issues and challenges that arise from land expropriation, in 2001 the

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<sup>17</sup>Art. 26, Regulations on the Implementation of the Land Administration Law of the People's Republic of China (1998), [http://www.law-lib.com/law/law\\_view.asp?id=15255](http://www.law-lib.com/law/law_view.asp?id=15255), accessed 31 May 2011.

Chinese Government initiated a series of land requisition reform projects in selected cities (Shanghai, Suzhou, Wenzhou, Nanjing, Jiaying, Foshan, Shunde, Xiamen, and Fuzhou). Reforms took the following directions: (1) raising compensation level (cash component); (2) annualising payment to farmers; (3) direct compensation to farmers instead of going through village collectives; (4) granting farmers control of land use and development in reserve land; (5) developing social welfare schemes for land-lost farmers; (6) developing re-training and skills development schemes; and (7) improving administration and process governing land expropriation such as transparency and public participation. Preliminary analysis revealed that such approaches may not be able to address issues and challenges completely. For instance, annualising payment requires substantial budget commitments and an increase in cash compensation may reduce socio-economic distress, but it fails to address the fundamental issue: the rights and interests of farmers attached to land.

Institutional norms as structuring mechanisms for interactions between land-lost farmers and local government are especially demonstrated by the systems set out by the state, such as the government's dominant position in the process of land expropriation and the compensation standards regulated by the LAL. Such institutional norms take effect at the local level and are beset by problems. Institutional flaws involved in land expropriation are manifested in scope of land expropriation, fairness of compensation, consistency of compensation, and definitions of ownership. The former two problems concern the state system, while the latter two problems usually pertain to policies and practices at local levels and thus are more subject to social construction, which will be further revealed in the next section about the specific policy context in Changsha City.

#### ***4.2.5 Specific Policy Situation of Changsha***

My investigations identified two main policies of compensation and resettlement governing land expropriation at the municipal level in Changsha. In March 2000, City Government Order No. 60 was issued. Thereafter, by-laws worked out by the different districts and street agencies according to their specific conditions were required to follow the guidelines set out in Order No. 60. That city policy dominated the operation of land expropriation for at least eight years though there were also policy documents issued by the higher levels of governments. Latterly, the city's policy could not be properly carried out any more and many individual cases arose among land-lost farmers. Understanding that the problem was rooted in the city's policy itself, and taking into account the requirements of the changing situation in the city, the Department of Land Expropriation and Removal of Changsha Land and Resources Bureau issued the Changsha Government Order No. 103.<sup>18</sup>

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<sup>18</sup>I interviewed several officials who were actually the main initiators of the Order No. 103, thus I developed a profound understanding of the internal information about these two policies.

Land-lost farmers were resettled on rebuilt land under Order No. 60, which meant that the government arranged land for the land-lost farmers with a quota area of 55 m<sup>2</sup> per person (including roads in the resettlement communities, building spacing, and the land for other attached facilities) to build houses to a uniform standard. Order No. 60 could not be implemented in practice any longer. The reason given was that it required overhaul due to the poor levels of compensation involved. But actually there was an underlying problem. The policy applied principles of compensating every object which left much room for manoeuvre. This led to the Survey Department making deals with individual land-lost farmers, which led to particular households getting several tens of thousands extra in compensation packages. In a word, after running for several years, it was clear that the policy operated unevenly and that it was subject to much abuse.

In April 2008, City Government Order No. 103 took effect. Its primary aim was to overcome the shortcomings of Order No. 60. First and foremost, the new order raised the standard of compensation. Every household was to get an average of 125,000 yuan more than those under Order No. 60. And it increased the quota area for resettlement flats to 80 m<sup>2</sup> per person. Second, all households buildings were to be compensated according to a categorisation made up of area, condition and structures involved. Land-lost farmers were to be resettled by indemnificatory housing. By this was meant, the District Government would build resettlement flats and sell them to the land-lost farmers at a price lower than their construction costs. The residential pattern was also changed under the new order, from the previous low-rise buildings to medium-rise blocks. Third, social security provision was to be included to assist land-lost farmers in making the transformation to urban residents. With the government's supplementary payment of retirement insurance and medical insurance premiums, and their renewal for several years, land-lost farmers would then enjoy the same retirement and medical insurance provision received by urban workers. The government would also provide labour force subsistence allowances for two years. Order No. 103 was designed to have much more rigid guidelines in order to avoid uneven and opaque settlements.

Order No. 60 applied a reserve-land resettlement approach, while Order No. 103 would apply monetary resettlement, with affordable resettlement housing calculated as part of the package and social security provision taken into account. Problems have arisen at the stage of substitution of the previous policy with the new policy. Street-level government agencies had not yet distributed guidelines to communities on how to have the changes implemented at the grass-roots level when the fieldwork was being conducted for the present study in 2010. It appeared to have been difficult to maintain cohesion between the new and old policies. The lack of specific details has introduced tension, requiring that both land-lost farmers and local officials try to find a balance between existing knowledge and practices and the new situation. Enhanced rigidity of the new policy has increased its acceptability among land-lost farmers, but equally, to most land-lost farmers, 'bargaining' has already become habitual. As it decreases space for manoeuvre, the new policy also brings new pressures to its implementers. The new policy means that the local government has to spend more under Order No. 103, especially on social security,

but that does not necessarily mean land-lost farmers are appreciative. For example, according to the new regulations, every land-lost farmer has to submit 500 yuan per year to be incorporated into the urban social security system, which will accumulate bit by bit to more than 10,000 yuan after several decades. The state then has to supplement 120,000–140,000 yuan for each person when he/she is 60 years old. Even though the new social security fund entails much government expenditure, land-lost farmers may not feel grateful, as they will only see those benefits in the future. The period of implementation of Order No. 103 is still recent, doubtless problems will reveal themselves over time as with the previous Order No. 60. Most cases discussed in the present study relate to problems under the old policy of Order No. 60, but it already seems that in villages that are now involved in the land expropriation process under the new Order No. 103, farmers still have complaints.

Compensation for the removal of over-ground attachments, that is, residential homes, farm buildings, and so on, is another problematic issue. Actually, compensation in this regard represents the largest portion of compensation given to land-lost farmers. Thus, this area of compensation is what the land-lost farmers most strive for, and its regulation is what land-lost farmers most care about. Unlike the legislation relating to land compensation and resettlement subsidies, which follow the general guidelines as set out in LAL, regulations relating to removal and compensation of over-ground attachments have a local basis. The removal of over-ground attachments is therefore one key stage in the land expropriation process where land-lost farmers may hold out in the hope of negotiating more compensation. Legislation directs a particular department of district government to take charge of the situation, the local Office of Removals. Nevertheless, the work of removal is undertaken jointly by different departments, especially the court, city management, and public security, in cooperation with the street agency and local community. If a household refuses to sign the expropriation and removal agreement which has been set out by the court within the stipulated deadline, the court can carry out forced removal with due process by: holding a hearing—bringing in a verdict—arranging interim housing—posting an announcement to move within three days—implementing forceful removal after three days. In this way, the government can guarantee the completion of land expropriation, but often with serious upset and unrest in the process.

#### ***4.2.6 Another Institutional Approach Open to Land-Lost Farmers***

In the meantime, the central state also makes available an appeals' system for ordinary people in their dealings with local bureaucrats. The appeals' (*shangfang*) process is institutionalised as the system of 'letters and visits' (*xinfang*). Through appeals, the masses report their problems to the appropriate level of the administration, usually above that at which their problems have occurred, to ask for the resolution of those problems.

This system plays its role as structuring mechanism to bring land-lost farmers as ordinary people and local government to further correlate with each other. It provides institutional channels for ordinary people to make contact with those in power, and it leaves people space for non-procedural discussion and resolution of problems since the substance of an appeal is phrased in informal terms through personal representation to an appeals' office rather than in formal terms through the courts by means of expert legal representation. Also, local officials are urged by a series of accountability mechanisms<sup>19</sup> to attach importance to and manage the populace's appeals through the letters and visits system.

Nonetheless, this system is also socially constructed during its operation. By institutionalising the system, the state is expecting to frame it within governmental regulations; while land-lost farmers' recourse to the appeal system is based on their desire to look out for their interests by seeking the protection of senior officials, often with insufficient concern for how the system operates and its internal regulation, thus the system is likely to be abused. On the other hand, while the central state may use the appeal system as an institutional means to manage the grievances of land-lost farmers and also takes the management and numbers of appeals in the locality as an important indicator of local bureaucrats' performance, local officials may not always properly handle the land-lost farmers' problems of letters and visits but control their appeals.

The appeal system of letters and visits is seen by land-lost farmers as an approach accessible to them, and through which they can voice their grievances to higher authorities about the injustices visited upon them by local officials in the process of land expropriation, compensation and resettlement. Their problems can be resolved using the state's institutions, and they know that the state requires local government to listen and respond to their appeals. However, key aspects of the regulation of the system mean that appeals must be made on an individual basis and they must be made to bureaucrats' immediate superiors. Thus, the use of the system in practice may well serve to manage farmers' complaints while building in accountability on the part of local government, but the system may also serve to stoke further confrontation between farmers and local officials when decisions on appeals to higher authorities are delayed and then referred back to the relevant administrators with further delays.

### 4.3 Summary and Discussion

All of these systems, policies, laws are not only important to understand issues concerning land expropriation and the resultant relationship between land-lost farmers and local government, but more importantly, constitute the norms that take effect within the structure, specifically, the network of power-interests structure in

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<sup>19</sup>Refer to Chap. 5 for more details.

which land-lost farmers and local governments are situated. Norms represented as systems, laws, policies, rules, and so on set the foundation for the relationship between land-lost farmers and local government to take place. These norms are generated according to the state guidelines. In institutional terms, once a norm has been operationalised, it can intensify the ability to make and keep agreements, as Weingast asserts, '[t]he essence of institutions is to enforce mutually beneficial exchange and cooperation' (2002: 670). That is, norms as structuring mechanisms put parties concerned into a specific association. In strategic terms, norms affect behaviour by changing an actor's motives and beliefs, which are their understandings of their interests; also, norms will help determine the strategies of the agents involved. That is, these norms provide the institutional framework from which land-lost farmers and government officials construct their interrelationships within the local setting.

According to the neo-Simmelian schema, seen as a relationship of super/subordination, the most important dynamic is the imposition of rule on the part of the ruling elite. It is without doubt the central state withholds the authority to set the rules for the particular local structure in which the relationship between its local officials and land-lost farmers takes place. Land expropriation has been justified for the sake of Chinese modernisation. The state's policy frees up capital in a process of land expropriation, compensation and resettlement which local government can use to fuel development efforts within a decentralised fiscal system, and also laws have been institutionalised by the central state which local government can use to legitimate that process. However, it can be seen that though compensation and resettlement policy concerning rural land expropriation is changing, its justification in terms of economic rationality driving the urban development process, not only results in interest-gainers' expectations of development rewards but also in increasing costs of urban development itself, in an unwelcome spiral.<sup>20</sup> Consequently, the system concerning land expropriation, compensation and resettlement, as well as its laws and policies, now requires further legitimisation.

Recourse to further legitimisation is, in my view, to incorporate dissension where norms are socially constructed. Such recourse is actually under way no matter at state level or local level, which can be seen from the earlier-mentioned reform projects initiated by the state and the update of policies in Changsha. State edicts may usefully act and be applied as structuring mechanisms at local level, while local policy is amended and updated more for the sake of legitimisation, albeit partially and expediently.

Regardless of the capacity of legitimisation, the values and conduct on the parts of land-lost farmers and government officials are destined to centre round norms.

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<sup>20</sup>The comprehensive costs here not only include economic costs (such as the greatly increased land expropriation costs and speculative costs related to land reserve), but also include political costs (such as the crisis of governmental integrity, the crisis of policy authority, the cost of official corruption, and the populace's rights-safeguarding cost) and social costs (such as the dislocation of lives and social relations caused to land-lost farmers).

Norms, as manifested in systems, laws, and policies, do organise action, and they do project institutional influence. However, the process through which this is realised is replete with opportunities for interpretation and adaptation. Norms serve as the foundation for both forces of integration and conflict, concessions and confrontations, within an ongoing process of legitimation. How these norms are interpreted and implemented individually and institutionally, and how norms undergo legitimation through this process will be analysed in later chapters. Firstly, the next chapter analyses the interpretative scheme used by each side in the land expropriation, compensation and resettlement process.

## References

- Alitto, G. S. (1986). *The last confucian: Liang Shu-ming and the Chinese dilemma of modernity* (2nd ed.). Berkeley: University of California Press.
- Bian, Y. (Ed.). (1998). *Zhonghua renmin gongheguo tudi guanlifa shiyi (An interpretation of the Land Administration Law of the People's Republic of China)*. Beijing: Law Press.
- Birkland, T. A. (2005). *An introduction to the policy process: Theories, concepts, and models of public policy making*. Armonk, NY: M.E. Sharpe.
- Durkheim, E. (1984, 1893) *The division of labour in society* (W. D. Halls, Trans.). Houndmills, Basingstoke, Hampshire: Macmillan.
- Giddens, A. (1979). *Central problems in social theory: Action, structure and contradiction in social analysis*. London; Basingstoke: Macmillan.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- Gu, X. (1998). Danwei fuli shehui zhuyi yu Zhongguo de 'zhiduxing shiye'—Cong xinzhiduzhuyi de jiaodu kan 'xiagang wenti' (The unit benefit socialism and China's 'institutional unemployment': Looking at the 'problem of layoff' from the perspective of neo-institutionalism). *Comparative Economic and Social Systems*, 4, 20–27.
- Guojia Tongjiju Nongdiao Zongdui (Rural Investigation Chief Team of National Bureau of Statistics) (2003). Shidi nongmin de kunnan, xintai he xuyao jiejie de wenti (Land-lost farmers' difficulties, perceptions, and problems ought to be solved). <http://www.sannong.gov.cn>. Accessed August 22, 2016.
- Guotu Ziyuanbu Zhengdi Zhidu Gaige Yanjiu Ketizu (Land Requisition System Reform Research Project Group of Ministry of Land and Resources). (2003). Zhengdi zhidu gaige yanjiu baogao (Research report of the reform of land requisition system). *National Land & Resources Information*, 11, 48–55.
- King, A. Y. (1985). The individual and group in confucianism: A relational perspective. In D. J. Munro (Ed.), *Individualism and holism: Studies in confucian and Taoist values* (pp. 57–70). Ann Arbor: Michigan University Press.
- King, A. Y. (1991). Kuan-hsi and network building: A sociological interpretation. *Daedalus*, 120 (2), 63–84.
- Kirby, E., & Krone, K. J. (2002). 'The policy exists but you can't really use it': Communication and the structuration of work-family policies. *Journal of Applied Communication Research*, 30, 50–77.
- Legro, J. W. (1997). Which norms matter? Revisiting the 'failure' of internationalism. *International Organization*, 51(1), 31–63.
- Levine, D. N. (1991). Simmel and Parsons reconsidered. *The American Journal of Sociology*, 96 (5), 1097–1116.



- Li, L., & O'Brien, K. J. (1996). Villagers and popular resistance in contemporary China. *Modern China*, 22(1), 28–61.
- Liang, Y., & Zou, Y. (1993). Guanyu woguo chengshi kaifaqu de chubu yanjiu (Preliminary study on urban development zones). *Chengshi Guihua (City Planning Review)*, 17(4), 27–30.
- Liao, X. (2005). *Zhongguo shidi nongmin yanjiu (The study on Chinese land-lost farmers)*. Beijing: Social Sciences Academic Press.
- Lu, H. (2003a). Tudi huan baozhang: Tuoshan anzhi shidi nongmin de jiben shexiang (Land for security: Elementary conception about proper resettlement of land-lost farmers). *China Rural Survey*, 6, 48–54.
- Lu, X. (Ed.). (2003b). *Yanjiu zhengdi wenti tansuo gaige zhilu (Examining land expropriation problems: Reform path seeking)* (Vol. II). Beijing: China Land Press.
- Lu, Q., & Ye, X. (2005). Reflection on the arrangement and compensation for lost-land farmers. *Journal of South China Agricultural University (Social Science Edition)*, 2, 9–14.
- Meisenbach, R. J., Remke, R. V., Buzzanell, P. M., & Liu, M. (2008). 'They allowed': Pentadic mapping of women's maternity leave discourse as organisational rhetoric. *Communication Monographs*, 75, 1–24.
- National Bureau of Statistics of China. (1997). *China labour statistical yearbook 1997*. Beijing: China Statistics Press.
- Parsons, T. (1977). *Social systems and the evolution of action theory*. New York: Free Press.
- Parsons, T., Shils, E., Naegele, K. D., & Pitts, J. R. (Eds.). (1961). *Theories of society: Foundations of modern sociological theory*. New York: Free Press.
- Peng, S. (2002). *2000-2001 China economic development zone yearbook*. Beijing: China Financial and Economic Press.
- Pu, S. (2006). *Zhongguo xingzheng quhua gaige yanjiu (A study on the reformation of administrative division in China)*. Beijing: The Commercial Press.
- Schram, S. R. (Ed.). (1985). *The scope of state power in China*. London, New York: St. Martin's Press.
- Smit, B. (2005). Teachers, local knowledge, and policy implementation: A qualitative policy-practice inquiry. *Education and Urban Society*, 37, 292–306.
- Su, L. (2000). *Songfa xiixiang: Zhongguo jiceng sifa zhidu yanjiu (Sending law down to the countryside: Study on China's judicial system on the grass-roots level)*. Beijing: China University of Political Science and Law Press.
- Weber, M. (1997, 1947). *The theory of social and economic organization*. New York: Free Press.
- Wei, X., & Wang, Y. (2008). Perfection of land expropriation system and protection of land-losing farmers' rights and interests. *Journal of Northwest A&F University (Social Science Edition)*, 8(6), 1–4.
- Weingast, B. R. (2002). Rational-choice institutionalism. In I. Katznelson & H. V. Milner (Eds.), *Political science: The state of the discipline* (pp. 660–692). New York: W.W. Norton.
- Weintraub, F. (2005). The evolution of LD policy and future challenges. *Learning Disability Quarterly*, 28, 97–99.

## Chapter 5

# Interpretations and Situations

When trying to understand a particular setting and the relations taking place within that setting, we cannot satisfy ourselves with examining official documents and regulations alone. People are not passive receptors of written regulations but active interpreters. They not only interpret the written regulations, which act as the institutionalised norms, but also interpret and construe their social environments and circumstances, for example, as evinced within negotiation studies (e.g. Neale and Bazerman 1991; Kim et al. 2003). Such interpretative scheme as one of the dimensions of Giddens' notion of modalities, operate principally with respect to the interpretative component Giddens calls discursive consciousness. As he states, 'actors always know what they are doing on the level of discursive consciousness under some description' (1984: 26, 27). In a methodological sense, Van Velsen argues the following (1967: 145):

The ethnographer should seek in each instance the opinions and interpretations of the actors and also those of other people, not in order to find out which is the 'right' view of the situation but rather to discover some correlation between the various attitudes and, say, the status and role of those who have those attitudes.

As I compile my extended observations from the field into a social process—the process of relationship and exchange between sides, farmers and officials—the voices of study's participants are 'reduced to, congealed into interests' (Burawoy 1998: 23). What are the respective interpretative schemes of land-lost farmers and local government officials when accounting for such 'interests' or loss of interests? What are the differences between sides indicative of dispute and conflict? In order to address these questions, this chapter is concerned with the interpretative scheme which frames the issues and interests of each side from out of their respective objective situations.

## 5.1 Subjective Interpretations

### 5.1.1 *Land-Lost Farmers' Expression*

Land-lost farmers' understandings of the operation of institutionalised norms as they apply to their situations are best illustrated by their own words. Based on my time spent in the field, I assemble the following as instances of the different views held by the group. As mentioned in Chap. 3, due to its location and the greater amount of reserve land allocated to its village collective, Qingyuan Community now finds itself in a better situation than Sifangping and Dongfanghong Resettlement Communities. Therefore, most expressions of concern on the part of land-lost farmers appear most often in the latter two resettlement communities.

#### 5.1.1.1 **The Policies of the Central Government Are Good but Cannot Be Properly Implemented**

Firstly, those at the forefront of 'resistance'<sup>1</sup> argue for 'implementing policies which are favourable to the common people'. Through the agitation of 'farmer-activists', other land-lost farmers come to align themselves with that viewpoint too. However, criticism of government is focused at the regional and especially the local level and set against widely held support for the central state's reform efforts. In interviews, when the land-lost farmers remark on the government and its policies, on the one hand, they sincerely believe that the policies of the Communist Party and the central state are in their interests, but on the other, they express painful dissatisfaction with local government in particular. In other words, they deem that the policies of the central government are good, but that the key problem lies with local government agencies and their poor implementation of the central government's policies. More than half of the land-lost farmers interviewed expressed this opinion at the outset. From the majority's point of view, they believe that the Party is concerned about their well-being and acts as a patron saint watching over them, so that the policies of the Party are in fact a 'sword' with which they themselves will be able to maintain their legitimate rights and interests. Sometimes, their trust in central authority is extended to the provincial level too in terms of the perceived benevolence of policies. For example, when Provincial Document No. 53 was issued requiring rural collective economic organisations to disburse no less than 75 % of compensation funds to land-lost farmers' households, in the event they were not able to arrange other rural land for displaced farmers to resettle, interviewees were convinced that the provincial authorities had their interests at heart, but that it was their supposed representatives at the local level who

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<sup>1</sup>More detailed description and analysis of categorisations within the group of land-lost farmers as a whole can be found in Chap. 6.

were unwilling to implement these regulations fully, and to pervert local policy efforts for improvement.

In general, these views of their situation can be explained by Li and O'Brien's concept of 'policy-based' (1996) or their later term 'rightful' (2006) resistance. Within the interpretative framework of 'rightful' resistance, land-lost farmers make use of policies of the central government to challenge the rulings and legitimacy of the regional and local authorities. Since these farmers firmly believe in the legitimacy of the central and higher authorities, they do not directly confront those that they accuse of abusing their interests at the local level, but rather adopt the mechanism of appealing to the higher authorities in order to resist 'illegal' or illegitimate activities among grass-roots cadres. In actuality, this represents more of a traditional, idealised response to authority in the Chinese case, rather than a realistic judgement of their situation.

Even towards the conduct of local government, land-lost farmers hold contradictory views. They think that local government simply dismiss their requests; but nonetheless, they continue to expect local government to address their problems, and they firmly believe that local government has the resources and power to do so. In their opinion, the issue is whether or not the local authorities choose to act. This is why they insist on appealing (*shangfang*) even when displaying complete distrust of local government. As farmer A said:

The cadres hold all the seals (official stamps) that control your life and livelihood, and it is up to them to interpret the political directives as well as your actions.

### 5.1.1.2 We Do not Know Why Those People Can Live so Happily

Flaws in the fairness of the operation of compensation policies is often the issue which is most evident to land-lost farmers, since any difference can be directly perceived. Most land-lost farmers compare their own situation with that of others. After comparison, they often come to believe that they are worse off, no matter whether that is objectively true in fact. For example, villager B in Dongfanghong Community told me:

Whereas some people whose houses are only several dozen square metres get a compensation package of several hundred thousand yuan, my family also gets several hundred thousand yuan even given that the area of my house is more than a hundred square metres. You can see how unfair this society is. Those who have the knack and connections (*guanxi*) get more, while those who don't have such relationships like me have to suffer losses.

In addition, they not only make comparisons within their own neighbourhoods but also with those of adjacent resettlement communities. The basis for comparisons among different communities is that policies implemented by a particular grass-roots government agency are very specific, even when acting under the general guidelines set by the senior administration. This occurs in part because local

officials have the ability to determine the specific implementation of policies (see, e.g. Prottas 1979; Burns 1980). For example, many land-lost farmers in Sifangping Community mentioned imbalances with the treatment gained by those of the adjacent resettlement community. Villager C told me:

People of GS village which is only one kilometre away from us get one-off payments of 50,000 yuan and an extra dividend of 20,000 yuan. The one-child families were subsidised with a bonus of 38,200 yuan. By contrast, we only obtain one-off payments of 20,000 yuan, thus have to suffer losses.

The villager D provided more details:

As the same people whose land is expropriated, whose houses are pulled down, and who are resettled, every person in the neighbouring GS village has social insurance and medical insurance. Moreover, each person has an allowance of 400 yuan per month. The elderly and the only child can obtain 500 yuan per month. But we have nothing. In addition, their children need not pay money for schooling but are distributed money on the New Year Day and other festivals; while our kids have to pay high tuition fees. Is this reasonable?

The villager E added:

People in the adjacent village never appeal to the higher authorities, because their street agency have let out the collectively-owned storefronts and have distributed the profits to every person, including adults and children as allowances.

There is an old saying from Confucius that people are more worried about unequal distribution than scarcity (Legge 1893). This is fully displayed here and breeds discontent and the potential for conflict. As Coser (1965 [1956]: 27) said, conflict arises from uneven allocation of rewards and people's disappointment with such unevenness.

### 5.1.1.3 It Is Unknown for What the Money of the Collective Has Been Used

According to the Order No. 60, the original village collective obtained a sum of compensation for the expropriated land, and an amount of land was left for the collective to use as reserve land to arrange for land-lost farmers' livelihood production. In Sifangping Community and Dongfanghong Community, I interviewed the former team<sup>2</sup> leaders, as well as those who had once appealed directly to Beijing and the representatives of the masses. As regards the specific amount and position of the reserve land, unexpectedly every person that was interviewed had a different reply. If those who are supposed to know more of the ins and outs of compensation

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<sup>2</sup>Before land expropriation, the setting of the village followed that during the period of People's Commune, when rural administration was graded into echelons of commune, production brigade, and production team (Ho 2001).

and resettlement practices faced uncertainties, it is obvious that everyone else was totally in the dark. Since the income from the management of reserve land constitutes an important part of land-lost farmers' total income, the disparity of 2 to 1 in the allocation of reserve land between Qingyuan Community and the other two resettlement communities was notable. Sifangping and Dongfanghong Communities not only have a lower proportion of reserve land but also cannot guarantee effective management of the reserve land, while Qingyuan Community does well in this regard. No wonder the land-lost farmers in Sifangping and Dongfanghong Communities complained about the issue.

They also said that the accounts of the dealings of the former village or farm and the present street agency were not transparent at all, and that the bulk of land-lost farmers did not know much about either the uses of the reserve land, or whether there have been any gains from its uses, and if so, how those gains had been used and for what purposes. It is in this context that suspicion about corruption was inevitably a central theme. I also found that the land-lost farmers cared a lot about the reasonableness, legitimacy and ways in which people had made their money. They deeply hated the government cadres who they suspected of having illegally and selfishly appropriated collective property for themselves and their own uses. A few farmers even alleged that they had seen the cadres gamble with public funds; they also wondered why many cadres had ridden bicycles when they began work in the collectives, but had ended up driving cars by the time they left for other positions. Such allegations existed regardless of whether the public had exaggerated the amount that a given leader had received; lack of trust at the grass-roots level of local Party officials resulted in further discontent and conflict.

It seems commonplace, that being weakly constrained by legal, administrative, and public supervision mechanisms, government cadres directly or indirectly seek personal gain by abusing the power and position they hold. It is claimed that a certain portion of compensation is retained at each point in the resettlement chain when funds are distributed downward from higher levels of government to lower ones, from the state to the province to the city to the district and to the street level, respectively (Ding 2004). This abuses land-lost farmers' legitimate rights and interests at every step, leading to incomplete compensation packages.

Leaders at every level tend to look to their own interests, which squares with the 'economic man' hypothesis in institutional economics; land-lost farmers do too, at least, as explained to me by government officials. Officials tend to act for short-term gains, acting without a sense of civic duty or core Party values. The collusion of political and economic forces (Piven and Cloward 1977) seems to be prevalent in contemporary market-oriented China. This is described by Yu (2008) as the 'capitalisation of power' and 'powerisation of capital'. With the 'capitalisation of power', public servants use the power they hold to seek special rights and interests for themselves, their family members (relatives), or relevant interest communities, and finally, bringing pecuniary gains. One investigation jointly done by central state's agencies, including the Research Office of the State Council, the Research

Office of the Party School of the CCP Central Committee, the Research Office of the Ministry of Publicity and the Chinese Academy of Social Sciences, found that 90 % of billionaires in China were juniors to high-ranking officials.<sup>3</sup> On the other hand, the ‘powerisation of capital’ means to obtain yet more interests or to protect existing interests, individuals or interest communities utilise the capital they hold (capital now meaning money directly, over and above connections) to seek political gains for themselves or their agents in order to maintain or increase their hold over capital or assets. The mutual transformation of power and capital is widespread under the present government system, so much so that it is believed China’s anti-corruption battle set to be intensified. *The People’s Daily* reported that: ‘Disciplinary officials and anti-corruption experts have pledged that the fight against corruption will never end and will be intensified to ensure that the Communist Party of China will be free of graft.’<sup>4</sup> In this sense, with their own interests and power base, Chinese political bureaucracy can be claimed as prone to form a ‘new class’ (Djilas 1966; Holmstrom and Smith 2000).

The masses have little trust or confidence in the authorities, especially the local authorities. On the one hand, their suspicion of specific staff can develop into dissatisfaction with the regime as a whole. As a traditional habitus, the masses are used to attributing social problems to the incompetence of government. And according to Coser’s (1965 [1956]) argument that being close breeds much possibility of enmity, it is no wonder the masses tend to regard the local representatives of the regime as the ‘enemy’. Further, the crisis of legitimacy with government is moving upwards. This is especially so in the countryside, where people have the fewest resources, and government relief is the final straw at which they clutch. Such expectations collapse when they come to realise the government’s malfeasance or nonfeasance. Farmers used to call into question the illegal behaviour of local village organisations and cadres, and to place their hopes in the governments of counties and towns. Nowadays, people in the countryside believe that the governments of counties and towns are in a mess too and they are complicit in farmers’ suffering; a few farmers do not even believe anything the provincial authorities say. Such suspicions of government officials are inherited by land-lost farmers once resettled into the urban-rural fringe.

In sum, towards their counterparts, land-lost farmers focus on the evenness of distribution, and towards local and regional government, they are deeply suspicious of the sources of officials’ status and wealth. And if they looked, they are certain they would uncover problems and malpractice.

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<sup>3</sup>Zhongguo 90 % Yiwan Fuweng wei ‘Gaogan’ Zidi (90 % of Chinese Billionaires are Juniors of ‘High-ranking Officials’), <http://bbs1.people.com.cn/postDetail.do?id=93401446&boardId=2>, accessed 24 Feb 2011.

<sup>4</sup>China’s Anti-corruption Battle Set to be Intensified, <http://en.people.cn/n3/2016/0704/c90000-9081101.html>, accessed 11 Aug 2016.

### 5.1.1.4 We Are so Desperate as to Have to “Rebel”

According to Dahrendorf, the multi-relationship between authority structure and other social status structures affects the form conflict takes. If there is a strong connection and high degree of overlap between authority status and other social status, the subordinate would be situated in circumstances of absolute deprivation, that is, their feelings of deprivation would be yet stronger, leading to increased intensity and violence. Here, I focus on the influence of material circumstances and socio-economic status, the status to which land-lost farmers attribute most importance. Farmer F said that:

We just want to live, but now we have nothing to eat. My land and house were expropriated in 2002, the government only distributed a little resettlement allowance which was 40,000 yuan including cremation fees.<sup>5</sup> The compensation fund designated by the state must be much more than this, but we never knew where the large portion of it went. The resettlement allowance plus the compensations for the pulled-down house cannot even cover the expenses for building the current house.

Villager G told me that his living standard dropped after the land was expropriated.

Before land expropriation I could earn several hundred yuan per month no matter what I did. Not only did I eat rice and vegetables for free, I could also feed pigs and chicken. Only electricity could not be self-generated. But now everything needs money. I can neither plant anything nor feed anything. So I need to walk very far to the Hongxing Market to buy vegetables because they are cheaper there. One *jin*<sup>6</sup> of lettuce costs only five *mao*<sup>7</sup> there but one yuan in the nearby market. I can buy more there but just a little around here with the same money. What's more, in order to save transportation cost, I have to walk to and from for nearly two hours every day. My neighbours are also in the same situation as me. Even so, we still have to spend more than 1000 yuan per month to live.

Villager H said:

We preferred farming, in that wood could be cut from the hills and oil could be extracted by ourselves, and so on. But now, no job needs us, even the kind of job cleaning roads requires people of below 40 years old. There is no job for us people above 50 years old so that we have difficulties even with subsistence.

In villager I's point of view:

Admittedly, the whole living environment has improved, so that people who rent our rooms or storefronts say that they are envious of us because we can earn incomes even when we do not work. But actually letting rooms and storefronts cannot provide stable incomes because this is not a commercial district. People may rent the rooms and storefronts if their business is booming, but no one will rent the rooms and storefronts if trade is not brisk. By contrast, we could subsist on farming previously. My '*po po zi*' (wife) and I could earn no

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<sup>5</sup>This means that compensation is given once and for all.

<sup>6</sup>A unit of weight in China = 500 g.

<sup>7</sup>A unit of Chinese currency = 1/10 yuan.



**Table 5.1** Views on the change of living standards from before to after expropriation of land

Options	No. of choices	Percentage
Those satisfied and thought living standards have risen	58	36.94
Those who thought living standards are almost the same	24	15.29
Those dissatisfied and thought living standards have fallen	75	47.77
Total	157	100.00

*Source* Derived by the author according to the questionnaire survey

less than 1000 yuan in the past, but now sometimes we only earn 500 or 600 yuan per month. This brings a lot of stress.

The government tends to encourage land-lost farmers to build houses that exceed the living need of their own families. Having limited alternative sources of employment, renting out spare rooms or storefronts provides one way to earn an income. As regards the leasing of house property, what the renters pay for is the business rights of the property. However, not every resettlement location can sustain enough business to attract renters, especially in the urban-rural fringe.

Almost half (47.8 %) of land-lost farmers in the study felt that their living standards had fallen since expropriation of land (see Table 5.1).

It is understandable that without the land that acted as their security in making a living, land-lost farmers are both nostalgic and overwhelmed by the pressures brought on by the precariousness of their current situations.

#### **5.1.1.5 The Court Does not Accept and Hear Our Cases. What the Media Say Is not Trustworthy**

It may seem that there must be legitimate ways in which land-lost farmers can object to their situation, by recourse to the law, complaints to the media, or appeals to higher authorities. However, as Piven and Cloward (1977) argued, the impact of disruptions created by the mobilisation of the lower classes is always mediated by the political system. This is especially true in China where social harmony—the integration of the whole state as a ‘system’ (in a structural sense)—provides the rationale for the responses of higher authorities, to the extent that the authorities try to monitor every movement among the grass roots. This severely limits the means accessible to land-lost farmers to express their concerns, or to object, whether in the courts or media. Villager J said:

We once appealed to the court, but the court did not accept our case. Lawyers are prudent about taking on cases concerning land-lost farmers. How courageous it would be to engage in a lawsuit against the government!

Obviously, they doubt the justice and fairness of the law. The law serves to legitimate the authorities’ use of power rather than act in their interests. The judicial system in China has always overlapped with, and more precisely, been subordinate to the political system (Zhang 2004). This is due to the lack of independence of the

courts at various levels, especially in terms of budgets and personnel.<sup>8</sup> It is widely believed that the courts act as a ‘watch dog’ for government. The objective existence of these facts has a profound influence on the masses’ trust in and use of the law, as the ‘activist’ Wen in Dongfanghong Community said:

Even if we engage in lawsuits, the possibility of us winning is very low because bureaucrats shield one another.

In a narrow sense, ‘bureaucrats shielding one another’ is their feeling towards the grass-roots condition. But in a broad sense, it cannot but be regarded as universal rather than field-specific understanding that public power converges on the system of Party and administration, and the instrumental rationality expressed in the characteristic of governmentalisation of Chinese judiciary<sup>9</sup> can also be orientated within such understanding.

Such problems not only exist within the country’s legal institutions, but also in the ‘mouthpieces’ of the authorities, the media. Villager K said:

It definitely would be good if the TV stations came to do interviews and produced genuine reports. We once reported to the relevant media. The journalists of the Channel of Politics and Law of the Provincial TV Station once came to our community. However, they left immediately after having dinner with the local government staff. They acted in collusion with the local government, not revealing the information that should be reported.

Villager L complained:

No public or private sectors would like to be involved in our matters, since we are not wealthy people and our matters are knotty to handle. We don’t know where we can go to report our problems, let alone our lack of ability to speak out properly. But we are liable to rebel if the situation persists.

Thus, it becomes understandable why land-lost farmers favour the approach of appeals when they experience problems, as demonstrated by my own investigations. O’Brien and Li’s (2006) interpretative framework of ‘rightful resistance’ and Yu’s (2004) ‘struggle by law’ also indicate this, though they emphasise that farmers act within the quasi-formal or institutionalised appeals’ system. In farmers’ minds, though the government is all-powerful, and thus can be predatory, it is also exactly because the government possesses such power that its agencies have the ability to determine ultimate outcome of their problems, if they choose to listen to and act on farmers’ appeals.

The findings presented here constitute land-lost farmers’ subjective ‘definition of the situation’, from which we can see that their vexation is aggravated by their comparisons of their lives with those of others and with their own before land

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<sup>8</sup>More details can be referred to in Appendix C.

<sup>9</sup>Jiang (2003) analysed the characteristic of governmentalisation of Chinese judiciary since 1949, which has become an important constituent of socialist judiciary after repeated intensification by several-decade political movement, manifesting a sort of continuity with traditional Chinese judiciary deriving from imperial power.

expropriation, and by their resentment towards local government, as well as by their resignation about being ‘shut off’ from access to means of redress, or ‘marginalised’.

### ***5.1.2 Local Government’s Discourse***

On the part of local government, it is through them that decisions taken by the central government concerning land expropriation and resettlement are implemented as intended, or not. The local authorities are not merely unresponsive agents, blindly doing the bidding of their superiors. Rather, first and foremost, I see them as acting subjects with their own discourse and situations, out of which I must construct an adequate account. Doing so is shed light on by methodological individualists. In the case of government institutions, it is tempting to explain the adoption of specific programmes for a particular purpose, such as increasing revenues by means of land expropriation, and the process of its adoption in terms of the specific actions of staff of that institution, seen as individual agents. However, not all of those staff may want to adopt that programme just in order to increase revenues. Some might have supported the programme because they think it is the ‘right one’. Some might have supported that programme because they realise during its practical operation that it is the best they could hope for despite in their view of it not being the ideal one. Some others’ support might have been out of their belief that it would command more support among the masses than other alternatives. And others might support the programme for their own benefits and self interests, or else, as a means of advancement within the institution. Others because of the penalties their lack of support would incur. Still others may oppose the programme and, at best, will only give it lukewarm support during its operation, and so on. Notwithstanding these variances, methodological individualists will argue that they can explain the actions of the government institution as an agent, in terms of the actions of its staff that then lead the institution to adopt that particular programme.<sup>10</sup> Part of that story will include not only the ideas and anticipations of the staff by which we explain their actions; but also the rules and norms of the institution that ‘structurally suggest’ what actions its staff might take in producing that programme. In this sense, collective beings (with institutional norms) can be decomposed into individual agents, claiming the institution’s agency needs to be displayed through the actions of its staff. Either local government institutions or their staff can be seen as the agents in the land expropriation process but central government defines the agenda to which they must respond and the state legitimised structure within which their relationship with land-lost farmers is enacted and their facilities of power played out.

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<sup>10</sup>And some will further argue that according to Arrow’s theorem, it is senseless to wish a collective being has a collective will (see Riker 1982).

Having this important analytic prerequisite clarified, we can explore the local governments' interpretative scheme and whether there is an 'external force' catalysing this. The following selection of statements from regional and local government officials are those most frequently heard, and comparable with those of resettled farmers, from among a larger spectrum of statements concerning the 'issue of land-lost farmers'.

### 5.1.2.1 Why Are They Still not Satisfied Under the Greatly Improved Circumstances

The local government staff often expressed their perplexity as to why land-lost farmers were still not satisfied under their greatly improved circumstances, including both the living environments and living standards. The Director of the Office of Coordinating and Leading Team of Land Expropriation and Removal of Tianxin District stated (Fig. 5.1):

As regards the living environment, the construction of resettlement communities integrates features and functions of urban residence, having got complete infrastructure and many cultural facilities. Both the indoor and outdoor living environment reaches the current urban standard of the country, and some aspects even exceed the urban standard.

The land-lost farmers' living standard is also much better off compared with that of before land expropriation. Some farmers even used to live as junkmen. But after land expropriation, they get compensation, have such big houses, and some of them enjoy social security. They can live a good life. Furthermore, with the improved policies and increased compensation, more and more land-lost farmers are sharing the achievements of urban development and their living conditions are getting better and better. As a matter of fact, there are a lot of farmers getting rich after land expropriation. Many of them even buy new cars and new flats.



**Fig. 5.1** Comparison between Qingyuan community (*left*) and a residential quarter in the urban area, April of 2010

From this point of view, it is quite unreasonable that the land-lost farmers not only do not appreciate the improvement of their circumstances but also that they always complain their circumstances are difficult. ‘They just want more’, government officials explain, ‘they are difficult to satisfy and they always have more requests’.

### 5.1.2.2 They Have Too Low Educational Level to Understand Policies

The local government officials also think it difficult to communicate with the land-lost farmers, as the Head of Division of Letters and Visits of the Provincial Department of Land and Resources mentioned:

It is the policy that different programmes have different standards of compensation, while the land-lost farmers are too concerned with the evenness of distribution and tend to make unrealistic comparisons. Their reference of comparison is very straightforward, i.e. comparing with neighbours. They always pass on rumours that the compensation amount others get is higher than theirs. The problem is, though the policies are developing, the capabilities of farmers are uneven. We are not looking down on them, but this is the reality. Some of them can understand the policies, but most cannot. It is those who do not understand policies that price themselves out of the market. So we are not troubled by those who understand policies, whose existence can sometimes help popularise laws, but those who do not understand policies are really irritating.

One of the staff in the Removal Office of the National High-tech Industrial Development Zone provided some specific examples:

When they bring relevant documents, they disregard the scope and conditions of application but only focus on the very clauses that are favourable for them. We tell them how to properly understand the policy, they would say, do not regard me as illiterate; right, I do not have much literacy, but I can understand this, and I have consulted other people. For example, we announce land expropriation for a particular programme before a baby is born, but the baby’s family would think that it should be included in the resettlement quota, which is inconsistent with the regulation; a family with a son who is over 30 years old and is unmarried wants us to reserve a quota for his prospective wife, which is impossible according to the regulation. But whatever we say, they would think we are cheating them.

Current land-lost farmers are more and more conniving. If an agreement cannot be reached, they would threaten us with their lives. Some persons even say that, since I am already over 60 years old and I do not care about my own life, I can go to schools to make some trouble; or, I would buy a car with the compensation you give me and crash into everybody that I come across on the road; or, I would buy a gun and kill all corrupt officials like you. Encountering such people, what can we do?

To a larger extent, the government staff attribute the cause of such intractable problems to the low educational level of land-lost farmers. The Head of Division of Letters and Visits of the Provincial Department of Land and Resources concluded:

The land-lost farmers have just been transformed from farmers and force themselves to study policy documents with little literacy. Their attempts to find those parts of policies which are favourable to them tend to the extreme.

### 5.1.2.3 The Actions of Land-Lost Farmers Are Morally Unjustifiable

Some benign local government officials show understanding of land-lost farmers' situations, thinking it better to hold a dialectic view of their dissatisfaction: on the one hand, land is the main source of security for farmers; but on the other, the local government depends on land expropriation for finance. Given such a circumstance, it is understandable that many land-lost farmers feel unfairly done by when they calculate the value of the developed land, thus they see the process of land expropriation as a chance to get rich.

But most local government staff partly get angry and partly find it ridiculous: for one thing, it is difficult for the land-lost farmers to find good jobs due to their generally low educational level, but it worsens the situation that they dislike and avoid unskilled manual work because they think the salary is too low; for another, during leisure time, the land-lost farmers do not attend the training provided for free by the government, rather, they prefer playing cards or mah-jong. One of the local staff in Dongfanghong Community gave me an example:

Wen, who is a full-time appellant (*shangfang zhuan yehu*), used to be a fish seller. However, when he understood the benefits that could be brought by appeal, he abandoned his previous career and became an 'expert' in the appeal system. Whenever you come to his shop, which is located at the ground floor of his flat, he will almost certainly be playing poker with other land-lost farmers.

This seems true, as I interviewed Wen several times, and except going out for affairs related to appeals, and to fish, which is his hobby, he could be found playing poker on the ground floor where his family operates a card playing and mah-jong store. Such people do not want to find jobs anymore. Even many young people do not want to find jobs. Some of them too become full-time appellants.

The reason for this phenomenon seems clear to government staff: according to the policy of rehousing, the area of flats owned by most land-lost households is much more than sufficient, e.g. owning flats of 800 m<sup>2</sup> is common to an ordinary land-lost household. The Director of Legal Aid Centre of the National High-tech Industrial Development Zone said:

To a certain extent, these land-lost farmers' situation is better than numerable laid-off workers and unemployed university students living in nutshells. Even for those who undertake an occupation to support their own family, it will take many years to buy a flat, with monthly per capita income being 3500 yuan while the average price of flats being 6000 yuan in Changsha. By contrast, the land-lost farmers can get so many benefits from land expropriation. Ridiculously, the land-lost farmers want more, and frequently appeal, and it seems that they are doing so because they have all the free time needed to do so.

Thus, from the perspective of local government, the so-called 'issue of land-lost farmers' is receiving more than enough attention according to the principle of distributive justice. Furthermore, as the Vice-Director of the Office of Urban Construction and Development of Sifangping Street Agency described, there are even more inconceivable behaviour of land-lost farmers:

Land expropriation brings about earthshaking changes to the entirety of lifestyle, moral mentality, and social atmosphere of land-lost farmers. They worked in the field from dawn to dusk before. Now they lost the land to which they were closely bound up, but they suddenly have the chance of obtaining several hundred thousand or even more than one million yuan. This is what they have never thought about. Nevertheless, in front of economic interests, many things cannot withstand a single blow. Actually, the work of land expropriation and house removal is carried out more easily in the places where the compensation standard is lower. That is because in the places where there is a higher standard of compensation, the land-lost farmers become consumed by self-interest, so as to engage in a variety of unwarranted activity, such as undertaking rush repairs and unauthorised construction, making false certificates, pretending to get married or divorced, and so on. A lot of secrets come which break up families too. All such problems are created out of eagerness for money. It is, so to say, 'easier to bear adversity but harder to share wealth'.

#### 5.1.2.4 We Have to Assume All Blame

Sometimes, local government officials feel helpless: the involuntary nature of land expropriation and resettlement appears to place the responsibility with local government. When land-lost farmers are discontent that their particular requirements have not been met, they naturally point to local officials in their struggle for interests. Local officials have no alternative but to face conflict. But such officials' ability to grant political and economic favours depends to a great extent on how well they are linked into the Party and state organisations. Ultimately, their power over fellow farmers rests on their own political status, and as well as pressures from farmers in their communities, they also have to face up to institutional pressures from the senior authorities. Local officials occupy an unenviable position in the middle, as the Head of Division of Letters and Visits of the Provincial Department of Land and Resources stated:

Sometimes the local government does *kaikouzi* (bend the rules). This implicates an idea of the Party and the state: while development is the primary task, stability is the prerequisite. Therefore this is for the purpose of carrying out the Central Party Committee's guidelines of 'taking people as the foremost (*yiren weiben*)' and maintaining social harmony, also in consideration of political achievement appraisals. But the land-lost farmers do not understand this part. They generally believe that they can get money by 'making a disturbance (*nao*)' or by appeal, which causes more conflict. Some people hold sit-ins, appeals bypassing immediate leadership, or even go to Beijing to commit suicide in Tiananmen Square, or cause sensations outside foreign embassies to provoke discussion about human rights.

In addition, whenever there are forceful removals of farmers' houses, the local government faces more pressure, as the Director of Removal Office of the National High-tech Industrial Development Zone said:

Our work of removal is itself very toilsome. We have to finish the task within the stipulated time once land expropriation is announced. In such a period, we usually work day and night, seven days a week. And every day we have to confront various kinds of knotty people and matters within the community committees and land-lost farmers.

The worst is that public opinion is unfavourable to us. There are many reports of violent removal in newspapers, and online, among which some are sensationalised and distorted. The criticism is always targeted at the local government, so more and more land-lost farmers follow suit to appear in the media by taking extreme action. Before being engaged in removal work, when reading such reports, I also felt sympathetic towards the land-lost farmers; but only after taking this job have I come to know the actual situation. Many land-lost farmers are just unreasonable. Certainly, there may be factors that are more or less not that rigorous, such as lack of cohesion in the work taken by different departments, but the overall direction is positive.

Actually, forceful removal is our last resort. The developers that have been invited in would leave if the land cannot be emptied in time. And forceful removal is carried out according to legal procedure. The reason that the land-lost farmers lodge appeals after signing the agreement for expropriation and removal is because they are not satisfied with the compensation amounts, and resort to forceful removal to renegotiate compensation by threatening to cause trouble and get bad publicity for the authorities.

From the discourse of local government officials, it can be seen that they have a very different interpretative scheme on the ‘issue of land-lost farmers’ and the measures needed to deal with the issue.

### ***5.1.3 Contrasting Interpretative Schemes***

Though situated in the same network and faced with the same institutionalised norms, both sides of the land-lost farmers and local government respectively develop interpretative schemes moulded to the problems and constraints with which they are confronted, as well as to the interests that they wish to approach. Each side’s perspective, and thus their respective interpretative scheme, is mediated in three ways: in the practical issues under dispute, and in the history or tradition in which the particular issue is embedded, and in images held by and of the other side. Under the pressure of ‘self-earning and self-expending’ and the convenience of direct administration over land-lost farmers, land expropriation is, in a sense, a procedure by which all rights formerly held by the village collective are relinquished to the local government, with local officials sharing in the profits, especially when the supervision systems and moral-inducing mechanism have not yet developed. And land-lost farmers are concerned about their immediate self interests, most importantly adequate compensation for their expropriated land. Hence, local government’s desire to obtain land at the lowest cost is doomed to conflict with farmers seeking the highest compensation. In addition, there is usually a considerable discrepancy between dimensions used by land-lost farmers to estimate and describe their requirements, and the dimensions along which compensation amounts are compared by government staff. According to Coser, non-conformity of conceptions acts as the non-material cause of conflict and causes social disorder, disruption, and even, ultimately reconstitution of the system. Thus such conceptual differences breed dispute and conflict.



Giddens (1976, 1984) clearly states that any discourse used draws upon and reproduces dimensions involving norms and sanctions (legitimation) as well as power and authority (domination). For example, as to land-lost farmers, revolving around relevant norms about reserve land, they are fully aware that it should be used for their livelihoods, while they are suspicious of its use by local government officials; also, they say that they have no other alternative but to ‘rebel’ (actually in the main form of appeal), which not only justifies their conduct and imputes the responsibility to local government but also arouses the sympathy and support of the public and thus lays the basis for their further action. As to local government, since the relevant norms about compensation appear to favour their position, they use their discourse to lend further legitimacy to such norms, saying that the land-lost farmers are living a much better life after land expropriation; also, they defend themselves in their use of forceful power by claiming that they have performed much duty and forbearance. It is in this way that each side incorporates Giddens’ terminology of three dimensions together in their conduct.

## 5.2 Objective Situations

### 5.2.1 *Land-Lost Farmers’ Plight*

Beneath their explicit statements, land-lost farmers are implicating more objective obstacles that act as a kind of external catalyst to their anger and frustrations, among which, the unequal share of interests, the urban-rural distinction, and restricted opportunity for improvement loom large.

#### 5.2.1.1 Unequal Share of Interests

According to Djilas (1966), conflicts of interest would be generated between those who do and do not benefit from increased government activity; in my case, this possibility of conflict would be greater, since while land-lost farmers believe they do not benefit from governmental land expropriation, those who benefit, in their opinion, are local governments who initiate such activity. It is widely held that after enduring much hardship in the service of the state, in the countryside Chinese victims of ‘progress’ are now threatened further with the loss of the last remnants of land in order that the state can achieve its new objectives of development. The significance of land to farmers has been explicated in the extant literature in Chap. 2. Its existence in farmers’ lives, though it cannot make them rich through its use value in agricultural production, does provide them with a life-long security net, and a kind of social status. They can rely on the land, and their offspring can also rely on the land.

This seems especially true in this era of urbanisation. Before land expropriation, farmers could rely on the land alone in order to eke out a meagre living. But urbanisation has brought a new value to their land. All this happens before their eyes: the local government serves notice and expropriates their land, legally changes its use, and then leases it out to developers at what seem to farmers to be amazingly high prices, and after being developed, their land has an even higher value still. Hopes are raised when they see that their land can generate such wealth. Nevertheless, though the government actively promotes the idea that urbanisation will bring benefits to everyone, the share of compensation gained by land-lost farmers is negligible compared to the market prices of their former holdings.

In China, as in many other developing countries, pricing policies inherited from the centralised planning system have artificially suppressed agricultural prices and correspondingly increased industrial prices so as to indirectly subsidise industrial development. By the same token, compensation principles for land expropriation which follow from the operation of the old planned economy do not make any sense within the present, hybrid socialist market economy. Such phenomena are manifest in industrial and urban expansion achieved at the expense of the agricultural sector and rural society. This is the institutionalised social reality of land finance for local government. Therefore, opportunities to reap the benefits of social progress are not one and the same for the rural as opposed to urban areas, for farm tenants and the peasantry as opposed to town dwellers and the new middle classes, for the grass roots as opposed to government authorities. It seems that the land-lost farmers cannot but accept the reality confronting them. The problem lies here: land-lost farmers are receiving an inequitable share of developmental benefits, a situation they can see for themselves. It becomes the preoccupation of land-lost farmers to find ways to secure a better share of development benefits for themselves and their families' futures.

### 5.2.1.2 Urban-Rural Distinction

As claimed by Giddens (1981: 115), the main line of social differentiation in non-capitalist societies is between countryside and city. An urban-rural divide has become deeply rooted in Chinese communism since the establishment of People's Republic in 1949. Mao won the revolution, primarily due to the efforts of the rural masses, but he soon forgot those responsible for his victory. As in other Communist states, rural society provided 'primitive socialist accumulation' (Szelenyi 1988: 64; Pryor 1992: 47). Thus, there was a tension within communist ideology and strategy between, on the one hand, the peasant-army basis of the state, rather than its basis in an urban proletariat, along with suspicion of the bourgeois cities, and faith in the rural masses and, on the other, the urban-based organisational hierarchy of Party and state bureaucracies, the career interests of the cadres who staffed them, together with the drive for urban industrialisation and the interests of urban industrial workers (Stockman 2000: 52).

Despite much ideological discussion on the socialist objective of overcoming the difference of town and country, state policy from the mid-1950s actually rigidified the distinction between rural and urban society. In 1956, Zhou Enlai, the premier of that time, signed a state ‘Order to Stop Blind Rural Migration’. The main instrument of policy, aimed to avoid what was seen as excessive expansion of towns and cities that might accompany industrialisation and rural development, and to limit state obligations to meet urban rations, was the system of population registration known as the *hukou* system.<sup>11</sup> In 1958, Mao signed a document, ‘Regulation on Household Registration of the People’s Republic of China’, legalising the *hukou* system (Potter and Potter 1990: 301). Some scholars call it ‘an internal green card’ system because it is a key institution that defines individuals’ socio-economic status and opportunities (Chan 1994). Such social control by household registration had actually been used for centuries by imperial regimes (Dutton 1992), but its effects were aggravated by this process of institutionalisation. From then on, the *hukou* system meant every Chinese was born with a *hukou* classification and *hukou* location. In terms of *hukou* classification, this divided the Chinese population into urban (*hukou*) and rural (*hukou*), mainly based on birthplace. And according to *hukou* location, this divided the population into one with a local (or permanent) *hukou* and the other with a non-local *hukou*, based on the place of registration. Thus, most of the population became classified as ‘permanent’ residents of ‘urban’ or ‘rural’ society.

This system was the predominant influence in the urban-rural distinction during the planned economic period. Unapproved movement was made difficult by the administrative control of access to many of the necessities of life, which came to differ fundamentally between urban and rural contexts. Goods such as grain, cooking oil, and clothes were rationed, and only urban dwellers with appropriate *hukou* were issued with coupons. Housing provision and the right to send one’s children to school in a given town or city depended on *hukou* registration. The food coupon, the most important source of subsistence for city residents, signalled the differences between rural and urban dwellers. The rural inhabitants who had membership of a particular production team accumulated work-points according to the hours and type of work allocated to them over the year, and the grain available to the team was distributed to households in proportion to the work-points credited to their members.<sup>12</sup> Commune members who moved unauthorised to a town or city would forfeit their entitlement to work-points and hence grain, but would not be eligible for urban ration coupons. Not only would their residence be unauthorised, they would also find themselves without means of subsistence. Once the systems of grain distribution were established, urban and rural personnel were identified through the source of their food: peasants ate ‘their own rice’, while urban workers

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<sup>11</sup>For description and analysis on China’s *hukou* system, see Cheng and Selden (1994).

<sup>12</sup>There were many detailed variations in the way this system works, at different times and in different places: see, for example, Chan et al. (1992), Parish and Whyte (1978), Potter and Potter (1990).

ate ‘the state’s rice’. After the dissolution of the communes and the introduction of markets in foodstuffs this aspect of the urban-rural distinction disappeared, but many others remained. In particular, the social welfare systems have long differed fundamentally between urban and rural society, with much more extensive state provision for urban residents in such areas as health care and pensions (Krieg and Schädler 1994). This explains the reason why farmers were more willing to accept governmental arrangements for land expropriation during the planned economic era: granting a city *hukou* to affected farmers made them eligible for urban social welfare services—medical insurance, pension and retirement plans, high-quality schools, and subsidised agricultural goods—that were commonly provided in the country’s cities.

Since the beginning of reform and opening-up, especially the initiation of the socialist market economy, the *hukou* regulations no longer neatly correspond to the lived reality of Chinese people. This seems ironic to farmers: when a city *hukou* meant many valuable gains, they had greatly limited access; whereas when they are now propelled into becoming an urbanite, the accompanying benefits fade away. This poses challenges to land-lost farmers, especially in terms of the transformation of their identity. On the one hand, the leverage of a city *hukou* is mitigated; people have to contend with market competition, thus holding a city *hukou* is not necessarily equivalent to possessing an urbanite identity. On the other, the urban-rural distinction is deep-seated in the Chinese psyche and continues to strongly influence many social processes in China, which makes it hard for the land-lost farmers to be effectively incorporated into urban society. These rural displaces continue to be driven to urban areas, but face severe competition in employment and the risks of social exclusion. This will be further discussed in next section.

Furthermore, it is even difficult for land-lost farmers if they cannot change their *hukou* to receive the same provisions allocated to urban residents. Having sorted out the profiling data I collected for the study, and on checking, I discovered that a number of land-lost farmers in Dongfanghong Community actually saw themselves as ‘non-human beings’. There were two main reasons for this situation. Firstly, land-lost farmers in Dongfanghong Community could not easily change their household registration from rural domicile to city residence card, so in their opinions, they were neither agricultural as they did not have farmland anymore, nor non-agricultural as they did not have city *hukou*, and thus had no access to the social security system which was reserved for urban residents. Furthermore, these land-lost farmers saw themselves as ‘marginalised’. According to marginalisation theory, during the transition from tradition to modernity, imbalance arises due to differences in values, beliefs, behaviours, and the social system. This is evident that some groups or communities are left out in the process of modernisation, or find it hard to participate in that process, so as to be situated in a marginalised position. In this sense, land-lost farmers are forced out of the countryside but have difficulty in accommodating to the city, so that they are left marginalised on the urban-rural fringe.

### 5.2.1.3 Social Dislocation

It seems that the governmental officials possess a very naïve or crude kind of spatial environmental determinism in which a few rehousing projects, a few parks, and the like, are regarded as adequate cures for complex social ills brought about by institutionalised state policies of development.

In contrast with migrant workers who voluntarily go to cities for jobs and enhanced living opportunities, and positively adapt to urbanisation, land-lost farmers are forced into radically transformed living and work arrangements overnight. Except for the resettlement compensation hand-outs from the local government, without appropriate training and skills in managing their lump sum payments, and without appropriate investment channels (if compensation is sufficient to make any investment at all), it is common for farmers to end up with no land to farm, no income stream to support themselves, and no skills to compete in the urban job market. Similarly, Cernea (1997), a sociologist at the World Bank, concluded that displacement and resettlement leaves people worse off, with a high incidence of landlessness, joblessness, and even homelessness frequently seen.

The situation is not difficult to imagine. Farming does not make farmers rich, but it generates sufficient income to support a minimum level of livelihood and security, allowing at least for ensured subsistence. Thus the land-lost farmers believe that land is more lasting than money and jobs (Li et al. 2001: 205). Therefore, what happens in reality is that this labour force, rather than being integrated in the proper sense of the word, is used up as a sort of 'reserve'. In view of its limited utility as a means of production, and its low-skilled character, this labour force cannot be properly integrated into, or fit in with, the rationale of the socialist market economy.

What is more, land expropriation may destroy social networks and their use values to their members. On the one hand, though most of them are relocated collectively, different residential patterns can change their relationships with their original neighbours and access to collective support and resources, and bring them a mixture of other possible relations which are new to them but they do not necessarily have the resources to utilise (Lian 2008). On the other hand, their difficulty in finding formal employment implies that their contact with urban society will not increase, and thus, they have to face the prospect of being excluded from mainstream society. As research on social capital concept has often found (e.g. Portes 1998; Carmo 2010), it is difficult to measure the value of social networks in context, both theoretically and empirically. But this requires to be recognised as part of the resettlement and compensation process. Transfer policies are still underdeveloped, and damage to social networks is a key difficulty faced by land-lost farmers.

In a word, as Kline (1948: 122) claims:

[F]armers want a fair opportunity to earn enough to enable their families to live comfortably, to enjoy in moderate degree the better things of life, to become educated according to modern standards, and to attain a measure of security for their old age.

Similarly, what land-lost farmers want is to achieve what all migrants to the city want, a better life. However, having experienced the crippling of the long-established structures and certainties of agricultural production on the land, and uncertain of what lies ahead, many land-lost farmers feel they have suffered a lot more than simple economic losses through the expropriation of their land.

Within land-lost farmers' interpretative scheme, and before looking at their facility of power, it is important to understand what exactly it is that they are striving for. The concept of 'rights', as a Western creation, has few roots in Chinese tradition. In China, rights are usually interpreted as state-approved measures which promote the unity and prosperity of society, to which citizens then have access, and from which they benefit, rather than institutionalised mechanisms of checks and balances for individuals on their own behalf to withstand outside intervention and to protect and represent themselves. Even so, it can be seen that there is a low degree of awareness of 'rights' at the grass-roots level. Most land-lost farmers are uncertain about their rights with regard to the land, let alone the details of their legal and political rights. By contrast, they are very much aware of their interests. As Marx claims, 'everything for which man struggles is a matter of his interest' (1842: 132), self interest is the fundamental motivation of people's behaviour.<sup>13</sup> Furthermore, with the indistinct definition of land ownership as regards collectively-owned land, the land-lost farmers understandably mix together all of the relevant rights and interests as simplistic economic, material self interests. Though they attempt to resolve their problems by apparently politicised means, with sporadic requests for political improvement, they have neither explicit political objectives nor organised political power. Their protests against local governmental corruption, nonfeasance, malfeasance, and so on, are all aimed at exactly that issue, of economic equity, and of their own specific interests in the development process, the most important part of which is their economic interests, arguments which find their justification in the government's operation of property markets in the Chinese case.<sup>14</sup> In my study, I found that most land-lost farmers try to request only the portion of compensation which they believe that they *rightfully* deserve. They hold to a principle of social justice which could be characterised as, a 'sustainable prosperity without endangering livelihood'. With this in mind, I would characterise land-lost farmers' responses to land expropriation as 'interests-striving' activities rather than as 'rights-safeguarding' (*weiquan*) activities<sup>15</sup> or as acts of resistance, which have mistaken connotations of rights' movements and political mobilisation. Others may

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<sup>13</sup>This may appear prevalent in developing countries. As Mitra finds out in his study, in India, '[w]ithin the general populace, we now begin to identify conglomerates of benefit-seekers whose choices are based on interest rather than social and economic obligation' (1980: 71).

<sup>14</sup>This falls into the priority given by Jenkins (1982) to historical theory, which holds that peasants rebel because of their economic concern, over structural theory, which instead emphasises political class relations.

<sup>15</sup>Though, those with more knowledge within land-lost farmers tend to allege that they are safeguarding their deserved rights, even 'for the whole group'. Refer to Chap. 6 for more detail.

wish to politicise their situations, but for the most part, land-lost farmers do not see it that way.

## **5.2.2 Local Government's Administrative Logic**

Within the relationship between local government and land-lost farmers, no matter according to Dahrendorf's perspective of social status or Giddens' account of structuration, local government without doubt holds the dominant status over the land-lost farmers and enjoys formal authority. People would then take it for granted that the cause of the conflict between the two sides lies in the uneven distribution of power, status, and resources, as explicated in land-lost farmers' own accounts of their situation. But that cannot fully explain the conflict. Disputes also arise due to the local government's administrative logic, which is a further force acting on the construction of interpretative schemes.

### **5.2.2.1 Positional Awkwardness**

Can one claim, as Schurmann (1966) did, that the Chinese Communist government's successful penetration of rural society was based on the functional similarity between the Party cadres and the traditional Confucian gentry in their relationship to central authority? The awkwardness of local government officials' positions within rural society derived in the first instance from the difficulties entailed in making the transformation from traditional relationships within a society of acquaintances to institutional relationships within a society of strangers.

On the one hand, local government officials have the most contact with the grass roots. From historical perspective, holding multiple bases of power in their communities, within an administratively weak centralised state, the local elites of the late Qing period had a great deal of freedom with which to develop the local economy, to acquire power and symbols of authority, and to resolve the social tensions built up in the process. Political brokers rose and fell, but the legitimacy of the imperial paradigm they promoted continued well into the mid-twentieth century. Similarly, though the positions of the rural cadres differed greatly from gentry elites, their interests were also not equal to central state's interests. Often they were born and grew up in the locality. Therefore, they possessed many ties with the locality—the commonly-named community of 'acquaintances' (Fei 2005 [1948]) or 'semi-acquaintances' (He 2000)—which they shared in cohabitation with rural populace. Inevitably, farmers would try to influence these cadres by invoking their loyalties to kin and community.

The rural cadres, on the other hand, rose to power through a single source of legitimacy: the Party. They were formal agents of the state, i.e. getting salaries from the state. Thus they could not ignore their superiors. A grass-roots cadre Chen Sheyuan's statement in the study by Siu (1989: 242) illustrates the situation well:

If we pressed the masses, they complained, refused to cooperate, or cheated. When we yielded to their wishes, they said to us: 'We are in this game all together; don't give us lessons about socialism or claim moral superiority over us.' Our superiors handed us party policies right and left. Every time we followed, we had to justify the new positions. After a few times, we were left with no credibility. We dared not speak so loudly because we were unconvinced about the policies as well. When our superiors pressed hard, we at least made everyone go through the motions. The hypocrisy was clear to all. It was a drama of the absurd, with us both actors and audience.

Bearing in mind such positional awkwardness of Chinese local officials, it is easy to understand why Weber (1978: 957) stresses the importance of the separation of the office or position from the domicile of bureaucratic staff. In his opinion, bureaucratic discipline can be much more effectively applied when collective assets are kept separate from the private possessions of officials, and when personal or kin ties cannot affect the conclusion of decisions.

Now that rural villages are being turned into urban area, cadres of various levels remain subject to the formal political system. It is through this transformation that bureaucratisation in Weber's sense is squeezing its way into this particular setting. But it is, and will be, by no means a smooth process; rather, local governmental representatives are destined to be placed into an even trickier situation than before. Though they still have to care about their shared interrelationship with the land-lost farmers whose interest they are supposed to represent, they also have to care about their responsibility to their superiors. They are situated in an awkward position where traditionally there existed mutual sympathy and a shared fate but their current situations more often engender institutional confrontation between them and the members of the collective.

### 5.2.2.2 Institutional Pressure Assumed

Huang's (1990 [1988]: 202) analysis of China's macro history indicates that style of governance was indulged in with fervour. This is not only true of historical China, but continues to be regarded as a guiding principle among government officials in contemporary China. Appearance of their governing outcomes is emphasised, no matter towards the higher authorities or towards the ordinary people. Governance must appear equitable, reasonable, and most significant at present, conducive to social order and harmony.

According to Yu (2008), Chinese politics has been undergoing a transformation from a patriarchal authoritarian system to collegial authoritarian system over the past 30 years. There are two main aspects to the problems which are encountered within the current 'collegial authoritarian system'. First, the unitary nature of the state and its political system has been weakened, but the central state's mechanisms for applying political pressure<sup>16</sup> have not been correspondingly ameliorated to any degree.

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<sup>16</sup>For specialised discussion of 'pressure-increasing mechanism', refer to Yu (2007).



China is a vast and diverse territory. Social and cultural environments differ greatly between regions. Thus, it is seen as essential to be directed by a unified law in order to maintain unity within the country, even if it is difficult to ensure the effectiveness of unified law. The development of substantive law in China is not processed through one-ring-linked-with-another procedural practices but is realised by segmented statute-revisions (Ji 1999: 60). The stipulation of law through detailed rules and regulations restricts the flexibility of agencies to act at the local level and it also suppresses their ability to act positively. Further, since detailed rules cannot be all-embracing and procedural guidelines are often absent, where a particular case is not covered by detailed rules, arbitrary decision-making on the part of government officials goes unchecked and poor decisions are hard to rectify. Ex post facto remedies are applied. Parties can appeal at will to reverse a verdict, while the higher-level agencies are able to go beyond their remit to meddle in local affairs, making decision-making more problematic for local government officials. When laws in form of rules and regulations are accompanied by lack of procedure, responsibility can be pushed back up the authority structure. Without other channels available to monitor and review decision-making, the simplest choice for the higher authorities is to intensify supervision of lower-level officials.

Political mobilisation was the central government's principal tool for administering grass-roots society. But since the inception of the reform and opening up policy, with the implementation of the socialist market economy, the efficacy of the approach has been undermined, due to the differentiation of social interests and the growth of social dissatisfaction. The operation of the central government's administrative system itself has also been changing from a 'mobilisation' to a 'pressure' mechanism (Rong et al. 1998: 17–27, 31–32).

At the present time, the prominent ideology in legitimising central state authority is that of maintaining stability (*weiwen*) in constructing a 'harmonious society'. Deng Xiaoping, among the second generation of Chinese leaders, once stated that 'stability is superior to anything'. The socio-economic vision of the current Chinese government goes even further in pursuing the construction of a harmonious society. Stability is the bottom line for Chinese political policies. Similarly, the ability to construct a harmonious society becomes the key index in measuring the Party's performance. The stability that is mentioned here has its particular connotation, namely, without disturbances that are targeted at the government, without collective appeals, civil unrest or states of emergency, and so on. Thus, it can be said that the Chinese government seeks a 'rigid stability', the institutional characteristic of which is the monopoly on political power. Because of this, all manifestations of protest, discontent or struggle, such as demonstrations, sit-ins or strikes, that might seem more or less justified in Western societies, are regarded as representing disorder and chaos, and require to be suppressed by every possible means. Under that ideology, maintaining rigid stability is the most important function of local government too.

The Constitution bestows the masses: 'the right to criticize and make suggestions regarding any state organ or functionary'; 'the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or

dereliction of duty by any state organ or functionary'.<sup>17</sup> That is the constitutional foundation of the system of letters and visits, but this kind of 'direct democracy' contradicts with state's preoccupation with rigid stability. When letters and visits appellants congregate in Beijing because of the masses' trust in the state's highest authority, it becomes difficult for the central government to manage the situation. The state's preoccupation with order and its desire for control, combine with its concerns about the image of the capital. Whenever there are important festivals, key conferences, or visits by influential foreign leaders, what the capital wants most is to present the image of a country which is flourishing and of a people who are living in peace, and the requirement within the Constitution to guarantee people's right of appeal through letters and visits is disregarded.

The rigid nature of the political system may check improper behaviour among local Party cadres to some extent, but when the power owned by these local government officials who have to bear the pressure from above is not commensurate to their responsibilities, such pressure causes distortion or even collapse of the administrative system. Taking Changsha City as an example, its assessment system for bureaucrats includes consideration of appeals by the letters and visits system which covers all towns, villages, government departments, and public agencies and institutions, and its sanctions include deduction of premiums and decreased chances of promotion, and so on. *Regulations on Letters and Visits* stipulate that the work regarding letters and visits shall be done in adherence to the principle of 'territorial jurisdiction and responsibilities assumed at different levels',<sup>18</sup> and that such appeals should be carried out level by level. Once there are appeals which bypass the immediate leadership of the government agency involved, and the number of appellants exceeds the regulated quota, the officials who have jurisdiction over and responsibility for the agency involved become subject to veto. The local officials in charge will be politically questioned and are at risk of dismissal from their posts. Therefore, junior bureaucrats make every endeavour to curb the generation of appeals in face of the pressure of such 'black marks' against their administrative and political careers. Regional, especially local grass-roots, government officials are pushed into the unwilling focus of social conflict with aggrieved parties as a result of centrally formulated government policies. Given the pressures involved, officials focus pragmatically on short-term interests, ignoring the social costs of economic development and questions of fairness, which results in loss of trust in local government.

What's more, it is claimed in their defence that the responsibilities of local government are incommensurate with their power. Most local officials say on the issue of land expropriation and resettlement that land-lost farmers attribute every difficulty in their lives to the authorities, and stress the 'responsibility' of the

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<sup>17</sup>Art. 41, Constitution of the People's Republic of China (1982), <http://english.people.com.cn/constitution/constitution.html>, accessed 13 Jun 2011.

<sup>18</sup>Art. 4, Regulations on Letters and Visits (2005), [http://www.gjxfj.gov.cn/2006-03/07/content\\_6399309.htm](http://www.gjxfj.gov.cn/2006-03/07/content_6399309.htm), accessed 13 Jun 2011.

government, leading to following scenario: land-lost farmers ask government for support when they run into difficulties, and they object and cause social unrest if the local government does not respond to their requests. But local government responds that they cannot bear such 'unlimited' responsibilities. And when the land-lost farmers seek restitution, local officials stall by the reason of having 'no authority to handle' the situation. The local Party and government may abuse farmers' interests, but there is no state institution to impose effective control on them. Ultimately, this all represents attempts by officials to divert responsibility back upwards to the higher authorities and central government.

The situation is, what is proposed by the authorities above is rather different from what is done by government officials below. Local Party and government officials do not lack the space for implementing 'bad politics' but they do lack the support for 'good administration', so they feel responsible for their actions neither to people locally nor to central government nationally. As Dearlove (1979: 221) concludes:

It must be recognized that political and governmental processes themselves possess a certain 'internal dynamic' which serves to place them beyond easy 'control' once set in motion almost regardless of either the state of struggle or the functional needs of capital.

### 5.2.2.3 Economic and Administrative Logic and Dilemma

One of the major impacts that land expropriation has had is a new revenue stream for local government. In theory, government organisations ought to be the vehicle of public power that rises above competing interests. Nonetheless, researchers have noted that under the circumstances of a market economy, local government soon enters the process of economic construction and becomes enmeshed in economic activity, so that they become quasi-economic organisations that possess their own interests. For example, Walder (1995) draws an analogy between local governments in transitional economies and industrial firms; Whiting (1996) uses the theory of agency by agreement to discuss the institutional effect of rural governments developing enterprises by themselves; from the viewpoint of financial incentivisation, Liu (1996) believes that government budget constraints force village and town administrations to seek financial sources from outside their remit; and looking at village and town administrations, Qiu (1998) examines their motivations for becoming involved with entrepreneurs.

Certainly, Chinese local government has become enmeshed in the economic order. Reasonably, local government has the desire for economic development. Second, its increasing dependence on the financial markets and on commercial rates makes it more reliant on private capital. And it has become a major customer in the marketplace (for the construction industry, for example); it is directly involved in the financial markets (as owners of pension funds); it collaborates with property capital in land development (Elliot and McCrone 1982: 82). Third, the 1993 tax

restructuring is associated with changes in the landscape of inter-governmental relations. While responsibility for public services shifted from central government to local government, the revenue share for local governments was not increased correspondingly. Therefore, many local governments faced practical budgetary pressure. Clearly one of the main reasons for local governments to function and support development initiatives while under the shadow of fiscal deficits is because land expropriation has provided much needed financial resources.

On the other hand, the real administrative logic lies at the local level in the fact that it is at the level of lower government where specific responsibilities are assumed. Grass-roots government (e.g. street agencies) plays the primary role in the compensation and resettlement process for land-lost farmers; if it shows sympathy for farmers in the course of implementing policies from higher levels of government, it needs itself to bear higher economic costs. Thus, sympathy cannot but give way to rational considerations. For this reason, low-level government and Party cadres become preoccupied with the costs of its commitments for resettlement within the budgets provided rather than compensation packages to individual households.

Given this situation, in some cases, under the prerequisite of not overturning the existing policies, local governments carry out flexible ‘humanised compensation standards’, which adds ‘affectionate operation’ to the land expropriation process. This means that sometimes they may ‘bend the rules (*kaikouzi*)’. On the one hand, this may be associated with their empathy with land-lost farmers; on the other, this operation is compatible with political rationality as it avoids conflict from displaced farmers and pressure from superiors, as well as with economic rationality, as the ‘affectionate’ amount would not go higher than what they have to pay if ordered to pay fuller compensation by their superiors. Such kind of thinking usually outsmarts itself, since ‘affectionate operation’ is only carried out sporadically, with the hope that the concession-enjoying land-lost farmers show gratitude by agreeing to keep silent about the arrangement. But things do not always turn out as they wish, resulting in greater resentment and more appeals among farmers.

#### **5.2.2.4 Predicament of Local Administration**

There are problems and crises in the effectiveness of the state’s approach to maintenance of social order, which can be called the ‘predicament of governance’ confronting local administrations. Two factors are involved: the widespread existence of disaffected social groups and the ineffectiveness of government responses, including assessment, management and accountability.

Decision-makers require rapid and reliable feedback in order to make informed assessments but the state’s administrative system works against that requirement. High-level authorities are too far removed from the actualities to make informed decisions, but worse, the situation is that local governments and officials often endeavour to obscure the actual state of affairs in their localities from higher

authorities, especially central government, in order to protect their own interests. Indeed, in order not to be vetoed, some local government officials go to Beijing to *jiefang* (pick up or block appellants),<sup>19</sup> and have appellants shut up in mental asylums or have them undergo re-education through labour; and besides that, some officials bribe higher-level departments of letters and visits to have their records written out of the official records, and so on. For example, one county government agency in Henan Province issued a document to require local officials to go to higher authorities to have their records of appeals within the letters and visits system expunged, to ensure that the central government would not get to know such matters (Yu and Li 2008). The situations which higher government has to respond to come out of ‘nothing’ as they have been hidden from sight by the administration itself.

As to the management of social conflict, matters that could be readily resolved at the outset are left to escalate into serious disturbances, due to poor handling by the administration. For example, typically when land-lost farmers enter disputes with local government, there ensues a long period of impasse. Eventually, serious disturbances occur born from frustration. Worse, local government then attempts to resolve the situation with tough action after the situation has escalated. Under the pressure from higher authorities, and to circumvent being vetoed, local government agencies only attempt to speed up land expropriation which is counter-productive. Thus, the practice of ‘institutional bluntness’ (Huang et al. 2007) is manifest, with a cycle of minor dispute—blunt local response—upgrade of the situation—loss of local control—shock of higher authorities—pressure on local authorities—calming the situation—resolution. Minor matters are ignored until they become major ones.

There is an accountability system in place, but only accountability of administrators to higher authorities. Central government requires local governments to maintain stability in their localities. To this end, it regards social stability as the primary index to evaluate performance and to promote and demote local officials. The costs to the local authorities, for example, in the resources involved in police surveillance and public relations via state media are considerable.

Friedland et al. (1977) claimed that faced with the issue of urban poverty in the US, local governments had acted as ‘shock absorbers’ between the problems of the local poor and the power of big business and the federal government at the national level, both in economic and political terms. In a sense, notwithstanding local officials’ propensity to look to their own self interests, in China local government also acts as the ‘shock absorbers’ between land-lost farmers and central government. Given the scenario that decision-makers are far away from the tensions their policies create on the ground, and in practice, local officials do not have that much power to play a meaningful role as conciliators, it is no wonder that land-lost farmers yield to feelings of frustration.

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<sup>19</sup>Refer to Chap. 7 for more information.

### 5.2.3 *Mutually Constrained Resources*

Farmers' and officials' objective situations are emphasised here due to the fact that they are determined by the shared structure within which the relationship between the two sides is played out locally, including land-lost farmers' plight and local government's administrative logic. Their respective situations can be understood in terms of access to mutually constrained resources, where their situations are determined not only by the internal processes of land expropriation, compensation and resettlement but also by the external forces which are exerted by the central state, particularly the ideology of stability. For example, in material terms alone, in its overarching concern to maintain 'social security', the state spent more on its internal police forces than it did on national defence in 2010 and 2011, according to a report released by its own Finance Ministry.

It is self-evident that there is an uneven distribution of resources available to farmers and officials in their relationship locally. During urbanisation and economic development, local government can readily deploy its own political authority, through the legitimacy invested in it by central government, by means of local policies and regulations; whereas land-lost farmers receive only a small share of the capital released from the land, they are stuck within the contradictions of the urban-rural distinctions of the existing social system, and also, because they experience profound social dislocation during the processes of land expropriation, compensation and resettlement, they quite obviously possess inferior economic, social, and cultural resources in their interactions with local government.

However, local officials are not all-powerful in their dealings with displaced farmers. Their own situations are constrained by the twin requirements of the central government both to promote urbanisation and economic development through the expropriation of collective rural land from its residents but to maintain social security locally during the processes involved in land expropriation, compensation and resettlement of displaced farmers. In addition, local officials also have to manage displaced farmers' use of the appeal system and its local and national offices in order to highlight the plight of displaced farmers and their disquiet about illegitimate behaviour locally to more senior and considerate officials in the administration. Though farmers lack resources to utilise the formal legal system in negotiating their relationship with local government, the appeal system makes sense to farmers and it is available to them in a way that the legal redress is not.

By incorporating a structurational perspective into a conflict perspective and consideration of mutually constrained resources, it can be seen that the relationship between land-lost farmers and local officials is not a single-layered one, but it is multi-layered. That means we have to consider not only the internal processes taking place within the network of power-interests structure, but also the external forces that function from outside, namely, the state. For local government, though they may own the dominant political position and legitimate access to resources in their relationship with land-lost farmers, due to the state's requirement that they

maintain stability ('social security'), the uses of those resources, especially in economic and cultural terms, namely, material interests and paternalistic relationships, which they wish to maintain during the process of land expropriation, compensation, and resettlement, are constrained by the dispositions of land-lost farmers no less than by local officials' obligation towards the central government. Such resources determined by their respective situations within the structure are categorised by Giddens into allocative (material) and authoritative (non-material) resources, which will in turn underpin their facility of power during their interactions with each other.

In a methodological sense also, the discussion of internal processes and external forces in combination is also suggested by the extended case method. As Burawoy (1998: 19) argues, the reproduction of structure is not only assured from the inside but also from the outside which is beyond the realm of participant observation but requires the analysis of wider social forces. Thus, the objective situations with which land-lost farmers and local governments are respectively faced function as the social forces that catalyse and consolidate their respective interpretative schemes. Giddens emphasises the knowledgeability of actors. In that, the present chapter has focused on such knowledgeability lying in discursive consciousness. The next two chapters will focus on how land-lost farmers and local government operate such knowledgeability in terms of practical consciousness and whether or not they have the capacity to have that consciousness fulfilled. Also, the objective situations introduced in this chapter will be useful in understanding the facility of power on the parts of land-lost farmers and local government with respect to each other and how they utilise their own resources or constrain resources of the other side.

## References

- Burawoy, M. (1998). The extended case method. *Sociological Theory*, 16(1), 4–33.
- Burns, T. (1980). Sovereignty, interests and bureaucracy in the modern state. *The British Journal of Sociology*, 31(4), 491–506.
- Carmo, R. M. (2010). Albergia revisited: Tracking social capital in a Portuguese village. *Sociologia Ruailis*, 50(1), 15–30.
- Cernea, M. (1997). The risks and reconstruction model for resettling displaced populations. *World Development*, 25(10), 1569–1587.
- Chan, A., Madsen, R., & Unger, J. (1992). *Chen village under Mao and Deng*. Berkeley: University of California Press.
- Chan, K. W. (1994). *Cities with invisible walls: Reinterpreting urbanization in post-1949 China*. Hong Kong: Oxford University Press.
- Cheng, T., & Selden, M. (1994). The origins and social consequences of China's hukou system. *The China Quarterly*, 139, 644–668.
- Coser, L. A. (1965 [1956]). *The functions of social conflict*. London: Routledge.
- Dearlove, J. (1979). *The reorganization of British local government: Old orthodoxies and a political perspective*. Cambridge: Cambridge University Press.

- Ding, C. (2004). *Effects of land acquisition on China's economic future*. *Land Lines*. [http://www.lincolnnst.edu/pubs/872\\_Effects-of-Land-Acquisition-on-China-s-Economic-Future](http://www.lincolnnst.edu/pubs/872_Effects-of-Land-Acquisition-on-China-s-Economic-Future) (Accessed 24 August 2016).
- Djilas, M. (1966). *The new class: An analysis of the communist system*. London: Unwin Books.
- Dutton, M. (1992). *Policing and punishment in China: From patriarchy to 'the people'*. Cambridge: Cambridge University Press.
- Elliot, B., & McCrone, D. (1982). *The city: Patterns of domination and conflict*. London: Macmillan.
- Fei, X. (2005 [1948]). *Xiangtu zhongguo (From the soil: The foundations of Chinese society)*. Beijing: Beijing Publishing Group Ltd.
- Friedland, R., Piven, F. F., & Alford, R. R. (1977). Political conflict, urban structure, and the fiscal crisis. *International Journal of Urban and Regional Research*, 1(1), 447–461.
- Giddens, A. (1976). *New rules of sociological method: A positive critique of interpretative sociologies*. London: Hutchinson.
- Giddens, A. (1981). *A contemporary critique of historical materialism Vol. 1 Power, property and the state*. London: Macmillan.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- He, X. (2000). On the society of semi-acquaintances. *Journal of Political Science*, 3, 61–69.
- Holmstrom, N., & Smith, R. (2000). The necessity of gangster capitalism: Primitive accumulation in Russia and China. *Monthly Review*, 51(9), 1–15.
- Ho, P. (2001). Who owns China's land? Policies, property rights and deliberate institutional ambiguity. *The China Quarterly*, 166, 394–421.
- Huang, H., Zhu, L., Xiao, W., & Lin, Y. (2007). 'Tizhixing chidun' de fengxian (The risk of 'institutional bluntness'). *Outlook Weekly*, 24, 6–7.
- Huang, R. (1990 [1988]). *China: A macro history* (Revised ed.). Armonk, NY; London: M.E. Sharpe.
- Jenkins, J. C. (1982). Why do peasants rebel? Structural and historical theories of modern peasant rebellions. *American Journal of Sociology*, 88, 487–514.
- Jiang, S. (2003). *Fazhi yu zhili: Guojia zhuanxingzhong de falü (Legal institution and administration: The law during the state transition)*. Beijing: China University of Political Science and Law Press.
- Ji, W. (1999). *Fazhi zhixu de jiangou (The construction of the order of rule-of-law)*. Beijing: China University of Political Science and Law Press.
- Kim, P. H., Diekmann, K. A., & Tenbrunsel, A. E. (2003). Flattery may get you somewhere: The strategic implications of providing positive vs. negative feedback about ability vs. ethicality in negotiation. *Organizational Behavior and Human Decision Processes*, 90, 225–243.
- Kline, A. B. (1948). What the farmers want. *Annals of the American Academy of Political and Social Science, Parties and Politics*, 259, 122–127.
- Krieg, R., & Schädler, M. (Eds.). (1994). *Social security in the People's Republic of China*. Hamburg: Institut für Asienkunde.
- Legge, J. (Ed.) (1893). *Book XVI. Confucian Analects* (internet ed.). [http://www.cnculture.net/ebook/jing/sishu/lunyu\\_en/16.html](http://www.cnculture.net/ebook/jing/sishu/lunyu_en/16.html) (accessed 31 May 2011).
- Lian, H. (2008). *Kongjian de zhuanhuan: Yixiang dui shidi nongmin zhufang de yanjiu (Spatial transformation: A study on land-lost farmers' residence)*. MRes diss. Changsha: Central South University.
- Li, H., Waley, P., & Rees, P. (2001). Reservoir resettlement in China: Past experience and the Three Gorges Dam. *The Geographical Journal*, 167(3), 195–212.
- Li, L., & O'Brien, K. J. (1996). Villagers and popular resistance in contemporary China. *Modern China*, 22(1), 28–61.
- Liu, S. (1996). Zhanyou zhidu de sange weidu ji zhanyou rending jizhi (Three dimensions of the system of ownership and recognition mechanism of ownership). In N. Pan & R. Ma (Eds.), *Shequ yanjiu yu shehui fazhan (Community studies and societal development)*. Tianjin: Tianjin People's Press.



- Marx, K. (1842). On freedom of the press. In: Marx & Engels collected works Vol. 1 (internet ed., pp. 132–181). <http://www.marxists.org/archive/marx/works/1842/free-press/ch06.htm> (accessed 03 June 2011).
- Mitra, S. K. (1980). Norms and modalities of political choice: Case study of an Orissa village. *Contributions to Indian Sociology*, 14(1), 51–75.
- Neale, M. A., & Bazerman, M. H. (1991). *Cognition and rationality in negotiation*. New York, NY: Free Press.
- O'Brien, K. J., & Li, L. (2006). *Rightful resistance in rural China*. Cambridge: Cambridge University Press.
- Parish, W., & Whyte, M. (1978). *Village and family in contemporary China*. Chicago: University of Chicago Press.
- Piven, F. F., & Cloward, R. A. (1977). *Poor people's movements: Why they succeed, how they fail*. New York, NY: Random House.
- Portes, A. (1998). Social capital: Its origins and applications in modern sociology. *Annual Review of Sociology*, 24, 1–24.
- Potter, S. H., & Potter, J. M. (1990). *China's peasants: The anthropology of a revolution*. New York, NY: Cambridge University Press.
- Prottas, J. (1979). *People processing: The street-level bureaucrat in public bureaucracies*. Lexington, MA: Lexington Press Inc.
- Pryor, F. L. (1992). *The red and the green: The rise and the fall of collectivized agriculture in Marxist regimes*. Princeton: Princeton University Press.
- Qiu, Z. (1998). Zai zhengfu yu changshang zhijian: Xiangzhen zhengfu de jingji huodong fenxi (Between government and firm: An analysis of economic activities of governments of villages and towns). *Twenty-First Century*, 46, 149–158.
- Riker, W. H. (1982). *Liberalism against populism: A Confrontation between the theory of democracy and the theory of social choice*. San Francisco: W.H. Freeman and Co.
- Rong, J., et al. (1998). *Cong yalixing tizhi xiang minzhu hezuo tizhi de zhuanbian—Xianxiang liangji zhengzhi tizhi gaige (The transformation from pressure mechanism to democratic cooperation mechanism: The political system reform of county and town)*. Beijing: Zhongyang Bianyi Press.
- Schurmann, F. (1966). *Ideology and organization in communist China*. Berkeley: University of California Press.
- Siu, H. F. (1989). *Agents and victims in South China: Accomplices in rural revolution*. New Haven; London: Yale University Press.
- Stockman, N. (2000). *Understanding Chinese society*. Cambridge: Polity Press.
- Szelenyi, I. (1988). *Socialist entrepreneurs: Enbourgeoisement in rural Hungary*. Madison: University of Wisconsin Press.
- Van Velsen, J. (1967). The extended-case method and situational analysis. In A. L. Epstein (Ed.), *The craft of social anthropology* (pp. 129–153). London: Tavistock Publications.
- Walder, A. G. (1995). Local government as industrial firms: An organizational analysis of China's transitional economy. *American Journal of Sociology*, 101(2), 263–301.
- Weber, M. (1978). Economy and society: An outline of interpretive sociology (G. Roth & C. Wittich, eds., E. Fischhoff, Trans.). Berkeley: University of California Press.
- Whiting, S. H. (1996). Contract incentives and market discipline in China's rural industrial sector. In J. McMillan & B. Naughton (Eds.), *Reforming Asian socialism: The growth of market institutions* (pp. 63–110). Ann Arbor: University of Michigan Press.
- Yu, J., & Li, L. (2008). Zhengzhi fazhan xiayibu: Xianzheng gaige (The next step of political development: Reform of county governance). *Economy and Management Digest*, 2, 11–20.
- Yu, J. (2004). Dangqian nongmin weiquan huodong de yige jieshi kuangjia (An interpretative framework of farmers' rights-safeguarding activities at present). *Sociological Studies*, 2, 49–55.
- Yu, J. (2007). Gaibian zhengzhi zengya jizhi (Changing the political pressure-increasing mechanism). *Nanfengchuang*, 10, 67–68.

- Yu, J. (2008). Gongzhi weiquan yu fazhi weiquan—Zhongguo zhengzhi fazhan de wenti he chulu (Collegial authority and law-ruling authority: The problems and alternatives of political development of China). *Issues of Contemporary World Socialism*, 4, 17–25.
- Zhang, J. (2004). Falü guize de buwendingxing (Instability of legal rules). In X. Guo & Y. Lu (Eds.), *Falü yu shehui: Shehuixue he faxue de shijiao (Law and society: Perspectives of sociology and law)* (pp. 40–62). Beijing: Renmin University of China Press.

## Chapter 6

# Facility of Power: On the Part of Land-Lost Farmers

The analyses in the last chapter argued that the fact that the two groups hold very different views of the land expropriation process is indicative of significant social dispute. According to Coser (1965 [1956]: 7–8), conflict does not reduce but strengthens the adaptation and adjustment of particular social relations or social groups. Such adaptation and adjustment breed two-way power relationships and thus provide the possibility for a further analysis of interplay in the relationship between the two groups of land-lost farmers and local governments.

### 6.1 Possibility for Facility of Power

First of all, of course, power can be exercised by collective as well as individual actors (Barbalet 1985: 540). The nature of power concerned here should be clarified. Power is central to both structuralist and conflictual accounts. Power as it appears in structuralist theory is framed more in terms of social power, while power as appears in conflict theory is framed more in terms of political power. However, I do not draw a sharp distinction between social and political power because whether or not one considers that political power is a subset of or else overlaps with social power depends upon the breadth of one's definition of 'the political'. In the context of the present study, government institutions relate to political power, while the local setting for the interrelationship between land-lost farmers and government officials is concerned with power in various aspects of social manifestations.

Social actors can still attempt to moderate the effects of power over them even if they admit its legitimacy, as Giddens argues, '[a] person kept thoroughly confined and supervised, as an individual in a strait-jacket, perhaps has lost all capability of action, and is not a participant in a reciprocal power-relation' (1979: 149). The agents' resources would be one way in which we could both identify and provide some measure of their power (Dowding 1991, 1996, 2003; Morriss 2002). As used

in the structurational context, power is not only related to ‘a resource drawn upon by agents’ but also to the capability of agents ‘of intervening, or refraining from intervening, in a series of events so as to be able to influence their course’ (Giddens 1979: 256–7). Thus, when interacting with each other within the same framework, land-lost farmers and the local authorities have certain capabilities to constrain each other’s actions.

By bringing the dialectic of control into play, both sides try to maximise their own ‘space’ for action. Nonetheless, the realisation of a capacity or the satisfaction of an intention is never simply inherent in the capacity or the intention itself. The dialectic of control depends for its practical significance on the driving forces of power, interests, and knowledge.<sup>1</sup> When integrating theories of power into negotiation research, Kim et al. (2005) decouple power into four components: potential power, perceived power, power tactics, and realised power. Mintzberg (1983: 23) argues its practical application requires resources as well as skill. It is agents’ involvement within the structure that provides opportunities for the use of specific behavioural tactics, and in turn, strategic behaviour transforms structure into power. In other words, power is grounded on structural as much as agential elements. Even if conceptual treatments of power acknowledge both the macro-structural and micro-behavioural approaches, empirical research has tended to focus on either one approach or the other (Brass and Burkhardt 1993: 442). The following analysis, however, by drawing on a structurational account, sees the process of facility of power from both structural and agential perspectives.

According to Giddens, allocative and authoritative resources make for the exercise of power as constitutive of all social practice. It is manipulation of resources by which actors influence one another’s behaviour. Moreover, the mobilisation of resources involves both semantic and normative aspects of mutual knowledge. In return, resources provide the approach by which these semantic and normative rules are actualised. The less powerful manage resources in such a way as to exert control over the more powerful in established power relationships, though enforcing one’s preferences requires more effort when one’s potential power is informal (Pfeffer 1981; Mintzberg 1983) like that of land-lost farmers in the present study.

Therefore, the facility of power should be considered together with other structurational concepts such as consciousness and knowledge. In this sense, drawing from previous research (Wrong 1968; Kim et al. 2005), I hold the opinion that, power should be presented as a dynamic process of conversion from potential power (which is generated by the structure) to perceived power (which enters the consciousness and knowledge of actors), and then to its actual use (through tactics to mobilise allocative and authoritative resources). The following two chapters will see how this process of facility comes into being on both sides, which constitutes the process of interplay.

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<sup>1</sup>Herein, Giddens emphasises the part of knowledge, which in his terms is ‘conception of how things could be otherwise’ (1981: 149).

The exercise of power should be based on intensive understanding of the subject that is to be influenced (Foucault 1995 [1977]). While the previous chapter analysed land-lost farmers' and local governments' respective understanding of their own situations (the operation of discursive consciousness), in order to construct accounts of their respective interpretative scheme, the present chapter and the next chapter analyse how both sides come to understand their adversary and how they respectively make use of such knowledge to mobilise relevant resources (the operation of practical consciousness). As the popular ancient Chinese military strategist Sunzi suggested, 'only if we know both ourselves and our adversaries can we avoid danger and achieve success'. To begin with, this chapter is concerned with the facility of power on the part of land-lost farmers.

Land-lost farmers' strategies are not developed in isolation. They are inevitably shaped by a tangle of complex and concrete relations in which land-lost farmers are enmeshed. Relations with regional and local government agents are of course central, and land-lost farmers' strategies are inevitably shaped in interaction with government strategies.

## 6.2 Groundwork: Getting Accountable

From the structural perspective, accountability involves three senses that correspond to the three modalities of interpretation, norm and facility: an account can signify the meaning of someone's action, how they describe what they are doing; it can also relate the action to norms and values for positive judgement; finally, it can cast light on the agent's power over outcomes. Land-lost farmers try to get recognised in this sense.

### 6.2.1 Familiarity and Practicability

As mentioned in the previous chapter, land-lost farmers tend to appeal (*shangfang*) to government through the system of letters and visits.<sup>2</sup> The appeals' system represents an institutionalised approach of the populace towards officialdom, framed as neither contestation nor resistance, but rather as a means of airing grievances, which casts officials in the role of 'parental' figures (*fumuquan*) rather than as impersonal representatives of state 'power'. Such a traditional conception is especially true of farmers due to their rural political habitus. Thus, the so-called ideal of 'resistance' in models of 'rightful' resistance or else in models of 'struggle by law' neglect the different and social nature of the relationship between resentment-relievers and

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<sup>2</sup>The reasons for the populace to prefer the appeal system are discussed in Appendix C.

complainers within the appeals' system.<sup>3</sup> Recourse to appeal is well understood by the rural populace to operate as follows—weak younger children complain to their parents about overbearing elder children in the disentanglement and resolution of family disputes—and so, means gaining the attention and recognition of officials at higher levels (*qingtian*) in order to deal with the ordinary people's woes. Based on widespread experience, many land-lost farmers are of the opinion that matters can be tackled only when they make a disturbance (*nao*), to gain recognition. The greater the disturbance is the more attentive official treatment will be. The approach is known as, 'crying children can be fed milk'. A farmer Huang provided a vivid depiction of what the process involved and the logic of its application:

The relationship between the ordinary people (*laobaixing*) and the government is just like the children and the parents. When a child is hungry, he may make trouble for his parent and ask for more food. The parent may be annoyed and give his/her kid a slap. But if the child is still crying for food, the parent is likely to give him some.

In land-lost farmers' opinion, the government should give more attention to recognising their troubles. Even if grass-roots government does not care, the higher authorities will. In brief, among farmers it is common knowledge that 'cadres of towns and villages are villains, provincial and municipal cadres are good people, and central cadres are close relatives' (Ying 2001: 105). So, land-lost farmers wait for the most opportune time to make appeals to 'good people' and 'close relatives'.

This popular notion of 'abstract upright officials and specific corrupt officials' can be traced back to the application of legal rights and customary rights by officials in traditional society (Ying 2001: 147–8). 'Legal rights' represented regal interests under the mantle of imperially sanctioned common law, as rights not to be violated; while 'customary rights' represented the interests of officials, who would pursue these beyond the limits of legal rights, where centralised imperial power was insufficient to contain such practices (Wang 1981: 117–22). Consequently, the overwhelming majority of officials were involved in self-interested practices beyond their formal remit, and upright officials such as Hai Rui (a famous advocate of honesty and integrity during the Ming Dynasty) were seen as no more than 'eccentric model officials' (Huang 1981: 130–55). Local officials expected to make a living from their positions. That viewpoint on Chinese officialdom endures. Farmers' outlook on social justice, as carried out by local government officials based on 'legal rights', provides the basis for discourse on government malpractice.

Focusing on the overwhelming influence of the power order upon land-lost farmers' behaviour dismisses the idea of 'sending the law down to the countryside' (Su 2000). But in reality, they take recourse to the 'rule of the bureaucracy' through use of the appeals' system rather than use the 'rule of law' through the courts and legal system. They are very conscious of the 'legitimate' power of regional and

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<sup>3</sup>This is related to Chinese cultural tradition without doubt. In this sense, I favour construing Chinese 'state' nature to be a 'family-state mixture', namely, accumulating families to become a state and the state is the amplification and extension of the family, rather than a political community consisting of innumerable contenting groups.

local government. And if land-lost farmers did take their grievances to court, it would not only test their courage, abilities and endurance, in practical terms, it entails many technical obstacles. On the government's part, given that it is hardly likely they will be able to persuade farmers by ideological means,<sup>4</sup> they choose to demonstrate the legitimacy of their actions through the operation of the law, which unlike farmers, is a process with which they are highly familiar. Farmers avoid involvement with the legal system as they believe it is overwhelmed by political power. They may consult lawyers and seek legal advice, but they scarcely have recourse to the law.<sup>5</sup>

Approaches have to be found which are familiar and tractable. Farmers look to practical and expedient ways to express interests and resolve disputes. In a 'relation-based' society, the appeal system differs from a lawsuit in that what it requires is not detailed proof of particulars, but the direct communication of grievances to upright higher officials (*qingtian dalaoye*), not forgetting the cathartic nature of undertaking that formal process. Under such condition, from land-lost farmers' perspective, no matter whether out of recognition of the authority of administrative decisions or non-adaptation to the rationality of judicial procedure, it is more rational to choose 'rule of bureaucracy' rather than rule of law. The appeals' system is still widely used among the populace at large, not only among land-lost farmers, who believe their appeal activities cannot be manipulated by the courts and their complex legal procedures. Land-lost farmers prefer the system of appeals out of a combination of its familiarity and practicability.

### 6.2.2 *Speaking Out, Romanticising, and Spreading Misery*

We may have strong sympathy for land-lost farmers after learning of their plight in Chap. 5. But, actually, this can be regarded as another important strategy. Admittedly, they face difficulties, but they subtly turn their disputes into a story of 'misery' that can be built upon and romanticised to be broadcast in public. This strategy can be seen as a kind of effective 'discursive consciousness' (Giddens 1984) utilised by farmers who believe that they are situated in inferior circumstances.

As Edward Friedman comments in the preface to Zhou's (1996: xxvi) book: many people seemed more interested in making money than in making China, including of course, land-lost farmers. When I talked with some frequent appellants (*lao shangfanghu*), I found that they were repeating economic demands that sounded unreasonable over and over again. It might be the behaviour of repetition

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<sup>4</sup>With the prefix of 'public interests' in rules of land expropriation, even if land-lost farmers could accept removal to meet a worthwhile national goal, as Li et al. (2001: 208) argue, this goodwill could rapidly disappear in the face of official corruption or incompetence.

<sup>5</sup>Even if they resort to the courts, they tend to require the courts to resolve the problems by administrative means.

itself that strengthens their belief in returns from *shangfang*. For example, Liu, who is the most active and frequent appellant in Sifangping Community, repeatedly claims that her family has suffered much from land expropriation. Although her family has three flats, more than 300 m<sup>2</sup> for living space, she remains dissatisfied. She seeks more than two million yuan in compensation. Beyond material losses, land-lost farmers also emphasise their now troubled family situation, including elderly or disabled family members and vulnerable women and children. Sometimes, when I appeared in protest events, some land-lost farmers would come to grumble to me without knowing my status. They automatically regarded me as someone assigned by a particular institution, and thus would exaggerate the seriousness of the plight. They continued on even when other more educated farmers attempted to intervene to correct their exaggerated claims.

Thus, land-lost farmers, especially appellants, are prone to exaggerate their losses and difficulties and want more and better compensation than what they have been given. They can also add some hearsay content, such as allegations about the corruption of officials. This is because appeals must go through a process of selection among a great number of others. In order to ensure that their appeals are recognised, exaggerating the urgency of the situation and the seriousness of their difficulties becomes a necessary tactic. Driven by this tactic of revealing the extent of their misery, sometimes appellants resort to extremes to arouse the attention of the state and society.

From the above two sections, it can be seen that land-lost farmers are laying claim to the legitimate morality of their actions, in line with Thompson's (1971) and Scott's (1976) conception of how eighteenth-century English crowd and Southeast Asian peasants resist development. In the present case, farmers respond to the marketisation of land in changes from the old centrally planned to the socialist market economy, with the argumentation that administration within the new system still has moral obligations to them, for example in terms of the paternalistic relationship they have always struck with the authorities. In this sense, they are not only using moral legitimacy as an interpretative scheme to socially construct norms that operate within the local network of power-interests structure, implicitly and explicitly, but also as a strategy to increase their facility of power.

### 6.2.3 *Arming Actions with Legitimacy*

Typically, in each resettlement community there are a few activists who have more knowledge and experience. They take the lead in interests-striving activities.<sup>6</sup> Advised by these activists, farmers base complaints or claims around interpretations of the law and policy. In addition, they also try to embellish their claims with ideological legitimacy. For example, using phrases such as, 'the Chinese

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<sup>6</sup>Further information in this regard will follow in Sect. 6.3.



Communist Party is a wise and great party', 'we hope you work according to President's requirement and protect vulnerable groups' would usually appear at the end of appeal letters to the higher authorities. The use of these phrases seemed to have nothing to do with the contents of appeals but constituted appellants' proof of the legitimacy of their activities. In appealing they make it clear they are neither trouble-makers nor unreasonable by relating their own situations and requests to the Party's ideology and the central state's macro-level narrative. Some appellants try to construct legitimacy during disturbances too, for example by carrying the portrait of Mao Zedong when demonstrating outside local government buildings. They do not call into question the authority of CCP, or its ideology, but instead, they make use of such authority and ideology to add legitimacy to their own appeals and interests-striving activities.

State ideology as maintaining social harmony and constructing the system of rule of law is being used by land-lost farmers. By agreeing with the laws and policies of the central government, land-lost farmers' appeals and requests become reasonable and legitimate as they are within the dimension of appropriate application of the laws. While this approach turns the Western version of ideological polarisation between ruling elites and the resistant on its head, it seems more framed as a strategy of 'immanent critique'. Schroyer (1973: 30–1) describes a strategy of immanent critique as a means of restoring 'actuality to false appearance' by first describing 'what a social totality holds itself to be, and then confronting it with what it is in fact becoming'. Land-lost farmers use contradictions between rules and systems (ideology) and their concrete implementations (context) to strengthen their requests, indirectly.

Furthermore, whereas government officials tend to refer to land-lost farmers' actions as 'making trouble', farmers try to find specific reasons for their appeals and to make specific requests, as these relate to policy implementation. In the farmers' opinion, since they are restricted by regulations, officials need to be as well. If officials' actions can be seen to diverge from the regulations, or they make errors in their work, then farmers' appeals seem justified instead of 'making trouble out of nothing'. Land-lost farmers attach much importance to collecting evidence of hardship, especially if they have been injured by local government in the process of forceful removal. For example, Liu claimed her son was injured by the Urban Management and Administrative Law Enforcement Department of her district, which she believes is not entitled to administer rural affairs. This becomes a kernel reason of her complaint. She has pictures and materials to support the 'facts'.

Such conflict also happens over the matter of building resettlement houses. The land-lost farmers pay for the building of their resettlement homes (with compensation money) and the government is entrusted to build them. The land-lost farmers often pay close attention to issues concerning the quality of their new houses. Yet, after the land-lost farmers of Dongfanghong Community moved into their accommodation, they found that the height of each story was 3.1 m instead of the 3.2 m originally indicated in the design drawings, so they thought their interests had been damaged due to a discrepancy of 10 cm and that they had sufficient reason to 'discuss' this with the government. It was obvious that the government had made

mistakes in undertaking the work, and finally they compensated each household with 1000 yuan in order to resolve the issue. The Vice-Director of the Office of Urban Construction and Development in Qingyuan Street Agency spoke of another situation. After moving into new houses, some land-lost farmers were doubtful of their quality. In order to verify their doubts, unexpectedly some land-lost farmers dug 1 m holes into the foundations, in order to examine whether the building work had been done properly or inferior materials had been used. It can be supposed that if they had unearthed construction problems, a campaign of complaint would have ensued. In a sense, they are trying to use laws, policies, Party's ideology, as well as specific reasons as legitimate 'weapons' to arm their interests-striving activities.

### 6.3 Core Manifestation: Interests-Striving Activities

The bases for land-lost farmers' interests-striving activities are the rules and regulations, or so to say, the institutional norms, that apply in their situation. Nevertheless, rules of any sort do not simply apply themselves. They always require some degree of creativity and judgement.<sup>7</sup> The bulk of land-lost farmers strategically choose the appeal system and accompanying means and methods, instead of the legal system. They start with actions that are within the dimensions of the rules, while with the development of confrontation, or impasse, farmers may resort to means and methods that are even beyond the rules.

#### 6.3.1 *Within Rules*

##### 6.3.1.1 Slippage

When the announcement of land expropriation is posted, land-lost farmers seem to be of the collective view they will disregard the announcement. They simply ignore the deadline for responses. They never actively express their willingness to sign the expropriation and removal agreement but instead occupy a passive position. They wait for others to take the first step. They are sure that they can get good deals only

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<sup>7</sup>Ethnomethodology has especially developed this theme. Ethnomethodologists argue that what we have regarded as the 'everydayness' of life is actively realised by people rather than a natural state of affairs. For instance, Zimmerman (1970) studied a clinic in which a receptionist was supposed to arrange patients to various physicians by writing their names on one or another physician's list. But some physicians were delayed by difficult cases; to prevent inordinately long waits, especially for seriously ill patients, the receptionist sometimes juggled the lists, more or less radically, depending on her judgement. Even that simple rule had to be adapted to a variety of exceptional circumstances, an adaptation might be best regarded as 'common sense'.

when the government come to negotiate with them. They hold to the attitude: I will sign only if you satisfy my requirements. Some obstinate land-lost farmers even disregard the intervention of the courts. They believe that the court is colluding with the local government. Many facts indicate that those who withstand the local government pressure and cause the utmost delay often get extra compensation, while those who acquiesce and sign at the outset usually get comparatively worse deals.

### **6.3.1.2 Seeking Loopholes**

There are always countermeasures to specific policies. For instance, when Changsha City applied the rules for crop compensation by the number of plants, land-lost farmers rushed to plant as many crops as possible before being surveyed. After survey, exactly the same plants would be replanted in the field of another household. Order No. 60 applied the rules for buildings compensation by contents, so land-lost farmers renovated houses, which were later to be demolished in redevelopment of land use, before the implementation of land expropriation. Sometimes there would be more than ten burglar-proof doors in one household; and even the pigsties would be renovated.

There are further cases of making use of family size and make up to extract more compensation. For example, one old lady had two sons who lived in different locations of the village. When the land of her elder son was expropriated, she was included within that compensation quota. But when the land of her younger son was expropriated, she claimed that her elder son no longer supported her, and she wanted to be included in the compensation quota of her younger son again. In addition, in order to increase quotas, there were instances of bogus marriages and divorces, and there was even an instance of father and daughter applying for a marriage certificate. With such countermeasures, unless government officials could establish they had been cheated, land-lost households secured additional compensation.

### ***6.3.2 Partial Use, Disregard, and Contravention of Rules***

Most land-lost farmers have to be persuaded into joining demonstrations and mass protests. Often in demonstrations, many of the attendees are old ladies with little literacy. Only a handful of farmers have a passable working knowledge of the law. Therefore, interests-striving activities are not always conducted legally. The system of appeals by letters and visits is separate from the formal legal system by design, supposedly to allow contact between lower and upper layers of the power structure,

and its operation is less formal in consequence<sup>8</sup> (Li 2007: 94). From the ordinary people's point of view, the most advantageous for activity of letters and visits is that it does not need to be bounded by rules and regulations in spite of the existence of *Regulations on Letters and Visits*; as long as there are problems that need to be resolved, they can immediately vent grievances toward any governmental institution (Zhang and Zhang 2009: 3), and in many cases, they would not stop doing so until grievances are resolved. This is not necessarily only due to farmers' deficiency of legal knowledge, but is also part of a strategy.

Some land-lost farmers do study the relevant laws, regulations, and policies in an effort to find a legal foundation to the assertion of their interests. Many interviewees own formal documents and leaders' speeches about land expropriation and resettlement which have been issued by various levels of government. However, they purposely quote material from documents out of context to suit their own ends. In other words, they are highly selective in their use of the rules, often ignoring the key principles that guide the legislation. A common example is of land-lost farmers who have already received compensation requiring the government to retrospectively pay them more in accordance with a new regulation, regardless of its applicability to their own situations.

Against the background of case 4.1:

After the Provincial Document No. 53 was issued in 2005 with regulations that the rural collective economic organisation should disburse no less than 75 % of compensations to the land-lost farmers if it is unable to arrange other rural land for farmers to resettle, more than 100 land-lost farmers, whose rural land had been expropriated and who had been resettled four years previously in 2002, came to the Qingyuan Street Agency on the morning of 17 April 2006 and required the agency to compensate them more pursuant to the new policy. The cadres patiently explained to them that the prime reason for different criteria at different times is the rise of expenditure and that the present policy cannot be retrospectively applied to previous land-lost farmers. Nonetheless, the farmers attached little credence to such statements, and claimed that they had run out of the original compensation sums, which had been insufficient, and could not maintain their subsistence. They threatened the officials that if the street agency did not deal with their problems, they would appeal to the provincial government.

According to the *Regulations on Letters and Visits*, where two or more visitors intend to present the same matter through appeal, the number of their representatives shall not exceed five.<sup>9</sup> From my own investigations, many land-lost farmers intentionally broke that rule.

Also following case 4.1:

More than 100 land-lost farmers crowded into Qingyuan Street Agency and then congregated in front of the entrance to the District Government. Later, they also held a sit-in at the

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<sup>8</sup>For example, when the central government asserts letters and visits, it does not exclude those falling short of the scope and procedure of *Regulations on Letters and Visits* (Zhang and Zhang 2009: 277).

<sup>9</sup>Art. 18, *Regulations on Letters and Visits* (2005), [http://www.gjxfj.gov.cn/2006-03/07/content\\_6399309.htm](http://www.gjxfj.gov.cn/2006-03/07/content_6399309.htm), accessed 8 Jan 2011.

entrance to the Provincial Government one afternoon. In this case, a woman ‘unintentionally’ hit a policeman with a bottle she had in her hand. This was considered as attacking the policeman and the woman was taken to prison. Seven land-lost farmers were arrested, three of whom had gone to Beijing to appeal in 2004.

In addition, it is stipulated that where visitors intend to present their matter, it shall be received by the government body at the corresponding level or the next higher level.<sup>10</sup> However, there are some *lao shangfanghu* who only pay visits to Beijing to appeal without having recourse to local and intermediate levels of government. They ignore whether or not an appeal to the capital is procedurally legal or illegal. They instead deem this action to be the most effective. Again, appellants shall not abuse or assault government officials.<sup>11</sup>

#### **Incident 6.1:**

A riot occurred in Dongfanghong Community at the end of 2008. The issue was concerned with the strange death of a detained land-lost farmer. On 25 November 2008, Li, who had obstructed forceful removal, and had been detained, died in the City Detention House. The Street Agency said that it was an accident. Thereafter, more than 1000 people, local as well as those from other communities, crowded into the office of the District Government and trapped the bailiff and the head of the Street Agency in the centre of the public square. The officials were then shamed and paraded through the streets by the crowd in the form of a mass movement commonplace in the period of the Cultural Revolution.

When talking about this event, local land-lost farmers were very excited. It seems that they regarded these violent riots as well justified. Most of them expressed sorrow for the dead appellant and their hatred for the local government. Even though many people did not know the details, they all spread the message that Li must have been tortured to death by the police. In riots of a similar kind, such as tearing down the nameplates of local government organisations, destroying officials’ business cars, and so on, land-lost farmers found opportunities to express their accumulated resentment against the government.

Farmers also tried to publicise their problems by every possible means, through television, newspapers, websites, and especially the overseas media.

#### **Incident 6.2:**

On 10 April 2010, because of issues as regards the lease of a collective plant in Dongfanghong Community, more than 100 land-lost farmers joined a demonstration. The negotiations did not go smoothly. Several land-lost farmers clashed with the representatives of the street agency and were hurt. A few minutes later, the Channel of Politics and Law of the Provincial TV Station was called in by the land-lost farmers. When the reporter tried to find out what was going on by asking the people who were hurt, other land-lost farmers gathered around them and all talked at once, even when the reporter asked them to be quiet. In the end, the reporter seemed to get little useful information and went away, saying that the station would follow up on the outcomes of formal negotiations.

The prompt recourse to media intervention manifests that land-lost farmers were aware of the potential significance of publicity. If the local or even the entire inland

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<sup>10</sup>Art. 16, *ibid.*

<sup>11</sup>Art. 20 (3), *ibid.*

media were politically constrained, and cannot do much for them, they still tried to get sympathy from overseas. Some appellants even uploaded their information to illegal websites using overseas servers or else set up their own websites to publicise their situations.

Although it is regulated that when a letter-or-visit matter has been accepted, or is under review, the matter cannot also be considered by another government body at a higher level,<sup>12</sup> the land-lost farmers still have recourse to *chanfang* (pestering appeal) (Ying 2001: 42) whenever they believe their problems have not been resolved.

Again following case 4.1:

The land-lost farmers continuously urged the street agency to release the people legally detained, implement the new policies for compensation retrospectively in their case, and to make the accounts of the collective transparent. Even after the release of the arrested people, some 20 days later, the land-lost farmers remained in a sustained state of *chanfang*.

Their expectation was that *chanfang* would make the government cadres fed up and leave them no alternative but to respond to farmers' requests. Participant observation in the Reception Room of Letters and Visits Bureau of Tianxin District gave me yet more contextual insight into the process. A man narrates his matter briefly to the Vice-Director and submits his materials, the Vice-Director shows understanding about the man's situation and asks him to return home. It takes no more than five minutes. By contrast, a woman comes to the reception room every other day, and it seems she is already very familiar to the leaders. She keeps discussing her situation with the leaders, sometimes in a soft tone and sometimes in an emotional tone. In the meantime, while explaining to her the relevant policies, the leaders also express their willingness to attend to her problem and find a solution. Thus, it can be seen that appeals involve much more than just submitting materials to a government office.

Taking their interests-striving activities a step further, some land-lost farmers adopt more extreme measures, such as kneeling down, crying and screaming, and even self-mutilation and suicide outside the buildings of state organisations. In that sense, their activities are extra-legal.

### **Incident 6.3:**

The most renowned activist Chen in Dongfanghong Community once attempted to commit suicide in Tiananmen Square with two other land-lost farmers. He used a sword to puncture his abdomen three times. It had very significant political ramifications. His story was even reported by foreign websites. Though he was punished for his criminal activity against the state, his issue was finally solved, and he got more compensation than many other people.

### **Incident 6.4:**

Another man, Jian, attempted to set fire to himself in his home in an attempt to resist being removed. He eventually received an extra 150,000 yuan.

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<sup>12</sup>Art. 16, *ibid.*

So, there are actually cases where land-lost farmers engage in highly disruptive and extreme action that eventually forces the political system to grant very substantial concessions that would not have otherwise occurred. Among those people who take extreme action, some only ask for an explanation from the government. As a Chinese proverb goes, people live for their dignity (*renhuo yikouqi*). These land-lost farmers are not explicitly striving for material self interests, as their behaviour might bring them even greater losses. It seems quite irrational. Nevertheless, such land-lost farmers feel they have not just lost material benefits, but they also become infused with negative emotions, such as loss of control and damaged self-esteem, thus their desire for dignity appears overwhelming.<sup>13</sup>

Finally, timing is everything. There are times when the government cannot risk repressing sections of its own political base. It is in these moments when disruptive action or the threat of such action can yield results (Piven 2006). Considering timing, land-lost farmers tend to lodge appeals or to engage in other interests-striving activities on important dates. For example, many appellants, including land-lost farmers, attempt to flood into the country's capital during the session of the National People's Congress and Chinese People's Political Consultative Conference in March of each year.

### 6.3.3 *Rationality Behind Seemingly Irrational Actions*

It is possible to regard land-lost farmers' actions as 'policy-based' (Li and O'Brien 1996), and it is also clear that they usually disregard or contravene rules. But there may be accompanying risks and costs to their approach. Let alone the physical risk involved in extreme action, such as self-mutilation and suicide and the criminal risk involved in attacking officials and destroying governmental property; simply appealing to higher authorities, especially the central authority, may result in *jiefang* (being blocked by local government).<sup>14</sup> Those who had suffered from *jiefang* were seen as 'appellate heroes' by local people. In my interviews with them, they were usually eager to disclose their treatment by the authorities, and when doing so, their pain showed and their resentment against local government aggravated given their experience. Greater levels of violence and intensity of action can come at a high price.

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<sup>13</sup>Such behaviour can be explained in slightly modified terms of Giddens' 'the unconscious'. The unconscious motivational components of social behaviour are 'those forms of cognition or impulsion which are either wholly repressed from consciousness or appear in consciousness only in distorted form' (Giddens 1984: 4). In this sense, it can be said land-lost farmers' impulsion for dignity is not repressed from consciousness or their cognition of interests appears in consciousness in distorted form.

<sup>14</sup>Refer to next chapter about more information.

Though there are those who see land-lost farmers' extreme action as insane and abnormal,<sup>15</sup> their actions are better understood as tactics with their own 'commonsense' logic. Confronted with a particular bureaucracy, appellants may not be mad to take such activities. For land-lost farmers, the computation of benefits (as well as costs) is largely predicated on material rewards for the individual; more occasionally on political gains. It is essential, however, that the decision of whether or not to take a particular action is deliberately reached. Their appeals to the capital, for example, and their many other activities, are all intended to undermine the prestige (face) of regional and local government officials, even if that means that they have to temporarily suffer some losses like being sent to prison for a while. Compared with their wider objectives of compensations and redress, it may be worth taking the risk, though they by no means want to incur the loss of their own lives. As one land-lost farmer said:

The local government does not allow me to go to Beijing. Great! It implies that those officials are afraid of our going to Beijing. The conclusion is, only if extra-legal means of appeal are adopted, such as visiting the location of the state leaders, sit-ins in front of foreign embassies, suicide in Tiananmen Square, can we get more compensation.

The full-time appellant (*shangfang zhuan yehu*) Wen of Dongfanghong Community gave an even clearer explanation:

We just wanted to make the matter more severe so that the provincial and central government would pay attention to our claim. You need to know what the central government particularly considers at every specific stage. We travel to Beijing and know a lot of hearsay. In fact, maintenance of the social stability (*weiwen*) is the primary concern of the central government. They are afraid of riots. They are sensitive to foreign journalists. Once you understand their situation, you know how to get more money.

Most of land-lost farmers' actions are actually activities undertaken within the appeal system, or else derivative forms of appeal. Gains won survive to enhance the capacity for effective action in future rounds, and given the gains, such methods become more widely adopted.

Nevertheless, land-lost farmers still have to take action very cautiously. They are neither so capable nor so foolish to enter the mine field of 'stability'. Specific actors (especially more knowledgeable activists) perceive their actions in the context of cost-benefit maximisation. They are aware, or made aware, of the adverse implications of every relevant act. Further to the statement in last chapter that Chinese farmers' awareness of their 'rights' were not well developed at the beginning of decentralisation of the state's fiscal system to the regions, and the ensuing land expropriation within processes of urbanisation and local economic growth, farmers have come to make appeals and take action only after their livelihoods and material interests have been directly threatened. Farmers' understanding of relevant information and procedures is ad hoc and fragmented, and they adopt the approaches that are the most direct to them.

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<sup>15</sup>A law professor from Beijing University, Sun Dongdong, claims that 99 % of full-time appellants have psychiatric illness. See also Cai (1989: 48).



Besides (if not prior to) concern for their safety, the thing that makes land-lost farmers scruple about action is the network of power-interests structure in their locality, which they cannot avoid. They cannot be sure whether the room for negotiation would enlarge or narrow if they actually participate in action. This may be a predicament confronted and repeatedly weighed by the bulk of appellants. Land-lost farmers may threaten the local government by stating that they will lodge an appeal to higher authorities or even the central authority. They aim to put pressure on the local government to make gains, but they know that eventually their problems have to be settled at the hands of the local authorities, so that they cannot risk an impasse with local government. In other words, they cannot burn their boats in the process of negotiation. Therefore, they on the one hand have to appear to be against the local government, but on the other they have to court the local government's favour. Even when they are lodging an appeal, they try to leave some leeway for the restoration of the relationship with officials. That is why 'clever' land-lost farmers, while in the process of making appeals, also meet with the cadres of local government time and again, trying to explain the situation and their difficulties, using reason and emotion, in the hope that the government will relent and give them better deals. Thus, land-lost farmers' behaviour is also a product of the inevitable network of power and interests.

Following incident 6.3:

It is said that Chen who attempted to suicide in Tiananmen Square has got some relations (*guanxi*) in the government, so that he can dare to make trouble to such an extent. On one hand, he can use such trouble to press the government. On the other, his relatives who work in the government can help him avoid too severe punishment.

Land-lost farmers have to weigh up situations and try to gain the most with fewest losses. Therefore, how farmers whose interests have been damaged approach their relationship with the local authorities against whom they nurse grievances is not a simple calculation. This also explains differentiation among land-lost farmers themselves that the ones who have relations in the government have more chances to get more interests and thus would not attend ordinary land-lost farmers' activities. Though seemingly brutal and irrational, land-lost farmers have to 'reflexively monitor their conduct via the knowledge they have of the circumstances of their activity' (Giddens 1979: 254). Knowledge as a possession can be viewed as both resource and outcome.

## 6.4 Other Manifestation: Ingratiation

The attitude and behaviour of not-that-active or seemingly apathetic members of the group cannot be ignored when considering the facility of power on the part of land-lost farmers. These farmers are also adopting their own tactics.

As regards the relations among social strata, except for the conflictual opposition between upper layers' control over lower layers of society and lower layers'

resistance to upper layers, which has been indicated in the literature review, there is another element to the relationship among different social strata that cannot be ignored. In the Chinese context, members of the lower layers frequently stand in awe of the upper layers of society to the extent that they ingratiate themselves with those who possess power. Ingratiation cannot be dismissed as a strategy in response to authority. In their treatment of each other, the upper layers of society appease as well as control, and the lower layers ingratiate as well as resist, through social forces of integration as well as conflict. Just as in Simmel's opinion, society itself is a unified entity that contains forces of mutual cooperation as well as conflict, solidarity as well as dissent, and integration as well as segregation and marginalisation. Striving for interests through acts of resistance is only one of the responses of the weak in face of power. Ingratiation is another strategy open to land-lost farmers in the Chinese context, except for attempts to appeal to higher authorities.

During my investigations, one of the community's cadres accompanied me to interview the head of a land-lost family. When answering questions, the land-lost farmer looked at the cadre every now and then. She paid close attention to whether the cadre was satisfied with her reply, and it seemed that she deliberately made pauses in the conversation to wait for the instruction of the cadre. Meanwhile, the cadre kept chiming in and sometimes even replied for the land-lost farmer. With regard to the cadre's answers on her behalf, the land-lost farmer always accepted without demur, 'Yes, yes, this is exactly what I mean.' Maybe feeling embarrassed at several occasions of substituted replies throughout the interview, she explained that she was undereducated and could not well clarify the issues. Obviously, the complete approval given by the land-lost farmer to the replies the cadre made on her behalf did not mean that she thought in the same way at all about the issues, but only that she agreed the cadre had given the 'correct' answers. The interaction seemed quite natural to both parties—they had their respective roles to play—and she did not wish to question the cadre's authority or superior knowledge on the matter.

Such a phenomenon can be regarded as the existence of a 'public transcript' (Scott 1990). Power always influences the interaction. The supposition that the subordinate's offending the dominators would bring about adverse outcomes can also give rise to another expectation: pleasing the dominators would bring about favourable outcomes. In other words, the 'public transcript' is not totally due to the subordinate's fear of power, but in the circumstances, also involves the recognition of that power, and so, embodies the intent to acquire favourable outcomes of the interaction. Thus, if one regards as part of the 'public transcript' the subordinate's ingratiation toward the dominators, then there are at least two kinds of ingratiation out of different motives: one of which is the subordinate's fear of power; the other is the subordinate's attempts to gain favourable outcomes from a supposedly powerful party, or even both motives at the same time.

Land-lost farmers' adoption of ingratiation is also out of their concern for the network of power-interests structure. Of the structural variables, formal hierarchical level has independent effects on perceptions of power regardless of use of behavioural strategies (Astley and Sachdeva 1984; Astley and Zajac 1990, 1991).

The expectation that potential power can and will be exercised and that resources will be used as rewards and sanctions may be enough in itself to secure compliance in almost all situations and social interactions. In hopes of gaining the favour of the powerful, the subordinate, justifiably in their own terms, may attempt to please. For those not-that-active or seemingly apathetic land-lost farmers, ingratiation is a strategy to be used in interactions within the network of power-interests structure, but only subject to the occasions when they are separately with officials. Ingratiation is not a characteristic of groups. Given that it neither increases nor reduces costs to both sides, ingratiation can be thought to be playing a part in neutralising the official-populace relationship.

## 6.5 Are the Interests-Striving Activities Organised?

Indeed, the most critical problem for land-lost farmers lies within the group itself, which greatly influences their capacity for action.

### 6.5.1 *General Condition: Internal Disharmony*

#### 6.5.1.1 Indigenous Categorisations

As Wirth (1938: 11) argues, ‘the greater the number of individuals participating in a process of interaction, the greater is the potential differentiation between them’. From the previous two sections, it can be seen that the land-lost farmers are indeed differentiated in their responses to their situations. When analysing the study data, there seems to be inconformity and disharmony among the group’s actions. Therefore, I use the study data to develop an ‘indigenous’ (Brewer 2000: 54) categorisation system for the group, because land-lost farmers are not only aware of the differentiation among them, but also aware of which particular persons belong to which category within their own resettlement communities. Through observation and interview, particular land-lost farmer’s responses can be distinguished by the following factors.

- (1) Similar to Fletcher’s (2001: 52–3) findings in his study of resistance, women more actively participate in interests-striving activities. Gender has been a factor in the advancement of peasant movements elsewhere (Brass 1994; Townsend 1996). This gender dynamic<sup>16</sup> may be reinforced by changed

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<sup>16</sup>According to Thompson’s (1971: 116) study, this gender dynamic is not confined in peasant movements but prevalent in poor people’s risings. As he referenced Southey about the reason: ‘[Women] stand less in fear of law, partly from ignorance, partly because they presume upon the privilege of their sex’.

economic roles. Whereas men have greater opportunities to benefit from integration into the urban economy, by seeking wage labour, women in most cases have less,<sup>17</sup> and thus for one thing they are more nostalgic about being subsistence farmers, for another they have more time to attend to interests-striving activities.

- (2) Educational level is a key factor in accessing information and coming to understand the land expropriation process and compensation process and means and methods of appeal. Differences in people's access to information also influence perspectives on taking action (Fletcher 2001: 50).
- (3) Farmers' level of relevant social experience. Contact with people from outside their own community may have significantly shaped some land-lost farmers' evaluation of the feasibility of interests-striving activities. Owing to his findings, Brosius (1997: 506) also suggests that greater attention should be paid to 'the significance of external influence in the dynamics of resistance'.
- (4) The extent of farmers' social capital accumulation influences behaviour patterns too. Farmers need not turn to extra-system approaches if they can count on systemic resources, especially within the 'relationship-based' Chinese society. As King (1991: 79) states, network building is used (consciously or unconsciously) by Chinese as a cultural strategy in mobilising social resources for goal attainment in various spheres of social life.
- (5) The extent to which farmers' interests have been impaired is another factor. In other words, those who suffer least are least likely to take action, which situation is often related to access to political capital within the system, as a manifestation of social capital.
- (6) There is a singular relationship between farmers' conceptions of their situations and action: consciousness promotes participation, and in its turn, participation increases consciousness (Pizzorno 1970: 45). The initial appeals and actions of the dominated may be vague, ambiguous, partially developed, explaining the phenomenon of 'multiple' or 'split' consciousness (Gramsci 1957: 66; Garson 1973) often cited in the literature on impoverished groups. I cannot agree more with the point made by Gaventa (1980: 19) that the multiple or split consciousness of the relatively powerless can be explained by the operation of the three-dimensional power (Lukes 1974) which manifest among the powerless as fatalism, self-deprecation, or apathy about one's situation.<sup>18</sup>
- (7) And importantly, the extent of contradiction that exists between 'public' and 'hidden' transcripts (Scott 1990). The same farmers may contradict

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<sup>17</sup>As regards the undereducated land-lost farmers, men can more easily find physical jobs than women.

<sup>18</sup>The conceptions of the powerless may alter as an adaptive response to continual defeat. If the victories of A over B in the first dimension of power lead to non-challenge of B due to the anticipation of the reactions of A, then, over time, the calculated withdrawal by B may lead to an unconscious pattern of withdrawal, maintained not by fear of power of A but by a sense of powerlessness within B. A sense of powerlessness may manifest itself as fatalism about everything, complete self-deprecation, and total apathy about one's situation (Gaventa 1980: 16–17).

themselves. They sing one tune when they are in the presence of local government officials and another tune when they are among fellow land-lost farmers. A partly sanitised, ambiguous, and coded version of the hidden transcript is always present in the public discourse of marginalised groups. Despite this, those who are prepared to take action mostly hold to a consistent set of ideas, while those who are more dependent often have to contradict themselves.

These are the main factors which differentiate between farmers and their responses. Undoubtedly, there are additional individual elements, representing what to farmers seem to be personal choices, but in general, my analysis of the data identifies five types of land-lost farmers, as in Table 6.1.

### **The Activists**

These farmers often hold a junior secondary, sometimes higher, education. In addition, this is combined with suffering most losses or being burdened with most debts. They are much in the public eye, which means they are not afraid of exposure. They have rich social experience and the gift of the gab. In other words, their opinions remain consistent no matter in the presence of government staff or other land-lost farmers. They are generally faithful to their own people and willing to help others. Sometimes they meet with activists of other communities, or even meet up with resisters from other places when they appeal to higher authorities. In this way, they can exchange experiences and information on new policies with each other. In a word, the activists make up the first tier who break the ‘silence’ (Gaventa 1980), making efforts to alter the power relationship, but meanwhile becoming the targets of attacks by local government.

Since it is difficult for land-lost farmers to find ways to protect themselves within the system, they lose faith in institutional authority, and extra-system factors come into play. Those who have knowledge and experience of how the politics and official policies of the state operate and who dare to criticise the improper behaviour of the cadres of the local Party and government, can strongly influence on opinions within the land-lost farmers’ community. The main reason why this has such a strong influence within the community is because it undermines the information asymmetry between ordinary land-lost farmers and the local Party and government departments.

Tan in Qingyuan Community, Liu in Sifangping Community, and Chen in Dongfanghong Community respectively acts as the most active person in his or her community. They believe that the policies of central government are considerate of the interests of the common people and it is local government that deprives of their deserved rights when carrying out those policies. Over time they have become most knowledgeable about government policy as applied in the locality.

The main roles of the activists may include: (1) Directing and standardising activities and approaches. When ordinary land-lost farmers are not able to justify themselves in confrontation with local government cadres, activists stand up and use ‘mainstream language’ in negotiations with cadres. Ordinary land-lost farmers are accustomed to calling their own activities ‘rebellion’, while activists admonish farmers that ‘rebellion’ is illegal, and that their actions are just to protect their own

**Table 6.1** Summary of the taxonomy among land-lost farmers

Type	Main characteristics
The activists	Relatively speaking, activists are among better educated farmers but who have also suffered significant losses due to resettlement; they possess rich social experience, they have the gift of the gab, and they are willing to risk exposure to public view
The followers	Typically, their rights and interests have been violated to a lesser extent than outright activists, but they still have considerable courage and possess a deep sense of commitment to the group
The grumblers	This represents the largest of the sub-groups within resettlement communities. These land-lost farmers are quiet in the face of officialdom and do not in fact know much in detail about government policies and procedures
The overcautious	Comparatively cautious; a few of them have relatively good relations with local government, and the extent of damage to their interests has been relatively small
Those who in fact see the government's position as justified	Those who are themselves or else having family members or relatives with a position in the Party or post in government

interests. (2) Dissemination and education. When activists obtain important materials and documents, they disseminate these among the land-lost farmers. I found out that nearly 80 % of land-lost farmers have copies of relevant policy documents at home. By comparing rules and regulations on paper with their actual implementation, the activists make the land-lost farmers aware of which actions of local government comply with the policies of higher authorities, and which actions violate their legitimate rights.

Activists indeed play a very important role in developing and guiding the responses of a particular community, for example activists like Tan who organises diverse interests into concerted actions in Qingyuan Community. Liu in Sifangping Community, on the other hand, is said to be self-centred, caring more about her own situation within the network of power-interests structure in the locality, and therefore, people in her community tend to take a similar attitude and thus her interests-striving activities are short of followers. Chen in Dongfanghong Community, though helpful for others, is prone to undertaking extreme actions on an individual basis, which plays a major role in influencing the forms of interests-striving activities adopted by other people of the community.

### **The Followers**

When the interests of these land-lost farmers are violated, they always follow the lead of activists in their responses. Since they have direct contact with activists, they are well-informed of changing situations. In this sense, such followers also have to show courage, have a deep sense of commitment to the group, and they act in a

relatively consistent way in both private and public situations. They are willing to follow the community's activists when making appeals to the various levels of local governments, and when activists decide to appeal to the central government, followers will organise fund-raising and donations to support activists' trips.

### **The Grumblers**

These land-lost farmers are quiet in the face of officialdom and they know little in detail about government policies and procedures. When they hear activists comment that a certain policy has not been implemented in a reasonable way, they will begin to grumble about it but dare not talk directly with governmental staff about the matter. They earnestly wish their complaints could be heard by people outside their communities who have some power to influence things, perhaps the media or upright officials (*qingtian*) at higher levels; but they are frightened of the reactions of the authorities to such actions, and so, prefer 'free-riding' (Olson 1971 [1965]). Indeed, this represents the largest sub-group within resettlement communities.

Perhaps not surprisingly, and given the perceived risks, often land-lost farmers adopt a short-term and self-interested position, demurring to injustices but staying in background. These individuals calculate the costs of activities in terms of the gains and losses to themselves, and in most cases, they withdraw when confronted. While participation in interests-striving activities produces gains distributed within the collective but not affected by whether a particular individual has participated, the costs of confronting with local government are mainly borne by individuals. They only participate when they are sure they are not putting themselves at risk. For instance, a female villager of about 50 years old said:

I know nothing about policies and law. I would have no way to go but just die if I, a 'po po zi' (old woman), were arrested like those people involved in rebellion.

These land-lost farmers are often partial to lively discussion within the group, or with outsiders that they think represent no threat, always trying to get a word in, to express all sorts of dissatisfaction with the local government and the injustices served upon them, but immediately contradicting themselves in 'power-laden' situations (Scott 1990: xii). The distinction between 'public' and 'hidden' transcripts is quite clear among this sub-group individually. Coexisting with their tendency of 'free-riding', these land-lost farmers also like following the crowd. For example, in the large-scale incidents mentioned above, such people, easily agitated, can escalate the situation. More members of this sub-group will attend an incident that involves many people.

### **The Overcautious**

These farmers are comparatively cautious when tackling affairs with regard to their relationship with the local government. Around a fifth of the land-lost farmers with whom I was in contact adopted this sort of attitude. Some of them had a relatively

good relationship with local government, for example, a few of them had on occasions acted as informers for local government. The extent of the damage to their interests due to resettlement was relatively small. They were not willing to say much about the relationship between them and the government, but instead wanted to talk about objective conditions, such as the amount of compensation they had obtained, the area of their former and current house, the area of their original land, and so on.

### **Those Who in Fact See the Local Government's Position as Justified**

There were those who were themselves or else having for example family members or relatives with a post in local or regional government among the land-lost farmers I interviewed. Sometimes, they were even cadres of the village before land expropriation and staff of the street agency afterwards. For example, in Dongfanghong Community, Zhang was the team leader of the former village, and he was the Deputy of the Town's People's Congress from 2000 to 2006 and has 44 years of standing in the Party. In addition, his nephew is the Vice-Head of the District Government. After he retired from the leading post, he becomes the representative of the community and the collective economic organisation. People such as Zhang may well get more compensation than other farmers, and they may even have had the authority to command a specified sum of compensation fund. In a word, the interests of this sub-group of land-lost farmers are entangled with that of local government, so that they may not share the same 'hidden' transcript with the other farmers. Their social distance from other land-lost farmers is reinforced by the fact that they like to meet with local leaders in private so that others have no means of knowing exactly what transpires in such meetings. In my investigation, I usually heard such claims as:

The Deputies of the People's Congress<sup>19</sup> in the Street are appointed and gain salaries allocated by the government. They would never join our actions and we would never tell our matters to them either.

The Secretary of the Resettlement Community, who gets a salary and bonuses, is arranged by the Street Agency. He has a very intimate relation with the local government. He was originally a member of our village. But now he earns money from the government, so our complaints to the government are none of his business.

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<sup>19</sup>The system of deputy to the People's Congress per se gives rise to an issue needing concerns. It has not promoted the professionalisation of deputies to the People's Congress, which is essential in many Western countries. It is stipulated in the US Constitution: 'No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.' (Art. I (6), The United States Constitution, <http://www.usconstitution.net/const.html>, accessed 28 Jun 2011.) Whereas in China, it is common that members of the upper layers of the society or government officials take deputies to the People's Congress as a concurrent post. It is actually improper that many officials are deputies to the People's Congress per se, or at least arrange spokespersons through governmental assignment.



The representatives of the masses in our community are not united with us and they do not share our interests. In order to make them not speak too much, the Street Agency distributes 'red packets' (red envelopes containing 'gifts' or money) to representatives of the mass every New Year's Day. The Street Agency also often gives several hundred yuan to each representative and even arranges for their livelihoods. Some representatives lacking morality, are bribed and do not stand up to speak for the masses.

Therefore, in fact, as people newly transformed from villagers, the Chinese land-lost farmers find it difficult to become organised, which has seemed to be a central feature of village life (Siegel and Beals 1960; Begiraj 1966). In most cases, they act not cohesively but as individuals. Behaviour at the individual level, as observed by Bailey (1987 [1971]) among others, is informed by awareness and maximisation of what is essentially in the self-interest of the individual. Bailey refers to this as the sense of 'peasant cunning', at the core of which is a realistic and practical understanding of what is in his or her own best interests. The peasant discriminates among different categories of people on the basis of his/her understanding of his/her self-interests. He then argues, such rational discrimination gives way to general distrust and a sense of primordial fear of exploitation by the outsider. Though Bailey's analysis should be treated more as providing conceptual basis rather than an account of empirical reality, it still sheds much light on the responses of Chinese land-lost farmers to the situations in which they find themselves, who in effect have acted as smallholders occupying their piece of land for many years, thus the commonplace maxim of 'saving your breath to cool your own porridge'.

It is true that the land-lost farmers live in a collective. Nonetheless, in the change from a centrally planned economy to a socialist market economy, people are pre-occupied with attending to their own interests without looking to others. The activist Liu in Sifangping Community felt impotent and disdainful of other land-lost farmers in her community:

I once tried to ask the land-lost farmers of my community to collectively demonstrate in front of the government's buildings, but many farmers declined. They were frightened of being beaten up, as well as the economic costs to them, and they prefer 'free-riding'. More than 90 % of land-lost farmers have little literacy and they do not understand the government's policies, so I will not give them any more information and avoid wasting my time. But if I succeed in getting more compensation, then these 'free-riders' will certainly take the opportunity to get some too.

These comments made by Sifangping Community's supposedly most prominent activist highlight the limited nature of organised action there on the part of land-lost farmers.

Focusing on their own self-interests, land-lost farmers still produce suspicion as in the village world (Adas 1980: 528). There are conflicting attitudes regarding activists. The bulk of land-lost farmers think their interests are not guaranteed, and ordinary land-lost farmers like them cannot achieve anything, so it is needed that those people in the community with more knowledge and experience speak up for the entirety. No matter what such people aim for, they are all 'brave heroes'. Therefore, activists generally receive respect and even protection from local

land-lost farmers. However, a minority of land-lost farmers believe that the people who show up to try to organise other farmers to confront the local Party and government departments have their personal purposes, such as ‘making more money’ or fulfilling their political ambitions. For instance, Huang, an ordinary land-lost farmer in Sifangping Community, confided to me that she believed that Liu as an activist got much money from the local government without telling other people.

Actually through my investigation, it can be seen that some activists including Liu are seeking their own interests though they claim that they are fighting for the whole collective. There are similar conclusions from other researchers (Yu 2007). Furthermore, farmer activists often lack the knowledge and skills necessary to manage and organise sustained action in a systematic way. Land-lost farmers’ interests-striving activities appear, to a large extent, to lack rational organisation.

### 6.5.1.2 Indication as Quasi-Groups

Notwithstanding the difficulty of organising land-lost farmers of a resettlement community to act jointly, there seems to exist a small ‘circle’ of activists and followers in each community. The general situation can be outlined as follows. A few better-informed farmers take action first; friends, relatives, or neighbours from their own social circle join them; they then act together to collate information and documents about proper resettlement and sufficient compensation for land-lost farmers which have been issued by the higher authorities. These circles are usually kept secret to the local and regional government, the opinions of the members are mostly expressed vocally, and cannot be used as evidence so that they can avoid being regarded as having set up illegal organisations.<sup>20</sup> Such circles of farmers might at best be seen as what Dahrendorf (1959) termed ‘quasi-groups’,<sup>21</sup> as a way for their members to discuss relevant matters, such as the latest regulations and possible proposals for action, usually involving followers consulting activists. Someone plays the role of convener when the quasi-group gets together. Most other land-lost farmers in the community know where the circle’s members gather together, so they can join in if they are familiar with the main circle members and

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<sup>20</sup>There is rigid institutional control upon non-governmental organisations in China. It cannot be denied that ‘predicament of legality’ (Ying 2007) is one of the sources that obstruct the growth of institutionally-absorbed social movement taking place in the West.

<sup>21</sup>According to Dahrendorf, the so-called quasi-group refers to an assemblage of people in an imperatively coordinated association who share certain interests because of their position in the authority relations of the association. The reason for naming it quasi-group is because such assemblage is not equipped with requisite conditions of a sociologically defined group including frequent contact of members, recognisable structure, and particular action pattern in common. It is obvious that the ‘circles’ mentioned do not show characteristics of formal groups but can be subsumed under quasi-groups.

have their trust. Possession of information and official documents confers authority among land-lost farmers. If a particular person obtains a central state document or wins some benefits, he or she would have more influence within the circle and even within the whole community. In addition, with the launch of activities, the activists of different communities are usually familiar with each other and sometimes may exchange materials and opinions. However, such circles do not tend to organise collective action; the circle's members usually appeal to government individually. For example, Wen as an activist of Dongfanghong Community goes to Beijing alone every time, and Liu of Sifangping Community usually goes to Beijing only with her closest follower, her sister.

Dahrendorf classifies the conditions that impede the development of quasi-groups to interest groups into three types. Difficulties with all three types of conditions are encountered by land-lost farmers. The first type is the 'technical' condition. In this regard, there is 'multiple' and 'split' consciousness among land-lost farmers, thus they lack a unified value system that reflects the potential interests of the group. The second type is the 'political' condition, referring to the extent of the political system's tolerance for free associations. In this regard, land-lost farmers are faced with the predicament of legality. The third type is the 'social' condition. In this regard, the land-lost farmers lack formal social allocation procedures to absorb new members, rather, their 'circles' accept members in an ad hoc, incidental and almost random fashion. In addition, land-lost farmers do not internalise role interests, namely, most do not strive for the promotion of the status of the whole group but only for their individual self interests. In a word, land-lost farmers are faced with internal disharmony and thus find it difficult to form organised interest groups.

### 6.5.2 *Special Case<sup>22</sup>: Unstable Organisation*

During the investigation, there was a special case that was very different from the above-mentioned general condition of lack of group organisation among land-lost farmers. Though it still has a long way to go if to be called a formal organisation, and also, on account of the organisers' personal lack of specialised knowledge, there exist unstable elements obstructing its further development, this case can demonstrate what a certain degree of organisation can mean.

It took place in Qingyuan Community. As explained in Chap. 3, there are several features specific to this resettlement community. First, the land-lost farmers in

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<sup>22</sup>According to Brewer, 'discussing negative cases which fall outside the general patterns and categories' while 'often serve to exemplify and support positive cases' is essential to '[s]how the complexity of the data' (2000: 54). The discussion of this special case and the discussion of ingratiation among land-lost farmers both fit into such methodological considerations, besides their necessity in portraying a complete account of the facility of power on the part of land-lost farmers.

Qingyuan Community were not only smallholders of the collectively-owned land but also employees in the state-run farm. Given that different social background and socio-economic status influence and mould different responses, and thereby cause action itself to possess distinctive features, land-lost farmers in Qingyuan Community had their own distinctive approaches to land expropriation, compensation claims and resettlement, for instance due to their original (dual) status as state employees. If this is not an exclusive feature of Qingyuan Community due to the fact that Dongfanghong Community also derives from a state-run farm, then the second feature of the community needs to be emphasised. Qingyuan Community is encircled by the buildings and offices of various important government bodies, which explains the strategic significance of maintaining stability in the surrounding local area.

Furthermore, there is a charismatic activist living in the community, Tan. Once mentioning her, land-lost farmers would immediately reveal expressions of great trust. Her family is very needy. She is divorced and has custody of one daughter who is a university student. She lives in the top attic of her house while renting out two floors to pay the tuition fees for her daughter. Under such circumstances, she has been learning relevant legal knowledge by herself for many years only based on junior secondary school education. Various legal books scattered about her small attic of 3 m<sup>2</sup>. She not only studies policies and laws related to land expropriation, but also studies Regulations on Letters and Visits, Labour Law, Social Security Law, Property Law, and so on. She plays a very important part in publicising policies in the community. For instance, after the Provincial Government issued Document No. 53, Tan duplicated 660 copies and disseminated them to every household in the community. Famous for not compromising with the local authorities, ignoring her own interests, but appealing on behalf of all land-lost farmers of Qingyuan Community, she was elected as the community's representative of the masses six years ago. At present, she is a Deputy to the National People's Congress in Tianxin District and a member of the community committee. From her case, it can be seen how important role a conscientious activist can play in a particular resettlement community.

The most distinctive feature of Qingyuan Community is that they have a commission of discussants about resettlement issues consisting of eight land-lost farmers, a commission which was initiated by Tan. In 2002, the land-lost farmers thought the resettlement arrangements were quite unreasonable. Tan led them to the District Bureau of Letters and Visits and found out that an outdated policy had been applied to them. Faced with the situation, a spontaneous commission of discussants was formed, initially in the form of a 'circle'. The discussants consulted with a lawyer and applied to the Office of Land Expropriation of the District Bureau of Land and Resources for administrative review. Their application was refused. They then thought of many measures to submit appeal letters to the City Government and secured the 'instruction' of the mayor. They also submitted material to newspapers. Nevertheless, all of these measures did not compel the Street Agency to resolve the problem. Having consulted with a senior lawyer, in 2004, Tan led 27 land-lost farmers to appeal to the State Bureau for Letters and Visits and got a further

'instruction'. After coming back, the City Government and the Street Agency negotiated with the land-lost farmers and supplemented 15,800 yuan for each land-lost farmer, and one-child families were awarded an additional amount of 3800 yuan. After this success, the land-lost farmers in Qingyuan Community reelected members for the commission of discussants. Tan got 1195 votes among the whole 1321 votes. From then on, the commission of discussants has been striving for sufficient allocation of reserve land for the livelihoods of land-lost farmers in the collective from the local government, and also, bringing in its own developers. Though the commission is not a corporate body so their contracts with developers have to be signed in the name of the Street Agency, they have the right to distribute equitably the economic benefits to every land-lost farmer in the community. In this way, the land-lost farmers in Qingyuan Community have long-term, secured incomes. Therefore, there are few appellants in Qingyuan Community.

Contrary to the concerns of the central state, grass-roots organisation of interests on the part of land-lost farmers appears to bring about a much more harmonious relationship between land-lost farmers and local government. In this regard, the introduction of the special case of Qingyuan Community therefore serves two functions. First, according to Dahrendorf, the conflict form manifested as levels of violence and intensity is influenced by the extent of organisation. The more conditions of organisation (technical, political, and social) are met, the less energy consumed in confrontation and the fewer individuals are involved in confrontation as alternatives to conflict are developed. As generally the group of land-lost farmers is short of organisation, individuals have to exert more energy and assume more costs. And the case of Qingyuan Community that possesses a certain extent of organisation further substantiates this connection. Second, according to Dahrendorf, the interrelationship between authority structure and other structures of social status, such as income status, also has implications for conflict form. Therefore, the fact that land-lost farmers of Qingyuan Community have organised for themselves their own long-term, secured sources of income through concessions and flexibility on the part of local government over uses of reserve land, effectively further reduces confrontation and enhances the relationship between farmers and local officials.

However, the foundation for farmers' organisation within Qingyuan Community is still unstable. As to Tan herself, she has been applying herself to the course of appeals for over eight years, and now, she is 60 years old. She shows her tiredness. Though she is the most selfless land-lost farmer I have met in the field, and it is rare to see such committed and innovative interests-striving activists like Tan, she told me that if she gets a resettlement house for her two daughters, she will stop *shangfang*. To that extent, she is also taking advantage of her status as the Deputy to People's Congress to seek benefits of her own. Also, though Tan is respected by most local land-lost farmers, there are still a small minority who dislike her and murmur that 'she has her own political ambitions, and additional money has fallen into her own pocket'. Further, there is disharmony and contradiction within the commission of discussants itself. Some of the original members of the commission got benefits from the local government and withdrew. Some other members raise funds among land-lost farmers, which is objected to by Tan, even when they do it in

her name. Tan condemns the selfishness and greed of ordinary land-lost farmers, and she is worried whether or not the organisation can continue if or when she withdraws.

In sum, as regards the organisation condition among land-lost farmers, notwithstanding the existence of activists and quasi-groups or circles of activists and followers among the minority of land-lost farmers in resettlement communities, there is still little indication of concerted organisation among the group as a whole. Even where such organisation exists, and in fact improves relations between resettlement communities and the local authorities rather than promoting conflict, group organisation is still very unstable. Land-lost farmers not only have to deal with external contradiction and confrontation, but also, there is internal disharmony. This drastically limits their capacity for action as a social group, on the margins between the countryside and the city, and in their relations with local government.<sup>23</sup> Lack of organisation among land-lost farmers in resettlement communities impels high levels of violence and intensity of conflict aroused by them in their confrontation with the authorities.

To summarise this chapter, the conventionally powerless land-lost farmers, especially a minority among them, have learnt and found ways to use their potential power, in that for one thing they hold 'taken-for-granted' moral legitimacy in their dealings with officials, and in appeals to higher authorities, for another they have developed insight or 'penetration' of the system, in particular the institutionalised norms manifested as the rules and regulations. Thus they come to act as knowledgeable subjects within the dimension of social order in the use of strategies to affect change. But farmers' facility of power within the structure remains limited. It is their need to search for external resources, at which point, land-lost farmers circumvent the local authority structure by appealing for recognition from the higher authorities. The last stake of resources that they try to mobilise can be claimed as 'struggle by order'. However, the land-lost farmers' limited structural resources in conjunction with their internal disharmony lead to high possibility of social conflict. The next chapter will turn to look at facility of power on the part of local government. After examining facility of power on both sides, at the end of the next chapter, I will further discuss the capacity for facility of power.

## References

- Adas, M. (1980). 'Moral economy' or 'contest state'?: Elite demands and the origins of peasant protest in Southeast Asia. *Journal of Social History*, 13(4), 521–546.
- Astley, W. G., & Sachdeva, P. S. (1984). Structural sources of intraorganizational power: A theoretical synthesis. *Academy of Management Review*, 9(1), 104–113.

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<sup>23</sup>Begiraj (1966) also argues that deep and bitter factional divisions have rendered the peasant community vulnerable to exploitation by local bureaucrats.

- Astley, W. G., & Zajac, E. J. (1990). Beyond dyadic exchange: Functional interdependence and sub-unit power. *Organization Studies*, 11, 481–501.
- Astley, W. G., & Zajac, E. J. (1991). Introorganizational power and organizational design: Reconciling rational and coalitional models of organization. *Organization Science*, 4, 399–411.
- Bailey, F. G. (1987 [1971]). The peasant view of the bad life. In T. Shanin (Ed.), *Peasants and peasant societies: Selected readings* (2nd ed., pp. 284–299). Oxford; New York: Blackwell.
- Barbalet, J. M. (1985). Power and resistance. *The British Journal of Sociology*, 36(4), 531–548.
- Begiraj, M. (1966). *Peasantry in revolution*. Ithaca, NY: Center for International Studies, Cornell University.
- Brass, D. J., & Burkhardt, M. E. (1993). Potential power and power use: An investigation of structure and behaviour. *Academy of Management Journal*, 36(3), 441–470.
- Brass, T. (1994). The politics of gender, nature and national in the discourse of the new farmers' movements. *Journal of Peasant Studies*, 21(3–4), 27–71.
- Brewer, J. D. (2000). *Ethnography*. Buckingham: Open University Press.
- Brosius, J. P. (1997). Prior transcripts, divergent paths: Resistance and acquiescence to logging in Sarawak, East Malaysia. *Comparative Studies in Society and History*, 39(3), 468–510.
- Cai, Y. (1989). *Xinfang xinlixue (psychology as regards letters and visits)*. Beijing: China Zhuoyue Publishing Co.
- Coser, L. A. (1965 [1956]). *The functions of social conflict*. London: Routledge.
- Dahrendorf, R. (1959). *Class and class conflict in industrial society*. Stanford: Stanford University Press.
- Dowding, K. (1991). *Rational choice and political power*. Aldershot: Elgar.
- Dowding, K. (1996). *Power*. Buckingham: Open University Press.
- Dowding, K. (2003). Resources, power and systematic luck: A response to Barry. *Philosophy, Politics and Economics*, 2(3), 305–322.
- Fletcher, R. (2001). What are we fighting for? Rethinking resistance in a Pewenche community in Chile. *Journal of Peasant Studies*, 28(3), 37–66.
- Foucault, M. (1995 [1977]). *Discipline and punish: The birth of the prison* (2nd ed.) (trans: Sheridan, A.). New York, NY: Vintage Books.
- Garson, D. (1973). Automobile workers and the American dream. *Politics and Society*, 3, 163–179.
- Gaventa, J. (1980). *Power and powerlessness: Quiescence and rebellion in an Appalachian valley*. Oxford: Clarendon Press.
- Giddens, A. (1979). *Central problems in social theory: Action, structure and contradiction in social analysis*. London; Basingstoke: Macmillan.
- Giddens, A. (1981). *A contemporary critique of historical materialism (Vol. 1) Power, property and the state*. London: Macmillan.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- Gramsci, A. (1957). *The modern prince and other writings* (trans: Marks, L.). New York, NY: International Publishers.
- Huang, R. (1981). *1587 a year of no significance: The Ming Dynasty in decline*. New Haven; London: Yale University Press.
- Kim, P. H., Pinkley, R. L., & Fragale, A. R. (2005). Power dynamics in negotiation. *The Academy of Management Review*, 30(4), 799–822.
- King, A. Y. (1991). Kuan-hsi and network building: A sociological interpretation. *Daedalus*, 120(2), 63–84.
- Li, H. (2007). *Fazhi xiandaihua jinchengzhong de renmin xinfang (People's letters and visits in the course of modernisation of rule by law)*. Beijing: Tsinghua University Press.
- Li, H., Waley, P., & Rees, P. (2001). Reservoir resettlement in China: Past experience and the Three Gorges Dam. *The Geographical Journal*, 167(3), 195–212.
- Li, L., & O'Brien, K. J. (1996). Villagers and popular resistance in contemporary China. *Modern China*, 22(1), 28–61.
- Lukes, S. (1974). *Power: A radical view*. London: Macmillan.

- Mintzberg, H. (1983). *Power in and around organizations*. Englewood Cliffs, NJ: Prentice-Hall.
- Morriss, P. (2002). *Power: A philosophical analysis*. Manchester: Manchester University Press.
- Olson, M., Jr. (1971 [1965]). *The logic of collective action: Public goods and the theory of groups* (Revised ed.). Cambridge, MA: Harvard University Press
- Pfeffer, J. (1981). *Power in organizations*. Marshfield, MA: Pitman.
- Piven, F. F. (2006). *Challenging authority: How ordinary people change America*. Lanham, MD: Rowman and Littlefield.
- Pizzorno, A. (1970). An introduction to the theory of political participation. *Social Science Information*, 9, 29–61.
- Schroyer, T. (1973). *The critique of domination: The origins and development of critical theory*. New York, NY: G. Briziller.
- Scott, J. C. (1976). *The moral economy of the peasant: Rebellion and subsistence in Southeast Asia*. New Haven; London: Yale University Press.
- Scott, J. C. (1990). *Domination and the arts of resistance: Hidden transcript*. New Haven; London: Yale University Press.
- Siegel, B., & Beals, A. (1960). Pervasive factionalism. *American Anthropologist*, 62(3), 394–417.
- Su, L. (2000). *Songfa xiaxiang: Zhongguo jiceng sifa zhidu yanjiu (Sending law down to the countryside: Study on China's judicial system on the grass-roots level)*. Beijing: China University of Political Science and Law Press.
- Thompson, E. P. (1971). The moral economy of the English crowd in the eighteenth century. *Past and Present*, 50, 76–136.
- Townsend, J. G. (1996). Pioneer women and the destruction of the rainforests. In H. Collinson (Ed.), *Green guerrillas: Environmental conflicts and initiatives in Latin America and the Caribbean* (pp. 108–114). London: Latin America Bureau.
- Wang, Y. (1981). *Zhongguo guanliao zhidu yanjiu (Study on China's bureaucratic politics)*. Beijing: China Social Sciences Press.
- Wirth, L. (1938). Urbanism as a way of life. *The American Journal of Sociology*, 44(1), 1–24.
- Wrong, D. H. (1968). Some problems in defining social power. *The American Journal of Sociology*, 73(6), 673–681.
- Ying, X. (2001). *From 'asking for a statement' to 'balancing relations (baiping lishun)': A story of a hydroelectric station area in southwest in China*. Beijing: SDX Joint Publishing Company.
- Ying, X. (2007). Grassroots mobilization and the mechanism of interest expression of the peasants group: A comparative study of four cases. *Sociological Studies*, 2, 1–23.
- Yu, J. (2007). Liyi biaoda, fading zhixu yu shehui xiguan: Dui dangdai Zhongguo nongmin weiquan kangzheng xingwei quxiang de shizheng yanjiu (Interests expression, legal order, and social habitus: Empirical research on the tropism of farmers' rights-safeguarding and resistant behaviour in contemporary China). *China Rural Survey*, 6, 44–52.
- Zhang, Y., & Zhang, W. (2009). *Lintong xinfang: Zhongguo jiceng xinfang wenti yanjiu baogao (Letters and visits in Lintong: Research report of the issue of grass-roots letters and visits in China)*. Beijing: Renmin Press.
- Zhou, K. X. (1996). *How the farmers changed China: Power of the people*. Boulder, CO: Westview Press.
- Zimmerman, D. H. (1970). The practicalities of rule use. In J. Douglas (Ed.), *Understanding everyday life* (pp. 221–238). Chicago: Aldine.



## Chapter 7

# Facility of Power: On the Part of Local Government

Land-lost farmers' strategies, as demonstrated in the previous chapter, develop through their interactions with local government. On their part, local officials have had to assume the role of civil servants (Damaška 1975: 507) and they have to become the local decision-makers in implementing the state's development policies within the decentralised fiscal system. In the present chapter, I will focus on the situation of regional and local government officials, caught between land-lost farmers and the Party/central state, but actively, on the one hand, pursuing their strategic regional and local self-interests (Siu 1989: 294), on the other, managing the responses of land-lost farmers to produce favourable outcomes. By the end of the chapter, the accounts of the interrelationships between land-lost farmers and local government will have been presented in full. The chapter then concludes by revisiting the capacity for facility of power on the part of both sides, to complete the structural and agential analyses of power in the context of land expropriation, compensation and resettlement process.

### 7.1 Expanding Rationality

In Chap. 2, we have noticed that due to the nature of urban development, its legitimacy is an over-riding concern for local government. However, it is practically difficult for local government to utilise state mechanisms to withstand pressures from both land-lost farmers and the central government. Political interaction between different subjects over interests and rights first unfolds in the meaning space of value concepts. As shown in the previous chapter, land-lost farmers try to construct the 'accountability' of their value by requesting recognition of their miserable situations and by utilising state ideology and making appeals for justice and redress for their unfair treatment. Faced with these 'accountable' calls, what 'discursive' strategies has local government employed?

As regards the relationship between the notion of fairness and social rationality, Harvey's discussion (1992) that justice is relative and diversified, and his case study about social rationality as provided by various social groups in the process of urban development (road development in his case) is highly relevant to present study.<sup>1</sup> The application of ideological resources centred on rationality can also be seen in Chinese urban development. I give two examples from the local context of Changsha City<sup>2</sup> to understand how local government adopts value concepts to justify developmental plans and relevant policies so as to impel the urban development forward.

In the first example, the value resource is the idea of a 'new' city for the region and the social rationality is that it will be an 'ecological' city for example with planning and policy provisions for the development of parks and green space projects. In 2004, three new parks and 18 blocks of public green space, each over 1500 m<sup>2</sup>, were built. The material development benefit is that such environmental improvement projects provide the impetus for neighbouring real estate markets. In the second example, the value resource is 'modernisation' and the rationality is 'social progress' with rural society benefiting from development, urban-rural system integration, and transformation of traditional farmers into modern urbanites. The material development benefit is that the process supplements scarce urban land resources. Local government constantly seeks relevant value resources to expand the space of rationality justifying urban development at the local level, and its policy implementation, although they are able to appeal to the authority and vision of the central state.

In this process, specialist groups of urban planners, all kinds of experts on urban issues, international and domestic forums, and even, critics of urban development, consciously or unconsciously, come to play key roles in justifying policies. On these platforms, researchers concerned with urban issues on the one hand respond to urban development in China, and in the meantime, they construct relevant subject frameworks. The needs of cities and the needs of subjects are said to supplement each other. Urban development promotes the emergence of urban subjects; meanwhile, urban subjects provide the rationality for urban development. By promoting these kinds of public interactions, the local government has displayed outstanding capacity for mobilising expert opinion to relieve value pressure.

The rationality of the urban developmental process is also consistent with state ideology. Ideologies serve the purpose of legitimation precisely because they are able to capture a part of the citizen's experiences or yearnings. As Levi (1988, 1997) argues, rulers can extract resources from their citizens most efficiently when the latter engage in 'quasi-voluntary compliance', which may require rulers to adopt institutions with a degree of public legitimacy. In China the state promotes

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<sup>1</sup>With respect to the relativity and diversity of justice, other scholars have discussions from different perspectives (Jiang 2001; Chen 2003).

<sup>2</sup>In regard to the basic logic that the local government and holders of capital promote urban development together, the basic characteristics of these cases are prevalent throughout China.

‘developmentalism’. This ideological base is then utilised by local government to justify their policies of urban development or to legitimate their power through the mechanism of land expropriation, compensation and resettlement of rural populations. By contrast, land-lost farmers’ rights-interests requests and actions concerning their lives and livelihoods are mainly confined within a limited meaning space, shown up as problems of material self interest, such as concerns with ‘compensation’ amounts. This implies that actually the local governments are constructing ideological predominance through what Lukes (1974) calls three-dimensional power to align the values, desires, and goals of subordinate social groups with theirs. And it is exactly through this approach that hegemony<sup>3</sup> may be realised to a certain extent within the network of ‘power-interests’ structure.

## 7.2 Officials’ Attitudes

### 7.2.1 *Control and Appeasement*

Often local elites and cadres continue to be regarded as *fumuguan* (that is, parental officials), who are supposed to bestow benevolence on their *zimin* (that is, filial subjects). Such paternalist administration exists in both ordinary people and officials’ minds, which can be regarded as a kind of cultural norm in the Chinese context. In this respect, Chinese bureaucrats generally display two attitudes to local governance, one of authoritative control and the other of appeasing the population,<sup>4</sup> with some officials inclining to the former and others the latter. Similarly, in Western thought, even when Gramsci believed in the capability of hegemony, he did not believe that domination can be maintained by ideological hegemony alone. In fact, he and his contemporaries often acknowledged that elites must supplement their ideological hegemony with other means of creating compliance with their policies, such as strategies of appeasement, and making meaningful concessions to the interests of other social classes, as well as strategies of control, or employing physical force, if needed (Kollmeyer 2007: 41).

Indeed, the parental ideology may provide both rationalisations for governmental favour for its ‘children’ as well as for overbearing oppression and control (Damaška 1975: 531). These two approaches reveal themselves in specific governmental tactics towards land-lost farmers, which will be discussed later.

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<sup>3</sup>Gramsci (1971), see especially selections of ‘State and Civil Society’, in pp. 206–78.

<sup>4</sup>These two attitudes can be traced back to history, where there were legalists such as Han Fei who championed control on ordinary people, and humanists such as Wu Jing who advocated respect for ordinary people.

### 7.2.2 *Hierarchical Distribution of Attitudes*

Some local government staff locate themselves closer to the expectations of members of the local community, while others are closer to the demands of their superiors in the Party apparatus (Stockman 2000: 84). This is partly associated with the level in which they are situated in the hierarchical bureaucracy.

Before being absorbed into the city, every household in the countryside was brought into the administrative institution of rural China in the form of counties, towns, and villages, which have been transformed to districts, street agencies, and communities after urban extension. These three levels are usually referred to as the grass roots of government, and have most contact with local people. Here I consider the differing attitudes of local representatives of the community, street agency and district cadres, and city and provincial regional government officials.

Local representatives whose roots are in the community and who have little prospect of climbing up the bureaucratic ladder often take an attitude of restraint and withdrawal on their own part whenever there are activities initiated by local land-lost farmers. Community representatives do not participate in appeals, usually by alleging that as Party members they have to set an example. Though they have responsibility to regional government to deal with conflict, they usually choose not to be involved. As one representative in Dongfanghong Community states:

We are all local people and bound to see much of each other. It is inadvisable to oppose land-lost farmers. If I contract enmity with them, it would be impossible for me to live here any longer.

They are situated in an awkward position: being closer to superiors they would be disliked by land-lost farmers, while being closer to land-lost farmers would court the disapproval of their superiors and their position would be threatened.

Since officials of the Party and government at the levels of the district and street agency are those in charge of the specific implementation of land expropriation, they are usually on the opposite side from community members in confrontations. They have to defend their own position, regarding land-lost farmers as unreasonably troublesome, and wishing to silence activists.

Cadres of the regional Party and government departments at city and provincial levels take charge of regional policy issues, making adjustments to existing policies according to central state policy and their practical implementation at the grass-roots level; they also work on institutional improvement, coordinating departments to implement land expropriation. In the face of land-lost farmers' complaints, city and provincial officials often criticise the behaviour of district and street agency cadres. But as the greatest beneficiaries in the land expropriation process, and also out of bureaucratic shelter within their regional jurisdiction, as long as the matters do not come to notice of the central authority, city and provincial officials are willing for the most part to disguise major matters as minor ones. Regional government encourages its grass-roots representatives to take

measures of appeasement, but it also usually turns a blind eye to the adoption of other blunter and oppressive measures, in hopes of controlling and containing events at the local level.

## 7.3 Government Apparatus

### 7.3.1 Local Personnel

The village administrative system collapses with land expropriation and farmers' relocation to resettlement communities. Previously, every aspect of farmers' lives was within view of local administrators in the village. Now, cadres in resettlement communities are generally not from the locality but are assigned by the street agency. They have less connection with local people compared with former village cadres and thus are more able to fulfil their institutional obligations to the street agency separate of local interests and obligations. Nevertheless, this bureaucratic arrangement also causes difficulties. Resettlement community cadres' unfamiliarity means they lack understanding, information and connections, and they feel short of authority.

In order to address the shortcomings of outside bureaucrats, local government has strategically co-opted land-lost farmers, especially those prestigious within the community, into the operation of the grass-roots administrative system. There are six Deputies to the People's Congress in Dongfanghong Community, for example, three of whom are elected by the land-lost farmers themselves and the another three are assigned by the Street Agency. In this way, local government attempts to balance the authority and mobilisation potential of community members with the experience and institutional roles of community cadres. Further, in Qingyuan Community, the firmest appellant, Tan, in the course of long-term *shangfang*, is widely trusted by local land-lost farmers and she was elected as their Deputy to the District People's Congress. After she became a 'cadre', she withdrew from appealing to Beijing and over time became an intermediary between the local government and land-lost farmers. As she herself said, if the officials of the District and the Street Agency had difficulty in dealing with local land-lost farmers, they would always consult her. For instance, during the *weiwēn* (maintaining stability) period for the 60th-Anniversary National Day, land-lost farmers in Qingyuan Community wanted to block a development project. Tan got them together and told them to *weiquan* (safeguard rights) by law, otherwise even she could not defend them if they were arrested. Then nobody went to block the project on the next day. The leaders of the Street Agency expressed their gratitude for her efforts. Therefore, by imparting political benefits, local government not only tames interests-striving activists but also enlists local activists to manage complaints and unrest among local land-lost farmers.

### 7.3.2 *The City's Institutions*

The City Government has set up the Changsha City Team to Lead Land Expropriation and Resettlement. There is an office under the direction of the team. The Director is the Vice-Mayor in charge of urban construction, and the Standing Vice-Director is the Head of the Management Office of Land Expropriation and Removal of Changsha Land and Resources Bureau. There is an Office of Urban Construction and Development in every district and street agency, respectively, and there is a Removal Office in the district, which specially deals with removal of land-lost farmers' original houses. In addition, there are deputies to the street-level People's Congress who help with setting up the work of resettlement. Specific affairs after resettlement are handled by the relevant office in the resettlement community. Thus, offices of Land Expropriation and Resettlement at the various levels of City, District, Street Agency, and Resettlement Community form a top-to-bottom hierarchical system. At the end of the bureaucratic chain are land-lost farmers.

There are two main characteristics to the system. First of all, it is not an independent system, but a re-classification and re-organisation of the original administrative functions, in the face of the increasing numbers of land-lost farmers who required resettlement. Second, the system itself does not represent a separate 'section' of government, in terms of staff or departments. Staff are drawn from duties in other departments of government jointly to work on development projects. That means the system cannot function without the assistance of other departments. Previously, the Department of Land and Resources was solely responsible. Now, various government departments are involved. As one of the staff in the Removal Office of the National High-tech Industrial Development Zone says, when there is a priority development program ongoing, only one member of staff will remain in other departments, and all other staff will attend to the work of expropriation and resettlement. With inclusion of different departments, the system can utilise all of the local government's various powers in the development process, such as involving the judicial powers.<sup>5</sup> This system also makes controlling of land-lost farmers and grass-roots government easier.

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<sup>5</sup>Though the participation of the court in the process of land expropriation is stipulated by policy, whenever staff of the court attend to specific work such as taking part in scheduling meetings, the department of land expropriation and removal has to express its appreciation materially. This implies that no matter theoretically or practically, other departments are involved in the process of land expropriation more in the sense of lending their power than fulfilling their obligations.

### 7.3.3 *The City's Changing Policies*

With rapid urban development, local governments are also continuously making adjustments to local policies. Their orientation is that everything must revolve around policy. If there are major operational problems, the implication is that there must be a problem within existing policy. The basic requirement of government staff is to make themselves masters of the policies, so as to be able to 'educate' land-lost farmers.

The local government understands that land-lost farmers are most concerned about money, and their basic request is to have better living conditions than before. Therefore, to avoid complaints from land-lost farmers, local government sees its foremost task in its relations with land-lost farmers as enhancing compensation policies and procedures to accommodate such requests. In that sense, the local government makes use of the influence of another social status in order to moderate the social effects of its own dominant authority status, specifically, local government places emphasis on farmers' low economic status in meeting their material interests, and it claims to be working to improve their material circumstances and living conditions, so as to compensate for their subordination to the demands for land in the city.

Also, on account of the land-lost farmers' tendency to seek loopholes in policies, the local government pays much attention to blocking such loopholes in each new amendment to policy. For example, in Order No. 60 Changsha changed crop compensation policy from plant quantities under cultivation in order to prevent replanting more crops. Under Order No. 103, the arrangements for land expropriation and compensation have been made more explicit, including make-up of family, area of house, and the full formula for the calculation of compensation, which leaves little ambiguity. During the time when the fieldwork was being conducted for the present study in 2010, Changsha Land and Resources Bureau was also planning a new policy of designated land price categories, and applying such land prices to whole zones. Indeed, every adjustment of local policy takes into account the socially constructed elements when a previous policy was in operation, while promoting the new policy as a more legitimate and rational mechanism for the authorities to ensure farmers' interests and welfare.

It is worth remembering that though local government appears to be enhancing compensation standards with each revision, such policy changes remain beneficial to the government. For example, as the Head of the Management Office of Land Expropriation and Removal of Changsha Land and Resources Bureau, as well as the Standing Vice-Director of Changsha City Team to Lead Land Expropriation and Resettlement, who was the main initiator and constitutor of Order No. 103, states:

When Order No. 60 was adopted, house compensation applied the standard of compensating every object. Land-lost farmers made use of this and installed many fitments. The government had to follow the regulations and compensate them, so that the costs to government were actually high. While under the Order No. 103, which adopts compensation

based on categories of house, and includes social security provision, it appears that the compensation standard is much enhanced. But actually the costs do not increase too much. We just block the back door and open the front door, and change implicit subsidy to explicit subsidy.

However, if local government does not want to apply a new policy, they will rush to announce land expropriations before the implementation date of the new policy. For instance, Sifangping Street Agency announced a round of land expropriation on 19 March 2008, just before the implementation of Order No. 103 on 1 April 2008.

In order to manage the land expropriation and resettlement process, and its attendant social problems, local government must mobilise every institutional resource. However, since it cannot use infrastructural power effectively to carry out its strategic decisions, it is required to supplement its capabilities through despotic power<sup>6</sup> by recourse to institutionalised norms within the state's political-administrative and legal systems. By now, together with the information provided in Chaps. 4 and 5, and the first section of this chapter, we can see local government has developed a set of mechanisms to support the process of urbanisation and development. Such mechanisms on the one hand rely on the central systems of the state (such as the national political system, land system, household registration system, and so on), on the other hand they are implemented by a variety of local policy devices (such as land lease statutes, housing provision systems, relocation policies, and so on). Furthermore, the establishment of urban developmental mechanisms is not only motivated by needs (such as the need for city status, the aim for investment profits, and so on), but also supported by ideology (such as developmentalism, urbanism), corresponding roles (such as the dominant players, the participants), and operational forms (such as institutions, implementing approaches, and so on). The institutionalised norms that underpin the relationship between land-lost farmers and local government take on the façade of moving towards further legitimation through the initiative of local government. On the one hand, the process is driven by confrontation between land-lost farmers and local government agencies, as according to Coser's functional perspective of conflict, that confrontation can stimulate social reform and cause social change. This is the manifestation of influence from social forces. On the other hand, from the perspective of structuration theory, the 'institutional organisation of society' is reconstituted by both land-lost farmers and the authorities through their respective 'reflexive monitoring of action' (Giddens 1979: 255). This is development initiated by social processes from within. In this sense, social forces and social processes combine and move forward together.

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<sup>6</sup>Here, I borrow Mann's (1988) classification of state power, which includes two aspects: despotic power, i.e. the range of the state's action by its own without the premise of routinely and institutionally bargaining with various blocs of the civil society; the other is infrastructural power, i.e. the capacity of the state to permeate civil society and effectively carry out its strategic decisions within the territory of its rule.



## 7.4 Negotiation

According to Simmel, conflict is accompanied by compromise and concession. Compromise between two sides would relieve conflict and establish new rules, informally to formally. The meaning and outcome of the compromise between actors is different under different conditions. Under evenly matched conditions, mutual compromise and mutual concessions between two conflicting sides favour their cooperation. Under the condition of large discrepancies between the powerful and the weak, the compromise of the weak is in fact their unconditional obeisance to existing rule, as created by the powerful, and represents the surrender of the weak; while compromise by the powerful can achieve the admission of their rule by the weak, and ease the antagonistic relation between the two sides. Therefore, the compromise of the powerful is a more effective strategy than enforcing the submission of the weak. Let us see whether there is any compromise or concession on the part of local government in their specific strategies towards the land-lost farmers.

### 7.4.1 *Kaikouzi*

Generally speaking, at the outset, local government will not confront those land-lost farmers who resist with tough action. After all, they wish to exercise their authority which has to be worked out not imposed (Mosse 2004: 645). As a kind of long-lasting governance strategy, ideological work can be put to good use.<sup>7</sup> Against the background of expanding rationality in the urban development process, when managing face-to-face interaction with land-lost farmers, officials apply ideologically-based strategies first, for example propaganda that this is the grand design of the state requiring everyone's cooperation, promising that it would bring benefits to the land-lost farmers as well. Common statements from local government are: 'This will mean a new dawn for us all', 'We will all be much better off', and so on.

Officials employ two basic tactics in ideological work with farmers. To begin with, they make good use of farmers' ingratiating to authority figures. Such

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<sup>7</sup>This appears to be a common practice no matter in an ordinary organisation or bureaucracy. For instance, a supervisor announcing an unpleasant decision will often blame higher-ups for it, assuming with his or her audience that disobedience or resistance is not a live option (Hunt and Lichtman 1969). Nevertheless, it may be especially welcome in authoritarian countries like socialist countries. As Roberts et al. argue in their study, 'Soviet officials would vie to retain their places of authority within the dominant discourse by withholding support for any activity for which they might be held responsible' (2009: 502).

obedience to power makes for the preservation of the existing order<sup>8</sup> and ingrati-ation provides the possibility of social control not totally based on enforcement. Therefore, officials begin by undermining farmers' positions, based on authority, which often turns out to be not very difficult. In addition, local officials attach much importance to the initial ideological mobilisation of those with whom they have particular *guanxi* (relationships) in the local community and who in turn hold prestige among farmers. For instance, in the second wave of land expropriation in Dongfanghong Community of Lugu Street Agency, faced with land-lost farmers' widespread unwillingness to sign the expropriation and removal agreements, Street Agency cadres focused initial ideological work on Yang, who used to be the Vice-Director of the Village and was a Party member. They required him to take the lead in signing the agreement, with a hope that this would diffuse others' resistance to land expropriation. The Director of the Urban Construction Office of the Street Agency, Luo, sets out the reasoning used:

You do not want to sign, but how can you withstand it? Can other people withstand it? Even if you were not a cadre and a Party member any more, you cannot withstand it and have to suffer losses. Even if the government did not want you to set an example, everyone has to sign the agreement in the end, no matter whether they are willing to. So it would be better for you to take the honour, and play the part of setting an example, then maybe you can get some other compensation.

Such methods usually have the desired effect. People like Yang have no way to break loose from the interwoven network of power, relations, and interests within the local community.

To discourage further 'slippage' in land-lost farmers' positions, local governments employ a variety of more practical strategies to 'persuade' them of the personal benefits of urban development. They provide 'additional' incentives, even compensating farmers for unauthorised structures if they cooperate with local government. But such rewards are withheld from those who do not sign expropriation and compensation agreements within the prescribed time-limit. Under these circumstances, a land-lost household may earn or lose as much as 100,000 yuan. Such economic promises usually hit home, as land-lost farmers tend to be realists, with the deeply-held attitude that every penny matters. In this way, local government is also able to cause division and jealousy within the community to disrupt collective action.

The local government adds further encouragement through consideration of 'special' cases. Things cannot be done entirely according to the policy, but rather, policy is regarded as providing the basis for compensation packages but flexibility in the application of policies is also required. Local governments tend to apply higher rather than lower levels of compensation within the scope of the policy.

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<sup>8</sup>Just as Bush's statement: 'You can fool some of the people all of the time, and those are the ones you have to concentrate on.' Bush, G. W., Gridiron Club Dinner, Washington, D.C., 31 March 2001.

For example, a family may value their house as of lower standard and subject to less compensation, and so be unwilling to move, the local authorities may re-classify the house as of higher standard; in addition, they may supplement compensations with other state subsidies for personal and family circumstances. Anyway, officials can concoct various pretexts, which when combined can increase original compensation amounts by tens of thousands of yuan. As long as the land-lost farmers are willing to cooperate, behaviour such as bogus marriages and divorces can be ignored too. Sometimes the local governments even have to curry favour with the land-lost farmers such as inviting them for a holiday. The longer negotiations persist, the greater involvement of and workload for senior officials. Sometimes, officials will make a particular proposal of compensation for a particular household. In this sense, the government acts as a subject and bargain with the land-lost farmers. The key goal is to win land-lost farmers' acceptance of land expropriation and removal. Based on experience, land-lost farmers do not agree to expropriation and removal without flexibility in the operation of policies. To local governments, compared with the potential gains brought about by clearing land for development, such 'additional' payments to land-lost farmers represent nominal outlays.

Nevertheless, there are also risks in such operation, which are termed by local officials as *kaikouzi* (or bending the rules) or 'affectionate operation'. Local government may expect to use flexible practices to 'buy safety' but that cannot be guaranteed, since the same flexibility and ambiguity leaves space for other land-lost farmers to make claims as special cases and to begin appeals on the basis of the local government's uneven treatment. On the other hand, as the Vice-Director of Letters and Visits Bureau of Tianxin District admits:

Land expropriation as a kind of governmental behaviour is impossible to be implemented through rigid rules. The so-called rigidity is just a base line for the government.

The combination of rigid policies and their flexible application locally leads to a spiral of demands on local government. In this way, as the distant influence of central government, the rules and norms which operate in the interactions between land-lost farmers and the local authorities come to lose their legitimacy, through their uneven application, leading to the sort of confrontations that local government wishes to avoid, due to the central government's imperative to maintain social stability in the process of economic development.

### ***7.4.2 Positively Managing Appeals***

Whenever land-lost farmers find fault with local government, local staff explain to them the details of policy regulations, and attempt to placate them by detailing the local government's concern for their welfare. Further, most departments of letters and visits arrange it so that leaders have a rota of accepting days. For example, every Tuesday and Thursday in Qingyuan Street Agency, the Chief Secretary, the Vice-Secretary, the Vice-Director, the Director of the Office of Urban Construction

and Development, and the Commissioner assigned by the District take it in turns to handle appeals. In this way, local government hopes to manage land-lost farmer's demands and avert conflict.

As regards land-lost farmers' practice of appealing to higher authorities, especially the central authority, local government staff explain that:

Stones are bound to fall to the ground even after flying up to the sky. By the same token, the central government cannot look after you for a lifetime, and it is still the local government that resolves your problems in the end.

They try to use such arguments to remind land-lost farmers that they are situated within the same interest network as local officials.

The various levels of local government have to be particularly vigilant in managing activities associated with appeals whenever important official events are being held. For instance, during the sessions of the National People's Congress and the Chinese People's Political Consultative Conference, they dispatch staff, mainly staff from the courts, to resettlement communities, coordinating and trying to persuade *lao shangfanghu* (frequent appellants) not to take extreme action, and not to appeal to Beijing. Sometimes staff even give small gifts to *lao shangfanghu* on such occasions to placate them.

## 7.5 Imposition

### 7.5.1 Forceful Removal

Removal of land-lost farmers' houses is, according to the information provided in Chap. 4, the crux in the whole process of land expropriation. Regarding obstinate land-lost farmers, the tactics that local government agencies employ involve subtleness, determination, and most importantly, experience. Directors of removal offices must have expertise in such matters. Even so, it is still an arduous task to make households with obstinate people sign the removal agreement. When negotiations have not taken effect and the household refuses to sign the agreement of expropriation and removal by the deadline, local government starts the procedure of forceful removal. They do not adopt such means unless there is no other alternative, since it requires much work and it is expensive, sometimes it results in physical injuries, and most importantly, it risks the government appearing to upset *weiwen*. The government attaches legitimacy to forceful removal by implementing it according to procedures set out by the courts.

After initiating procedures for forceful removal, local government officials do not give up on negotiations. Within the prescribed three days between announcement of forceful removal and its execution, government officials repeatedly visit households to continue negotiations with them. What officials often do is attempt to break the consensus within the household. As they say, there is usually only one member of the family who is very determined to resist. Other members may be

inclined to submit, especially when other people who have accepted the local government's arrangements have already obtained economic rewards. Usually cadres promise an extra amount of compensation for their family if they help to persuade the determined family member to relent. In this way, the submission-inclined members usually play a favourable part for local government, since usually it is them that sign the agreement eventually. And the government will keep its promise of additional compensation.

But if the household still does not compromise within the prescribed three days, the local government will execute forceful removal. Preliminary arrangements are seen as very important, such as how to physically remove members of the household, how to monitor the situation, and so on. If there is obstinate resistance, such as climbing on rooftops and threatening to jump, and sometimes, even wielding petrol and threatening to set oneself alight, the government staff have to wait it out, perhaps overnight, to avoid such extreme measures being taken. They have to bring every member of the household under control, to have them taken away by court staff, while avoiding accidents. Procedures have to be followed and all members must be removed at one time. Local government will restart the procedure until the house is removed.

After forceful removal, the local government officials still have to cope with the aftermath. Though they may have emptied the house, the household members remain to placate. If they do not, aggrieved farmers are likely to become the focus of more unrest. Local government officials have to continue with negotiations after the removal. If the farmers calm down and accept the agreement, the government provides the original amount of compensation, or even more than that amount. They do not withhold compensation as they may well have threatened to do during the process of removal.

With regards to stories of violence during forceful removal, government agencies also have to provide official accounts. Following incident 6.4, as described in the previous chapter, it was explained that:

Jian was hurt during his resistance against forced removal. When he stood on top of his house and refused to be removed, the government staff were downstairs and made concessions time and again from the original 270,000 yuan to 420,000 yuan, thus he agreed to sign the agreement. But he stumbled when he came downstairs and broke his hand. And he was originally not that healthy.

### **7.5.2 *Badingzi***

However, some local government officials also resort to other measures, such as making physical threats and even resorting to Mafia-style organisations to deal with 'stubborn' farmers. Theoretically, the powerful side in the relationship may implement a wider range of tactics in its use of power, and hence, faces greater temptations to abuse its power by adopting illegitimate means, also given that

employing such tactics seems effective and expedient (Kim et al. 2003: 817). Faced with the dual pressures from higher authorities of implementing development policies, and also the sanctions to which they are subject within the state's political-administrative system while maintaining stability, local government officials are prone to adopt heavy-handed, and illegitimate, measures. Such repressive measures are known as 'removing the snags' (*badingzi*), which means resorting to force in dealing with farmers and activists. Dongfanghong Community is said to use repressive measures with its land-lost farmers, for example the case of an appellant who died during detention (incident 6.1 of the previous chapter). Local government adopts methods to monitor and control land-lost farmers' activities, explaining to farmers that 'it is inadvisable to strive against officials since no one can hold back the things that the government is committed to'. They also monitor and control the spread of information. The 'illegal' websites set up by land-lost farmers, once noticed, become instead official government sites. The Lugu Street Agency and Dongfanghong Community once paid 40 local land-lost farmers to act as their informants ('eyes and ears') within the community. As the Vice-Director of the Office of Letters and Visits in Lugu Street Agency introduced:

I have informants that are familiar with local conditions in every community. These informants help me oversee the movements of those who have relevant prior convictions.<sup>9</sup>

Under such circumstances, it is difficult even for media reporters to get access to the community, since they may risk losing their jobs once detected by the head of the Street Agency. Those who try to undertake investigations in the community may also be tracked.<sup>10</sup>

However, when tactics of suppression are adopted, the nature of the problem totally changes. Though the local government intend to maintain stability by the means of suppression, the effects turn out to be the opposite (Ying 2007a: 69). The more suppression is exerted, the more drastic the responses from land-lost farmers, who may be motivated to fight for their 'dignity'. That is why we see more extreme cases in Dongfanghong Community where local officials have been in the habit of adopting *badingzi* tactics. Shi, an appellant in Dongfanghong Community claimed:

I have been beaten by local government staff several times, whenever I appealed to Beijing or expressed complaints. I imagine I may be persecuted to death by the local government, because the government is spreading the rumour that I have cancer, in order to make an

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<sup>9</sup>These people are included as 'targeted people' in the 'black list' of governmental control (Wang 2004). Liu in Sifangping Community usually told me that there were people monitoring her in the vicinity of her house. So, when declaring that she was not afraid of being monitored, she nevertheless took actions very carefully. Actually, even Tan in Qingyuan Community was still somehow undergoing such 'risks'.

<sup>10</sup>When I undertook my investigation in Sifangping Community and Dongfanghong Community, several local land-lost farmers warned me of this. 'Luckily enough', during the many times I appeared in these two communities, I was not threatened in this way. Of course, I acted with cautiousness, for example, I avoided talking with appellants in public areas, which I was often reminded by the appellants not to do.

excuse when I unexpectedly die. However, I am not afraid of losing my life any more. I will struggle against the local government till the end.

This instance shows that in the longer term the use of *badingzi* only increases challenges to the local government's authority.

## 7.6 Between Negotiation and Imposition

### 7.6.1 *Jiefang*

As discussed in Chap. 5, the central government is vigilant about appeals, especially about appeals to the capital<sup>11</sup> and also collective appeals. It is required that local government, especially grass-roots government, take appellants who bypass the immediate tier of leadership back to their localities for treatment of their cases (Ying 2004). This is called 'bringing back your own kids'. In face of this, though a kind of dishonour, blocking appellants (*jiefang*), and even the kidnapping of appellants, as organised by local government, have become 'public' secrets. Thus, appeal and appeal-blocking seem to be turning into a high-profile and high-stakes game in many places. Let me present two situations of an instance, which happened to the activist Liu and her companions of Sifangping Community.

#### **Incident 7.1:**

After several times of negotiation with the street agency and appeal to the district and city government about giving them more compensation without any progress, Liu, together with two other land-lost farmers of Sifangping Community, goes to Beijing. The street agency gets the message which is intentionally divulged by Liu and her two followers' family members. The government dares not ignore this issue. The Director of Sifangping Street Agency, Nie, personally leads four cadres to fly to Beijing.

As soon as the cadres arrive in Beijing, they go straight to the State Bureau for Letters and Visits but discover that the land-lost farmers have neither shown up nor submitted appellate materials. This information slightly calms the local officials who are worried about the spreading of the 'fire'. Thereupon, they try to make contact with appellants through all kinds of relations, at the same time, they separately wait outside various central reception units for letters and visits that the land-lost farmers may go to prevent the appeal.

Liu and her two companions, who arrive in Beijing earlier, are not anxious to enter the State Bureau for Letters and Visits. In other words, their intention is not to decisively make things that wrong, but to make a 'threat', just as people bluff in poker. The fact is that since the issue has been intensified to such an extent, it has actually become a major event concerning the performance and prestige of the local government. Liu and her two followers are aware, as emphasised by local leaders that 'matters have to be resolved in exactly the place where they turn up'. So, they will not unveil the matter in Beijing unless there is no other alternative.

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<sup>11</sup>Refer to Appendix C for more information.

Sure enough, things develop as Liu and her companions have designed. The appeal-blocking cadres make contact with them in many ways, which gives them a feeling that the government is anxious to 'put out the fire'. Upon that, they take advantage of this opportunity to offer the government a way out: the two sides make an appointment at a particular place and send representatives to meet without entering the Bureau for Letters and Visits before this. Just in case, the appeal-blocking cadres divide themselves into two groups, one of which wait at the Bureau for Letters and Visits. It turns out that the two sides encounter each other at both places, which illustrates that Liu and her companions also prepare for two eventualities. If they find that the local government is insincere and just wants to bring them back, then what has been done cannot be undone, they have to turn feigned appeal into a *fait accompli*.

It then turns out that officials make pleas to the land-lost farmers to go to the hotel where the cadres live, and there Director Nie sets out his position: 'Whatever serious matters can only be discussed when you return.' The local government finally reveals its intention of consultation.

The appellants are taken back to Changsha by sleeper train. It is not so much an appeal as a plot. Liu says: 'We do not want to leave no room for manoeuvre as we all know that we have to come back to have the matter resolved locally. But the local government did not mention compensation in the earlier rounds of negotiation. So our aim in going to Beijing is to see the local government's response: if they do not want to make a sensation, then we can come back to have a discussion; if they do not care, then we can only but submit the materials to the State Bureau for Letters and Visits in Beijing. Since the local government promises to come back to discussions, and buys us train tickets, we come back.' On the other hand, from the perspective of the local government, Nie says: 'These people have shown their respect for our reputation (face). They originally signed an agreement, and then do not admit to what they have agreed, but this is understandable as they are concerned about their vital interests.'

But this is not the end.

Having found out that the local government still lacks sincerity in dealing with their requests, the irritated land-lost farmers go to the capital again, with another two persons this time. The government also deploys staff to block appeal again, but this time they are too late. On this occasion, the land-lost farmers present their materials to the State Bureau for Letters and Visits as soon as they arrive in Beijing!

The local government is faced with a totally different situation from their first appeal-blocking attempt. The appeal has come true, which means that the two sides have offended each other openly. The local government has to respond to the new situation, when they have no way left to insulate the damage to their prestige. The appeal-blocking cadres search out where the land-lost farmers live but do not meet them, instead, they find a hotel in the neighbourhood to live so as to know the land-lost farmers' whereabouts at any time. In the meantime, they contact with the Bureau for Letters and Visits, and communicate with the central staff about the event, hoping to reduce its influence.

The land-lost farmers also know that the local government staff are following them and expect the cadres to meet them as last time. But shortly after, they are aware of their injudiciousness on this occasion. Having called them up, and consented to meet them, the cadres never appear. It dawns on the land-lost farmers that this time the government intends to 'waste their oil (time and energy)' and see how long they can 'stand up'. The land-lost farmers cannot last out any longer. They go to the Bureau for Letters and Visits again, for one thing to see whether there is any feedback on their submitted materials, for another anticipating meeting the appeal-blocking cadres.



At the gate of the Bureau for Letters and Visits, the appellants and the appeal-blocking cadres encounter each other as expected. It turns out that the cadres did not want to meet the land-lost farmers but instead have been going to the Bureau for Letters and Visits every day. Enraged, the land-lost farmers jostle their way into the Bureau, but the receptionist advises them to go back to the locality to have matters handled, and not to make disturbances in Beijing, mentioning as well that it would take time for the materials to be transferred back to the provincial level. The appellants suddenly see that their mission in Beijing is over: after the act of appeal has been put into effect, the end of appeal is to return to the locality and wait again.<sup>12</sup>

The relationship between the two sides has become a mess, so that now local government does not have to worry about its face, and instead, can justify their treatment of the whole matter. It is the land-lost farmers who are unreasonable. The governments of the district and street agency contend that land expropriation and removal is for urban construction, and it is no disgrace to local government if they have to face appeals on account of this by unreasonable land-lost farmers. Existing agreements of expropriation and removal are in place, and it is the land-lost farmers that contradict themselves. Local government agencies have made concessions and every effort. So the local government returns to an uncompromising attitude.

Splits emerge among the land-lost farmers who have lost the impetus: some have a determined attitude and insist on staying in Beijing until there is a definite opinion concerning treatment of their appeal, but more advocate going back home to wait for further developments. Local government now hold the upper hand. The appeal-blocking cadres consent to take the land-lost farmers home but do not promise anything more.

The land-lost farmers are brought back to the locality. Liu says: ‘We were treated cruelly this time. They did not attend to us when they had lunch at noon. We were very angry. They certainly had to give us food because we were brought back by them. After I made a complaint, they bought us fast food in the evening.’<sup>13</sup> We visited the District Bureau of Letters and Visits after coming back, but they said that we were disobedient so that they could not help us out. Some of us who had taken the lead were even called by the District Public Security Bureau and warned that only individual appeal rather than collective appeal is allowed.’

It is clear that levels of trust crucially affect such interactions, both on the part of farmers and officials; unfortunately, trust appears to be low. It can be seen that when going to Beijing to *jiefang*, local government officials tried every means to appease the appellants and take them back to the locality. The Director of the Office of Coordinating and Leading Team of Land Expropriation and Removal of Tianxin District told me that he himself once took the train back to Changsha when he had gone to Beijing to *jiefang*, while he had bought plane tickets for the appellants to return home. When matters risk coming to the attention of the central authority,

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<sup>12</sup>This shows the malposition between the function of institutions of letters and visits as the organs of collecting public opinions and appellants’ hope of their being special authorities of remedy. After the institutions of letters and visits receive appellate materials, they generally remand the materials to the localities and require local governments to practicably get them processed, namely, the appellants need to come into contact with the government that they are appealing against again.

<sup>13</sup>This episode reflects land-lost farmers’ firmly held view about officials’ proper relations with the public, as a parent and child relationship, i.e., ‘After all, the government should look after us, despite the conflict, otherwise, they are not doing their duty’.

local government becomes afraid of exacerbating appellants' complaints. But the relationship changes once the local government has been able to neutralise appellants' threats. As can be seen from Liu and the other land-lost farmers' experience, after all, local government is dominant within the network of power-interests structure in the local setting, which plays the major part in the final outcome of the game.

### 7.6.2 *Peifang*

In fact, some local government officials accompany land-lost farmers in their appeals to the higher authorities, which is called *peifang*. This is a newly-created measure. Its implementation can be attributed to two reasons. One relates to the caring attitude towards the masses which is supposed implicit in paternalist government; government wishes to demonstrate its responsibility. And there is a precedent (Zhang and Zhang 2009: 64). In the past, when the rural masses met with problems, they would firstly turn to their seniors, such as village cadres; if they were dissatisfied with the results or explanations, the senior would then accompany the party/parties to meet the state's representatives in the town, acting as the intermediary or witness to jointly have the problem tackled; by these means, village cadres maintained an image of fairness and authority. When absorbing such practices into the present day, the accompanying officials are called 'emissaries of harmony'. Therefore, the second reason for the new practice of *peifang* is out of local government's expectation that it will conciliate the masses rather than worsen confrontations owing to *jiefang*. When accompanying the masses to appeal to higher authorities, officials can oversee the appellants' actions. In this way, local government officials are making an 'appeal' to the higher authorities too, that is, they have already tried their best to maintain 'stability'. So to speak, *peifang* is a kind of 'self-rescue' measure for local government. Appellants may be sceptical as to whose interests the practice of *peifang* is supposed to serve most.

### 7.6.3 *Delay*

Apart from its nature as an inherent 'habitus' of bureaucracy, given that each appellant tends to emphasise the seriousness and urgency of his or her own problem, delay becomes a mechanism to filter and control information. Regional and local officials at all levels are likely to consider appellants as the bane of their bureaucratic lives, and may treat appellants and their appeals badly in response. When officials are not confronted with the crisis situation of appeals to the capital, they maintain a 'rational' approach. Justified by the state's concern to 'have conflict

perish at the local level', the optimal strategy for regional and local bureaucrats is to delay. Furthermore, calculation of the differing interests of different levels of regional and local government amplifies the effect of this strategy.

#### Interlude to incident 7.1:

After the local government officials bring the land-lost farmers back from Beijing for the first time, the District Government wants the Street Agency to use some of its (collective compensation) money to sort things out, but the Street Agency is not willing to do this. Under the circumstances of being unable to persuade the land-lost farmers their appeal is unreasonable, and being unable as well as unwilling to satisfy their requirements for compensation, the District Government and the Street Agency habitually manoeuvre by means of 'foot dragging'.

Delays among state agencies make the process of appeals through the letters and visits system relatively costly for the masses. Many appellants cannot endure the amounts of time, energy, and money the process uses up, and give up halfway; while some persist or hope to persist till the end. After they repeatedly pester government officials over a long period of time or enlisting the attention of the higher authorities by extreme actions, their problems become imbued with seriousness and are likely to be addressed. Within the bureaucracy, appeals are categorised according to the perception of their urgency. Appeals that have involved trips are seen as more urgent than those conveyed by letters. Repeated, persistent appeals also take on urgency, and so do those bypassing the immediate or even several levels of authority. Lodging appeals to Beijing is seen as more urgent than appealing within the home province. This categorisation shows that the importance which is attached to appeals by bureaucrats is basically in direct proportion to the costs invested by appellants. It also explains the effectiveness (and requirement) of land-lost farmers to develop a picture of complete 'misery' in the accounts of their situations that they provide to senior officials, as well as officials' cynicism in their treatment of land-lost farmers' accounts of their situations, and in turn, land-lost farmers' recourse to extreme action, or deadlock, and withdrawal.

Local government makes full use of its authority to maintain its dominant position within the network of power-interests structure, in meeting the central state's twin requirements of economic development and social stability. It can be seen that a very important part of the local governments' mobilisation of resources is *kaikouzi*, which is its practice of 'bending the written rules' in its interactions with land-lost farmers during the expropriation, compensation and resettlement process. While the other side of local governance is *badingzi*, which is the often quasi-legal and oppressive means by which it reacts to land-lost farmers' objections, actions and appeals. Taken together, these two measures describe a relationship between local government and land-lost farmers based on practices of appeasement and control: with the two sides acting as 'rational' subjects in their social interactions within the network of local power-interests structure, and in the operation of external central state 'order' applied locally.

## 7.7 Capacity for Facility of Power

According to Yu (2004), Chinese farmers' responses to the state-authorised development process—as implemented at the local level by means of land expropriation, compensation and resettlement—have come to possess an explicit political character. In China, only two circumstances could make that possible: first, the basis for social order has become unstable; and second, the political system has changed fundamentally. Neither circumstance obtains at the present time. Therefore, no matter pessimistically or optimistically, Yu's claims that farmers' 'rights-safeguarding' actions have become overtly politicised seem hard to sustain. Ying (2007b) argues that farmers' responses must confront the 'predicament of legality', where the central state wishes to control and suppress freedom of association and the organisation of interest groups, for the sake of stability. However, after a generation of experiences with reform and opening up, can the apolitical and weak-organisation of land-lost farmers' responses be explained by the 'predicament of legality' and political control alone? From the realists' pragmatic viewpoint, collective inaction and the lack of a concerted response from land-lost farmers may be just as well be explained by simple material self-interest on the part of individual farmers. Yu's and Ying's viewpoints reflect binary oppositional thinking. However, land-lost farmers seek room for manoeuvre and to get around the local government's use of the central state's systems by suggesting to local officials that they will lobby higher authorities by use of the administrative appeal system instead, but which in practice, may be just come down to another means by which the state attempts to control and neutralise individual farmers' complaints on a case by case basis. And at the same time, the appeal system may also operate on the state's behalf to make local government officials more accountable too, since farmers' recourse to appeal puts pressure on local officials about poor performance and practices and points to social instability in officials' localities, meaning individual farmers can learn how to achieve leverage in demands for greater compensation, by threatening appeals to the higher authorities, so compromising local officials' political capital. However, collective actions or appeals bypassing the middle tiers of government are inadmissible under the state's administrative appeal system; appeals are considered on an individual case by case basis.

As a result, it is necessary to reconsider formulations which cast farmers' responses as 'rightful resistance' and 'struggle by law', as proposed by O'Brien and Li (2006) and Yu (2004), respectively. Both explanatory frameworks define land-lost farmers' behaviour as political, as collective resistance, premised on farmers' rights and recourse to legal means, to which farmers only have very limited access in terms of cultural capital. In the Chinese institutional context, though land-lost farmers' interests-striving activities have the potential to produce effects which are political, directly or indirectly, we cannot regard such activities as politicised simply because the targets farmers complain against are the state's local authorities. Such theoretical paradigms—rights, resistance, struggle, and the law—risk becoming elaborate rationalisations of events, and thus, are incapable of

achieving understanding in depth of the processes involved in interactions between farmers and the state's local representatives and its local agencies.

In the present study, instead, I have proposed to first of all regard land-lost farmers and local government as situated within a 'network of power-interests structure' in the local setting, and to analyse how land-lost farmers and local government construct and move forward in their interactions with each other by making use of the notion of 'modalities'. Specifically, the facility of power, as one constituent of modalities, comes into play around that structure, along with the other two aspects, agents' interpretations of their situations and the settings' institutionalised norms which legitimate use of power. The facility of power also comes to be exercised through mobilising respective resources and strategies on both sides.

### 7.7.1 *Structural Approach*

Social status, access to resources and power are determined by one's position within the structural network. In the Chinese countryside, where there is less social stratification, resources are principally distributed through local officials, who are even referred to as *tuhuangdi* (local emperors) (Zhou 1996: 33). However, with its connections to tradition, the bureaucratic system also operates based on paternalism, a relationship implicit in rural government's dealings with farmers. The local setting is one in which reciprocity is taken to be the foundation of social interaction (Silin 1970: 43). These ways of working and thinking carry over to land-lost farmers' resettlement communities in the new urban-rural fringe. The local government may replace former village officials with cadres from street agencies in order to introduce bureaucratic distance and institutionalised rationality into the administration of resettlement communities, but despite the rapid modernisation of social and economic life taking place in the cities, socio-cultural practices surrounding *guanxi* (relationship), *renqing* (obligations), and *mianzi* (face) still play key roles in shaping and influencing the social behaviour of land-lost farmers and officials (King 1991: 63). In controlling both farmers displaced from the countryside and officials who have to implement state policy in the local setting, the central state applies its legitimate power through institutionalised legal, administrative and political systems, at a distance, for the sake of the national agenda of development and transformation, which must be accompanied by social stability, so that the central state can continue to maintain its legitimacy and political power. Operation of China's decentralised fiscal system under the socialist market economy requires reassignment of rural land and resettlement of farmers for economic development, which is the task of local government by means of the state's laws, where an important bureaucratic indicator of local officials' performance is taken to be the number of displaced farmers locally who have recourse to the administrative appeal system, not only in terms of inept or corrupt government practices but also as an indicator of social discord locally. Therefore, local officials make every effort

to avoid appeals, and so, farmers use the spectre of appeals as their strategy, rather than make challenges within the legal system to local officials' implementation of state policy. These are the practical implications for displaced farmers and officials of the 'network of power-interests structure' which exists within the local setting. Actors cannot escape the constraints of this network. Interactions between farmers and officials must be played out by the rules of the game, as interpreted by each of the parties, for example, on the part of local officials, utilising the institutionalised norms that apply to legitimate actions, remove the snags and bend the rules, either to control or to appease displaced farmers, marginalised in resettlement communities.

On the part of land-lost farmers, they cannot break the basic structure of the power system which exercises control over local economics and society. Even activists in resettlement communities know well that they cannot change the local network of interests which is interwoven around power within the local setting but that they must continue to be mutually interdependent on the targets against whom they vent their grievances through their uses of the administrative appeal system. Many land-lost farmers cautiously leave room for manoeuvre for both themselves and local government, for example holding off in making appeals, because they know that the resolution of their grievances does not lie with the higher authorities, but on local authorities' solicitude, which fits into the bureaucratic logic that 'matters have to be resolved in exactly the place where they turn up'. Even if the higher authorities act on cases, it is still local government officials who are instructed to put their decisions into effect. However, although central government may wish pragmatically to use the appeal system to neutralise land-lost farmers in dealing with their grievances, passing the buck back to local government, may only serve to stoke further confrontation between farmers and officials.

If appellants go forward with complaints to the higher authorities, then strategically, they also have to consider their relationship with local government, that is, how to get along with local government after appealing. Hence, more rational appellants would rather consider matters as they stand than escalate confrontations with local officials. Doing it this way is not out of weakness, but a strategy for the shaping of actions which have greater possibilities for resolution. From this we can understand why land-lost farmers are more willing to develop complex interactions with officials, by contesting, conversing, dissimilating, pestering, and pleading. The aim of invoking appeals is not so much to bypass local officials, as farmers sounding out and applying pressure to officials by suggesting they will disrupt the order which is emphasised by the state. Land-lost farmers believe that the pretence of disruption brings about pressure on local government from the higher authorities. They often believe that higher authorities support their interests over uncaring, self-interested and corrupt local officials. For the sake of reputations and face, land-lost farmers believe this will lead local government to make concessions. This is one of the few effective strategies within the local 'network of power-interests structure' that land-lost farmers can use in their favour. But farmers' actions can also be counterproductive if the situation improperly escalates and their appeals are referred back to local officials by the higher authorities.

On the part of local government, the imperative is for farmers to sign expropriation and removal agreements so as to make the whole development process legal should there be conflict. In order to maintain their prestige and competence, which is the institutional foundation for local officials' attainment of power and interests in the structural network, officials do not want extreme responses from farmers under their administration, especially actions such as appeals to the capital. Therefore, local government officials also adopt a move-and-see strategy: if farmers are compliant, then officials proceed with the process; if farmers are not compliant, to avoid any adverse impact on their image if matters turn more serious, local government is prepared to put up with second best, that is, to make a certain amount of concessions. At this point, reputation is undoubtedly the local government's one important consideration in deciding whether or not to appease farmers, in bending the rules. In the end, when weighing any concessions made against the final returns, it is more advisable to make concessions than having to deal with land-lost farmers' reactions. If farmers are inflexible, however, local government may choose to resort to oppression, in removing the snags. The prerequisite to land-lost farmers' success in this and other strategies must be that the disparity of interests between land-lost farmers and local government is still within the dimension of coordination.

The interactions between farmers and local government are defined by their understandings of and the application of 'policies' or 'rules'. According to Giddens (1979: 148), 'rules do not follow or interpret themselves, and often tend to provide much more of a focus for conflict'. Most land-lost farmers embrace paternalistic thinking regarding relations with officialdom, namely, between *fumuguan* (parental officials) and *zimin* (filial subjects), thus displaced farmers rely on the understanding that 'crying children can be fed milk'; while local officials are stuck between the requirements of paternalistic governance and promoting urban development and maintaining rigid stability (*weiwun*) as the state's local representatives. The relationship between the two sides can be seen as the interplay between two rational subjects located within a local power-interests network, which operates under the external forces of the central state to ensure 'development' but to maintain 'order'. The spectre of the appeal system, with suggestions of abuses and risks to social order, can in practice be seen as a way for land-lost farmers to circumvent more serious official-populace confrontations and secure compensation. However, it is important to realise that the institutionalised system is for appeals by individuals to the immediate seniors of specific officials, a process in which these officials may accrue 'black marks' against their administrative and political careers. The attainment of order because of officials' flexibility in applying the rules when farmers' mention recourse to the appeal system, in the end, suits the purposes of local government and appeases farmers. In other words, both sides of land-lost farmers and local government adopt strategies to apply pressure on the other side, meanwhile leaving each other leeway to adjust their relations.

However, structural changes may also be necessary to manage overt conflict and dysfunctionality, though not always sufficient. Some structures are more enduring than others. Structures which do not require agents to have 'power over' others may be more enduring over time when each agent uses their 'power to' satisfy their

interests in mutually reinforcing ways. Structure which needs a greater amount of 'power over' to maintain itself may be less enduring or stable, for such a power structure is more likely to be shaken by explicit conflict.

In this regard, in terms of the social ecology of interrelations within their respective network of power-interests structures, the three resettlement communities in the study are different from each other. According to my analyses in this chapter and the last chapter, as an organised group with some representation, land-lost farmers in Qingyuan Community have shifted to employ legitimate interests-striving means, and in tandem, local grass-roots government now perform their duties mainly through appeasement.<sup>14</sup> With indications as quasi-groups, activists among a minority of land-lost farmers in Dongfanghong Community have adopted a more conflict-based approach and sometimes have taken extreme action, while correspondingly, the community's grass-roots government has employed measures of suppression by whatever means have seemed expedient to them. By way of further contrast, the land-lost farmers of Sifangping Community are more mindful of the network of existing power-interests structure in their locality, and there is deference to hierarchy and authority. Interests-striving activities among land-lost farmers in Sifangping Community waver between legitimate means and contravention of rules. Land-lost farmers' diverse responses have an individual basis, and the community's local grass-roots government tends to employ a mixture of appeasement and suppression, also out of concern to maintain their status within the local network of power-interests structure.

Therefore, it can be seen that more organised and productive interactions have emerged over time between land-lost farmers and grass-roots government in Qingyuan Community. Sifangping Community represents the status quo where relations are taken largely as given and operate within the established network of power-interests structure. In Dongfanghong Community the relationship is more conflictual and greater costs have to be assumed by both sides. In this sense, Dongfanghong Community seems fated to reproduce a local structure which becomes less stable over time. As Giddens claims (1984: 137–8), threat and punishment are less effective in sustaining routine than implicit 'effort bargains' between actors which make for more cooperation. According to my own investigation, Sifangping Community supports interactions between farmers and officials within an established and familiar network of power-interests structure, where farmers lack organisation and respond to the authorities on an individual basis, and it appears to me that Sifangping Community has the widest applicability to the experience of land-lost farmers in China at present; while Qingyuan Community appears to be a more positive case of integration, and Dongfanghong Community is a negative case of conflict between displaced farmers and the local authorities. Constraints generated by the network of power-interests structure also provide the

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<sup>14</sup>From my access to local government, it can be seen that the grass-root government of Qingyuan Community was much easier to get access to, which partly indicates their openness compared with the other communities.



basis for the conclusion drawn by other studies of power that extracting benefits from a relationship reduces one's potential power in future interactions (Emerson 1962; Lawler 1992). This idea is embodied by the well-known adage 'to use power is to lose it'.<sup>15</sup> Therefore, in the ongoing interactions between land-lost farmers and local government, who both have to manage relations effectively for the longer term, each side will use more conciliatory tactics and be less likely to maximise power/interests because of their expectation of negative effects this will have on future relations. In a positive sense, this consideration appears to apply more to the approaches of local officials in Qingyuan Community, and in a negative sense, to the approaches of local officials in Dongfanghong Community.

### 7.7.2 *Agential Approach*

Different strategies of manipulation are adopted given the possibilities open to both the powerful and the weak (Goodin 1980). Here again we can see the incorporation of Giddens' notion of modalities and its three dimensions of signification, legitimation, and domination. Participants draw on their personal interpretation of the law and their sense of expertise rather than directly on official policy texts. Although participants of a system might not consider knowledge an intended outcome of their activity, knowledge as an unintended outcome can change processes within that activity system. The choices made on its basis involve drawing on existing knowledge, accountably and reflexively applying that knowledge, and producing new knowledge and practices that become rules and resources for future interpretation and application.

In terms of strategies, both land-lost farmers and local government can exert their influence in one way or another, which is, drawing from the typology of intra-organisational influence tactics identified by Kipnis et al. (1980), Kipnis and Schmidt (1983), and Yukl and Tracey (1992), categorised into Table 7.1.

Power as a resource is drawn upon by social actors in the production and reproduction of relationships within the structure. Domination, focusing on the production and exercise of power, originates from the control of resources. In Giddens' terminology allocative resources are material resources involved in the generation of power; while authoritative resources are non-material resources involved in the generation of power, deriving from the capability of harnessing activities and resulting from the dominion of some actors over others. Owing to its authority, the local government possesses allocative power and authoritative power.

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<sup>15</sup>Although the extraction of benefits may also make clear to the other side that the initiator is willing and able to employ a tactic and in this sense increase, to some extent, the perceived level of the initiator's potential power (March 1966), this effect is expected to be outweighed by the decrease in the initiator's perceived power from having reduced the supply of benefits available from, and hence the other side's valuation of, the relationship. This also fits well with the economic theory of repeat games.

**Table 7.1** Strategies used by land-lost farmers and local government

Tactic	Description	Whether or not used by land-lost farmers and its manifestations	Whether or not used by local government and its manifestations
Legitimation	Referring to norms	Yes, the foundational tactic	Yes, the foundational tactic
Rational persuasion	Using argument and factual information	Yes, but not necessarily rational	Yes, in the form of ideological work
Reciprocation	Using implicit or explicit promises	No	Yes, used very often especially in the form of economic benefits
Inspirational mobilisation	Emotional work to mobilise the other side's values and ideals	Yes, by reference to the role of 'parental officials'	Yes, by pointing to the common network of power-interests structure
Personal mobilisation	Appealing to the other side's sense of loyalty, kinship, or friendship	Yes, but only for those who have personal relationship in the government	Yes, continuously exploring those who can be utilised
Coalition	Building internal alliances	Yes, to a very limited extent	Yes, different departments acting as a whole
Pressure	Using demands, threats, or intimidation	Yes, by attempting to take extreme actions and threaten stability	Yes, especially in Dongfangdong Community
Ingratiation	Impression management	Yes, seemingly a necessary tactic though only overtly pursued by those who cater for the government	Yes, seemingly a necessary tactic
Consultation	Seeking the other side's participation in decision-making process and implementation	Used to some extent in Qingyuan Community	Used to some extent in Qingyuan Community

Specifically, officials' allocative power is manifested as their ability to provide benefits, or to appease land-lost farmers; their authoritative power is manifested as their power of sanction according to rules, or to control land-lost farmers. Conversely, land-lost farmers can mobilise their power by attempting to disrupt the central state ideology of maintaining stability for which local government officials are held accountable by the state.

Power is the capacity to induce compliance by force or persuasion. The process involved could be one of negotiation or imposition. According to Lawler's (1992) distinction between conciliatory and hostile power-use tactics, conciliatory tactics

are involved in negotiation, communicating a willingness to coordinate or collaborate; while hostile tactics are involved in imposition, inclining toward intimidation or resistance. Power-use strategies will be more effective for maintaining one side's relative power through long-term relationships when they are conciliatory rather than when they are hostile.

This analysis of conceptions of power use expands our understanding of interactions between land-lost farmers and local officials from that of a simple one-way relationship of dominance of the powerful over the weak to that of a bilateral process, whereby each party can initiate strategies to maximise its benefits. According to Giddens, 'actors are always knowledgeable about the structural framework within which their conduct is carried on, because they draw upon that framework in producing their action at the same time as they reconstitute it through that action' (1979: 144). Therefore, it can be claimed that these farmers' and officials' strategies derive both from discursive consciousness ('knowledge which actors are able to express on the level of discourse') and practical consciousness ('tacit stocks of knowledge which actors draw upon in the constitution of social activity') (1979: 5). Evaluations for proceeding with a particular action are determined by assessments of its implications for such factors as rewards, punishments, knowledge, legitimacy, and the degree to which these factors could be established by other means. More specifically, such strategies are exercised based on the extent of farmers' and officials' knowledge, understandings and interpretations of the rules and norms within the structure, of their own situation, and of the situation of the other side.

However, according to the neo-Parsonian action schema (cited from Levine 1991: 1109), the ends of actions can be categorised into material interests and ideal interests; the modes of action derived from material interests can be categorised into appetitive dispositions (non-rational) and instrumental rationality (rational), while the modes of actions derived from ideal interests can be categorised into moral sentiments (non-rational) and value rationality and discursive morality (rational). According to my analyses, for land-lost farmers, it can be argued that their modes of action show more appetitive dispositions (their eagerness for economic benefits regardless of norms) and moral sentiments (their expectations of 'parental' officials) while rational features of action are more limited except for discursive morality (in that case, manipulation in portrayals of abject misery). Conversely, for local government, their modes of action display their instrumental rationality (their authority to deploy personnel, institutions, and policies) and value rationality (their authority in mobilising 'developmentalism') but also appetitive dispositions (their eagerness for material, career and political benefits as well). Therefore, the fact is that land-lost farmers' conduct derives from their expectations that senior officials who hold power will accept their legitimate claims to a better life and livelihood for themselves and their families, but they do not always feel accountable to local officials for their actions to achieve acceptance, so that the rationalisation and reflexivity of land-lost farmers is different from government officials' interpretation and justification for their own actions in terms of bureaucratic rationality, the state's demands and personal ambition, and local officials too can use these to pass on accountability.

This all exacerbates the difficulty of managing interactions within the local network of power-interests structure, and increases the possibilities for conflict.

Strategies are not restricted to particular instances but can be initiated and repeated on multiple occasions throughout the course of the relationship between the two sides. Both sides may interrupt negotiations midcourse to initiate another strategy, and vice versa. These strategies are also pursued in an iterative fashion, whereby both sides attempt to increase their power with one or more of these strategies, evaluate the effects of such attempts, and then initiate additional strategies. Indeed, the need to initiate additional strategies is always likely, given that each side is attempting to influence the outcome in its favour. For example, land-lost farmers may initiate more extreme action or appeals to higher authorities during the process of negotiating with officials, and officials may work harder in negotiations after initiating the formal process of forceful removal of land-lost farmers. Both sides know that combining strategies in these ways may run the risk of greater conflict, but that particular combinations and sequences of strategies are more likely to be effective.

Both sides are also seen to adopt conciliatory strategies for the sake of maintaining a stable relationship, on the part of land-lost farmers, in return for securing benefits, and on the part of local government, because the costs to them of awarding such benefits are low relative to the total benefits and the potential penalties involved. Hostile strategies extract short-term unilateral benefits, exacerbate harm to the other side, or even cause harm to one's own side; even if they offer the likelihood of compelling the other side to make pre-emptive concessions, they are also likely to lead to longer-term deterioration in relations between the two sides. Durkheim (1984 [1893]) noted that social solidarity is weakened when coercive constraints replace consent. In contrast, conciliatory strategies can extract benefits for both sides, or mitigate the harm to the other side, and they are also likely to lead to longer-term improvements in relations between the two sides. Therefore, when both sides begin to make concessions in a process of give and take to arrive at mutually acceptable outcomes, as in Qingyuan Community, the extent of social integration is improved and the potential for conflict is reduced. Coalitions among land-lost farmers in Qingyuan Community have adopted more conciliatory strategies and they deploy equalising tactics in consultations with government officials, who in turn, are more responsive. On the other hand, imposition on the part of local government may produce seemingly successful outcomes but attempts by land-lost farmers to use it can only involve contravention of the rules, with little chance of success. Whether or not imposition produces gains for either side, it constitutes a condition of conflict and deteriorating relations, as can be seen in Dongfanghong Community. Unlike the other two communities, it is noticeable that relations between land-lost farmers and officials in Sifangping Community have not changed much in relative terms, for better or for worse, since the process of land expropriation, compensation and resettlement, as both sides understand to a large extent, being the way in which the system must function. Well-worn strategies, including ingratiating, are deployed within established structures by individual farmers.

## References

- Chen, C. (2003). Prescriptiveness of justice. *Journal of Sichuan Normal University (Social Sciences Edition)*, 30(6), 23–28.
- Damaška, M. (1975). Structure of authority and comparative criminal procedure. *The Yale Law Journal*, 84, 480–544.
- Durkheim, E. (1984 [1893]). *The division of labour in society* (W. D. Halls, Trans.). Houndmills; Basingstoke; Hampshire: Macmillan.
- Emerson, R. M. (1962). Power-dependence relations. *American Sociological Review*, 27(1), 31–40.
- Giddens, A. (1979). *Central problems in social theory: Action, structure and contradiction in social analysis*. London; Basingstoke: Macmillan.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- Goodin, R. E. (1980). *Manipulatory politics*. New Haven: Yale University Press.
- Gramsci, A. (1971). *Selections from the prison notebooks of Antonio Gramsci* (Q. Hoare & G. Nowell-Smith, eds and trans.). London: Lawrence and Wishart.
- Harvey, D. (1992). Social justice, postmodernity, and the city. *International Journal of Urban and Regional Research*, 16(4), 588–601.
- Hunt, R. G., & Lichtman, C. M. (1969). ‘Counseling’ of employees by work supervisors: Concepts, attitudes, and practices in a white-collar organization. *Journal of Counseling Psychology*, 16(1), 81–86.
- Jiang, S. (2001). Zaishuo zhengyi (More on justice). *Social Sciences in China*, 4, 106–122.
- Kim, P. H., Diekmann, K. A., & Tenbrunsel, A. E. (2003). Flattery may get you somewhere: The strategic implications of providing positive vs. negative feedback about ability vs. ethicality in negotiation. *Organizational Behavior and Human Decision Processes*, 90, 225–243.
- King, A. Y. (1991). Kuan-hsi and network building: A sociological interpretation. *Daedalus*, 120(2), 63–84.
- Kipnis, D., & Schmidt, S. M. (1983). An influence perspective on bargaining within organizations. In M. Bazerman & R. Lewicki (Eds.), *Research on negotiation in organization* (Vol. 1, pp. 303–319). Greenwich, CT: JAI Press.
- Kipnis, D., Schmidt, S. M., & Wilkinson, I. (1980). Introorganizational influence tactics: Explorations in getting one’s way. *Journal of Applied Psychology*, 65, 440–452.
- Kollmeyer, C. (2007). Explaining consensual domination: Moving beyond the concept of hegemony. In R. Fletcher (Ed.), *Beyond resistance: The future of freedom* (pp. 35–51). New York, NY: Nova Science Publishers Inc.
- Lawler, E. J. (1992). Power processes in bargaining. *Sociological Quarterly*, 33(1), 17–34.
- Levi, M. (1988). *Of rule and revenue*. Berkeley: University of California Press.
- Levi, M. (1997). *Consent, dissent, and patriotism*. New York, NY: Cambridge University Press.
- Levine, D. N. (1991). Simmel and Parsons reconsidered. *The American Journal of Sociology*, 96(5), 1097–1116.
- Lukes, S. (1974). *Power: A radical view*. London: Macmillan.
- Mann, M. (1988). *States war and capitalism*. Oxford: Blackwell.
- March, J. G. (1966). The power of power. In D. Easton (Ed.), *Varieties of political theory* (pp. 39–70). Englewood Cliffs, NJ: Prentice-Hall.
- Mosse, D. (2004). Is good policy unimplementable? Reflections on the ethnography of aid policy and practice. *Development and Change*, 35(4), 639–671.
- O’Brien, K. J., & Li, L. (2006). *Rightful resistance in rural China*. Cambridge: Cambridge University Press.
- Roberts, C. W., Popping, R., & Pan, Y. (2009). Modalities of democratic transformation: Forms of public discourse in Hungary’s largest newspaper, 1990–7. *International Sociology*, 24(4), 498–525.
- Silin, R. H. (1970). *Leadership and values*. Cambridge, MA: Harvard University Press.

- Siu, H. F. (1989). *Agents and victims in South China: Accomplices in rural revolution*. New Haven; London: Yale University Press.
- Stockman, N. (2000). *Understanding Chinese society*. Cambridge: Polity Press.
- Wang, F. (2004). Reformed migration control and new targeted people: China's hukou system in the 2000s. *The China Quarterly*, 177, 115–132.
- Ying, X. (2004). Zuowei teshu xingzheng jiuji de xinfang jiuji (The remedy of 'letters and visits' as a special administrative remedy). *Chinese Journal of Law*, 3, 58–71.
- Ying, X. (2007a). 'Chengren de zhengzhi' ('Politics of admission'). *Nanfengchuang*, 10, 68–69.
- Ying, X. (2007b). Grassroots mobilization and the mechanism of interest expression of the peasants group: A comparative study of four cases. *Sociological Studies*, 2, 1–23.
- Yu, J. (2004). Dangqian nongmin weiquan huodong de yige jieshi kuangjia (An interpretative framework of farmers' rights-safeguarding activities at present). *Sociological Studies*, 2, 49–55.
- Yukl, G., & Tracey, J. B. (1992). Consequences of influence tactics used with subordinates, peers, and the boss. *Journal of Applied Psychology*, 77, 525–535.
- Zhang, Y., & Zhang, W. (2009). *Lintong xinfang: Zhongguo jiceng xinfang wenti yanjiu baogao (Letters and visits in Lintong: Research report of the issue of grass-roots letters and visits in China)*. Beijing: Renmin Press.
- Zhou, K. X. (1996). *How the farmers changed China: Power of the people*. Boulder, CO: Westview Press.

## Chapter 8

# Conclusion and Discussion

Keeping in mind Liang Shuming's statement that Chinese society is to a large extent relationship-based (King 1985: 63, 1991: 65; Alitto 1986), the present book has worked to understand the interrelationships between land-lost farmers and government officials, as they are located within their local setting. The book has not attempted to simply arrive at value judgments of the two sides involved, as the oppressed and their oppressors, or to deduce particular policy choices, as to just or effective means by which to effect growth and sustain order, nor has it focused on the consciences of the Chinese intelligentsia or the state's senior authorities, in their paternalistic concerns for the vulnerable. Instead, the book extends the overtly confrontational form of the relationship set by the framework of conflict theory, to make use of Giddens' structuration theory in order to analyse the forces of integration and conflict, as well as the dynamic course of the relationship between land-lost farmers and local government in the process of land expropriation, compensation and resettlement. Methodologically, with the use of the extended case method, and fieldwork in three different resettlement communities in one city in the centre of China, I situate the localised relationship between the governing and the governed under the external forces of the Chinese central state, and its dual imperatives of local growth and local order.

Practically, in order to understand China, we must understand the processes by which its rapid modernisation has been achieved. On the one hand, we need to understand its rapid economic development, which is grounded in the process of urbanisation operating at the local level, and the transformation of the economic system from a planned central economy to the decentralised fiscal system of the socialist market economy. On the other hand, we also need to recognise that there are multiple problems arising from these rapid transformations. The socialist market economy has created different and competing interests and attendant contradictions. An analysis of the relationship between local government and displaced farmers provides us with a specific case study of how the Chinese state has attempted to 'square the circle' in developing a 'socialist-market' economy, and what exactly that ideological construct means as applied in practice. In the relationship between

the two sides, there is an antithesis between the needs of local government and the needs of land-lost farmers, with the former concerned with local economic development and its own place within the state's bureaucracy and the latter striving for better living standards for their individual families as a marginalised group within society.

## 8.1 Relationship as Integration and Conflict

First and foremost, in order to construct the 'situatedness' of interactions (Giddens 1984: 110) between land-lost farmers and government, I focus on a particular local setting in order to study the relationship between the two sides. It is argued that there exists a structure in the local setting, within which the relationship between displaced farmers and officials takes place. It is the network of power-interests structure, which is determined by central government, operated by local government and participated in by land-lost farmers. The existence of this structure constitutes the primary reason for the possibility of integration locally, but in the meantime, conflict is also fleshed out within that local structure too.

Structures can change, struggling to function or become dysfunctional. It is clear from my specific case study that the three resettlement communities in Changsha City have gone on three seemingly different paths. First, Qingyuan Community has moved from conflict towards integration, where there are several interrelated factors: the requirement for order due to its proximity to major local government agencies, its better economic location, its more favourable compensation to farmers, and the internal organisation within the original farmers' collective, who were also state workers. By way of contrast, in the same city, Dongfanghong Community has already seen overt conflict, for example mass protest over the death in detention of a farmer after forceful removal. Here land-lost farmers bear disaffection out of having no knowledge where their collective's reserve land has gone and feeling cheated by local government. Finally, Sifangping Community appears to represent the middle ground, being more typical of how the network of power-interests structure operates locally in the ongoing relationship between land-lost farmers and local government. For example it is a community where confrontations threaten to escalate when each side attempts to strategically manipulate each other's use of appeal system, in their responses to external institutional forces which have been applied by the state.

Social integration can take place in the local setting, but in the Chinese context, there is also a need for integration at the system level, namely, to keep stability nationally. In this regard, local government has dual obligations. For one thing, local government has to ensure social integration and stability locally; for another, it has to undertake the requirement of the central authority to ensure system integration. Obviously, local government has to meet these dual obligations, since its authority in the locality is derived from its institutional commitment to the central Chinese government. Land-lost farmers need not participate in the institutional task of system integration in their relations with local government, as local government



proceeds with the task of developing the socialist market economy through land expropriation, compensation and resettlement. On the part of land-lost farmers, it is exactly their threat of disrupting system integration that constitutes their most important source of power during the development process. Power comes from land-lost farmers' threats to use the state's administrative appeal system, rather than its legal system, in order to blacken local officials' career and political prospects through claims of local malpractice and mismanagement. For those who can make pre-emptive concessions and reach a certain extent of unanimity in the locality, social integration and system integration are both more probable. While for those who sustain threats of disruption, given the priority of guaranteeing system integration, local government often betrays social integration locally through hostile treatment of land-lost farmers, and thus the explicit manifestation of conflict. This is the institutional background to the relationship under discussion here.

Giddens (1976: 104) argues that there are three fundamental elements in the production of interactions: it is constituted as an order, as meaningful, and as the operation of power relations. These three elements respectively correspond to the dimensions of legitimation, signification, and domination. Whereas the dimension of legitimation aims to work for the integration of the structure, here, through the operations of norms, the dimensions of signification and domination can be generative of explicit conflict, through lack of appeasement and aggressive control. Norms are generally stable. In the present case, institutional norms are based on the state's legal, political and economic systems concerning land expropriation, and are available to be interpreted differently and applied unevenly by each side in the relationship, alongside other institutional norms, such as the administrative appeal system, and also cultural norms, such as networks of connections, obligations and face and paternalistic bureaucracy. Interpretations of norms most often are in conflict and contradictory, and most social structures involve inequality of resources which implies different capacities to exercise power. In the context of the relationship between land-lost farmers and local government, the dimension of legitimation already possesses elements of inequality, involved in the systems defining the process of land expropriation, compensation and resettlement of displaced farmers and also in the fact that it is assigned to local government to implement this process using the directives of the central state and its authority, let alone the two parties' respective interpretative scheme and unequal capacities of power in the process.

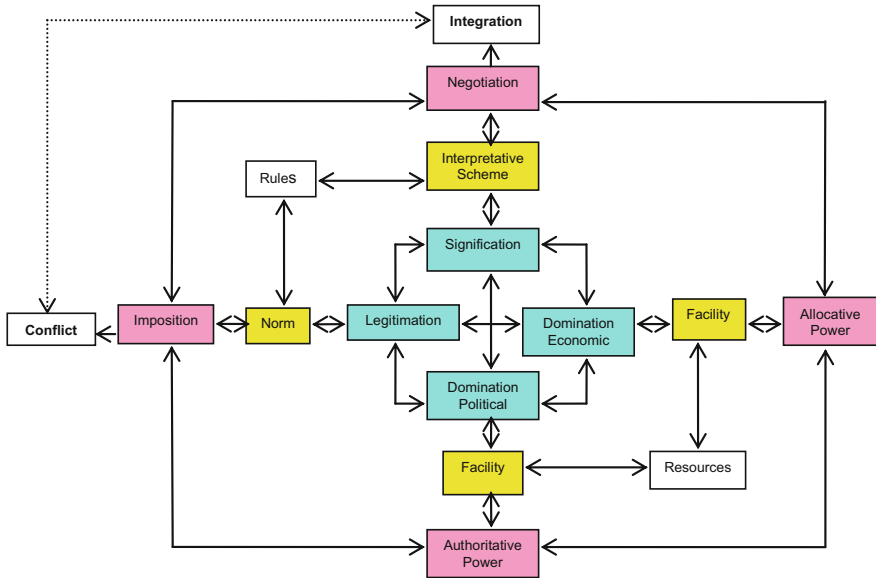
In terms of bases of power, local government dominates the allocation of resources in their local setting, and thus they hold all of the initiative in exercising this aspect of power. In terms of authoritative resources, it is also clear that the local government takes the dominant position in the relationship and thus has much more capacity for exercising that aspect of power as well. In terms of strategies, it can be seen that owing to its formal hierarchical position or authoritative status, local government has plenty of space to exercise power, including authority in constructing legitimation and coalition for their actions. Officials can even get compliance without using any strategies at all, since land-lost farmers will still ingratiate themselves with officials whatever the official's demeanour. This, however, can be a

legitimate strategy on the part of land-lost farmers in response to what they understand as a paternalistic bureaucracy. Land-lost farmers only occupy informal structural positions, and thus they need to use more strategic behaviour to be powerful: strategic action can be used to compensate for their relatively weak resources (Molm 1990). Moreover, they have a limited extent of rationality and coalition, and thus they have to resort to quasi-political activity, which is one tool for overcoming a lack of resources. Specifically, the land-lost farmers' limited resources are borrowed from an external source, which happens to be the state's deep concern to contain situations that might disrupt social order. Their power resources lie in their ability to disregard the national ideology of maintaining stability and engage in open conflict over their retreatment. In a word, the two side's relative power is quite incommensurate; the aggregate power of the local government is much greater than that of land-lost farmers. This constitutes the key factor for explicit conflict.

In general, though land-lost farmers have learnt to use bargaining power (at least to some extent), the space for them to practise such strategies is limited. Hence, they often resort to seemingly non-rational modes of action in confronting the superordination of government. As regards such analysis of 'rationalisation' in Giddens' terms, there are critical differences between land-lost farmers and local government in their interactions. The fact is that land-lost farmers' conduct carries motivation but they lack access to key resources for knowledgeable actors in terms of rationalisation and reflexivity. Often land-lost farmers base seemingly irrational responses on moral legitimacy deriving from the informal norms they already know from rural society and the presumption of a paternalistic state, while threatening local government's grip on formal institutional order by implying they will disrupt local stability. This only exacerbates the difficulty of handling interactions within the structure and increases the possibility for explicit conflict.

## 8.2 Relationship as Process

Notwithstanding the imbalance of power between land-lost farmers and local government, individual land-lost farmers can still play their own part in the relationship with local government, and thus, there is space for variation of power relationships. This is made possible because both sides make sense of their respective 'modalities', and meanwhile are aware of the modalities of the other side, for example, in local government laying claim to legitimate authority or land-lost farmers laying claim to legitimate morality, or in local government pointing out external contradictions in land-lost farmers' threats to growth and order, and land-lost farmers' revealing internal contradictions in local government's practices and implementation of policies for land expropriation, compensation and resettlement. Thus, each side's application of such modalities propels interactions between them forward.



**Fig. 8.1** Model of interaction of local government with land-lost farmers in the local network of power-interests structure

The dynamic process involved in local government’s relationship with land-lost farmers can be illustrated as in Fig. 8.1. That relationship is constituted by the three dimensions of legitimation, signification, and domination. First of all, the relationship between the two sides unfolds around norms that apply within the local network of power-interests structure, including expropriation and compensation legislation, procedures for removals and appeals, and so on, where these institutionalised norms are dictated by the central state, and so act as structuring mechanisms for the relationship between local officials and land-lost farmers, alongside other norms, such as bureaucratic paternalism and relationship-based networks, and social obligations and reputation. These norms can lead to a process of imposition which is susceptible to conflict, while the same norms can also act as social construction, which allow land-lost farmers as well as local government to bring their respective interpretative scheme into play.

Local government and land-lost farmers hold different positions and viewpoints on the development process. On the side of local government, while occupying the authoritative position within the local network of power-interests structure, local officials are also confronted with institutional pressures from the state to achieve growth but keep order. On the side of land-lost farmers, even while hoping for better lives for themselves and their families, they also believe that they are compelled to occupy an inferior social position. In this way, each side brings its respective interpretative scheme to their interactions, which can either accommodate differences and be conducive to integration, or become confrontational and

spawn explicit conflict. The process by which the facility of power is realised in interactions between the two sides through norms and differing interpretative scheme entails the transfer of their respective discursive consciousnesses into practical consciousness through mobilisation of resources within the network structure.

The interconnections between nodes in Fig. 8.1 are bi-directional to represent an ongoing process of interaction and to show that the forms integration and conflict can take are also transformative. As Brass and Burkhardt (1993) claim, structure mediates the relationship between power and actions, and behavioural strategies mediate the relationship between structure and power. Power is applied in a variety of possible patterns and practices. Figure 8.2 depicts the facility to apply power in the relationship between local government and land-lost farmers. Here the process is represented from both structural and agential perspectives. Structurally, the possibility of mutual knowledge and constraints rests with the fact that both sides are situated in the same network of power-interests structure. In this sense, there is a degree of homogeneity involving mutual dependence between local government and land-lost farmers, though in practice, mutual dependence means rather different things to each side. In agential terms, both sides bring their own particular

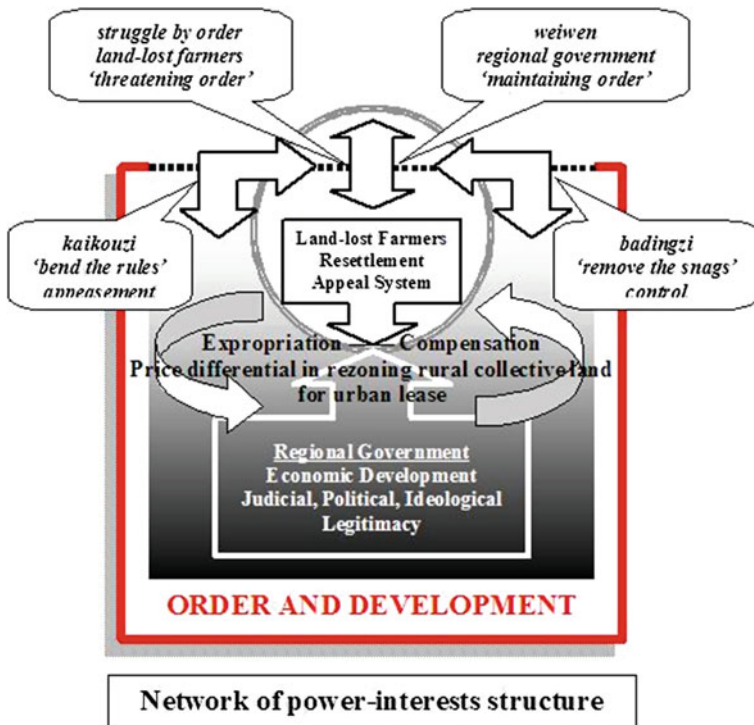


Fig. 8.2 The facility of power between land-lost farmers and local government

behavioural strategies to bear out of concern for their position and to represent their interests.

On the side of land-lost farmers, they carry out ‘interests-striving’ activities, sometimes based on norms and sometimes by making threats to disrupt order, using a strategy which can be termed as ‘struggle by order’ rather than ‘struggle by law’ or ‘rightful resistance’. Land-lost farmers can do this through threatening to use the institutional approach of appeals (*shangfang*) against officials, whose professional and political careers can be jeopardised by this process if it appears that they cannot maintain order locally. On the side of local government, their responses are driven by the state’s imperative to maintain order and ‘stability’ (*weiwen*). Officials may either attempt to appease land-lost farmers by ‘bending the rules’ (*kaikouzi*) or to control them by ‘removing the snags’ (*badingzi*) through acts of suppression in the hope of preventing disruption to order.

While the strategy of ‘removing the snags’ on the part of local government is apparently subject to abuses and opens the possibility for more confrontation, the strategy of ‘bending the rules’ in individual cases is also subject to abuses and may only lead to more cases of appeals from other individuals, especially given lack of organised responses from land-lost farmers as a group. In addition, if land-lost farmers actually make use of the administrative appeal system, it may seem to them that it holds out the possibility of making local government accountable, if imperfectly, since they are making morally legitimate complaints and appeals to the central authorities phrased in paternalistic terms. However, perversely, though farmers are displaced from a collective organisation when rural land is re-designated and they are resettled in communities which are collectively organised too, by the city’s street agency, collective appeals by displaced farmers are not permitted. Also, appealing to the higher authorities implies damage to local authorities and the local network structure. Thus, even legitimate use of the state’s appeal system may result in a bureaucratic impasse, and more confrontation in the process. It is at such critical moments that the relationship between the two sides is reconstructed, with the initiative taken by local government to implement further or new rules of the game. In this way, the relationship between land-lost farmers and local government proceeds within the local network of power-interests structure, operated under the external force of order.

### 8.3 Applicability of the Theories Used

Based on both the practical situation and the literature review, it is self-evident that the issue of land-lost farmers, accompanied by their relationship with local government, is a significant source of social conflict in the present-day China. Therefore, conflict theory is essential to construct a contextual analysis of the relationship under concern. In particular, ‘social status’ as involved in conflict theory, especially in Dahrendorf’s dialectical approach to conflict, offers a way to discuss the uneven power that can be exerted by land-lost farmers and local

government within their relationship. However, seeing the issue only from conflictual perspective is simply dichotomous, thus the relationship set within that dimension alone is static and incomplete.

Structuration theory is useful in constructing the relationship within the network of power-interests structure, and analysing the interactions of agents, land-lost farmers and local government, within that structure, so as to present the interdependency between agents and structure. It is useful in, on the one hand, analysing the functioning of the network of power-interests structure in moulding the relationship between land-lost farmers and local government; on the other, analysing the interaction of agents for the reproduction or alteration of the structure of Chinese urbanisation and rural social change. That is quite evident in the different directions that the three resettlement communities, Qingyuan, Sifangping and Dongfanghong, have taken in developing interactions between farmers and officials. The three components of modalities of structuration theory are especially useful in constructing a complete and dynamic relationship between land-lost farmers and local government. In addition, structuration theory is useful in analysing the modernisation process manifested in land expropriation, compensation and resettlement that act on local government and land-lost farmers, and how both sides construct their particular relationship within these processes on the urban-rural periphery. However, though structuration theory is useful in understanding the objective situations faced by agents as constituting their interpretative schemes, it does not of itself adequately offer a way to theorise those objective situations, which must also incorporate the extent of power held by agents. Moreover, the case under consideration in the present study is not well suited to a structural account with its focus on change from modernity towards post-modernity. That is not realistically relevant to the case especially as regards land-lost farmers.

Only the use of structuration and conflict theories in combination allow the examination of the static manifestation of the relationship between land-lost farmers and local government as the coexistence of forces of integration and conflict, as well as the dynamic interplay involved, so as to construct a complete sense of the relationship. However, given the methodology that was used, the study cannot establish the likelihood, especially in statistical terms, of mutual transformation between integration and conflict within the relationship. And we can see from the study that the relationship between land-lost farmers and officials is developing in different ways in the three different resettlement communities. A key aspect in either side's resolution of the contradiction inherent in their relationships—which comes to the fore when structuration theory is used as an extension to conflict theory—is their respective claims to legitimacy. In this regard, government officials can readily endow their own conduct with legitimacy. While for the farmers, they care less about the public good but they still hold onto the legitimate morality implicit in paternalism and traditional ties to the land as justification for their contradictory responses. The purpose of the study was to analyse the specific case of the relationship between land-lost farmers and local government and its social dimensions in the practical operation of the socialist market economy; not to evaluate either side's behaviour.

## 8.4 Directions for Further Research

The book has made a contribution to the understanding of the relationship between land-lost farmers and local government during the course of rapid urbanisation in China, using the analytic framework of conflict and structuration theories to construct a complete sense of the relationship which includes not only the forces of integration and conflict but also an ongoing dynamic process of interplay between the two sides. However, the combination of the two theories requires further development and integration. The current use of structuration and conflict theories in the book cannot fully theorise some specific descriptions, such as the objective situations faced by both sides which not only constitute their interpretative schemes but which also affect their facility of power. Based on such considerations, further research might better apply Bourdieusian accounts. It is understood that Bourdieu's terminologies such as field, knowledge, capital, game and strategies are useful to the analysis of the dynamics of power relations in social life, so as to analyse both the conflict and the process of structuration involved in the present study. In reconciling the influences of both external social structures and subjective experience on the individual, a Bourdieusian framework is also conducive to the objective of this study. In conclusion, the use of a Bourdieusian framework would overcome the drawbacks to the existing analysis to produce a more self-contained account of the relationship between land-lost farmers and government officials in the Chinese context.

## References

- Alitto, G. S. (1986). *The last Confucian: Liang Shu-ming and the Chinese dilemma of modernity* (2nd ed.). Berkeley: University of California Press.
- Brass, D. J., & Burkhardt, M. E. (1993). Potential power and power use: An investigation of structure and behaviour. *Acad Manag J*, 36(3), 441–470.
- Giddens, A. (1976). *New rules of sociological method: A positive critique of interpretative sociologies*. London: Hutchinson.
- Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. Cambridge: Polity Press.
- King, A. Y. (1985). The individual and group in Confucianism: A relational perspective. In D. J. Munro (Ed.), *Individualism and holism: Studies in Confucian and Taoist values* (pp. 57–70). Ann Arbor: Michigan University Press.
- King, A. Y. (1991). Kuan-hsi and network building: A sociological interpretation. *Daedalus*, 120(2), 63–84.
- Molm, L. D. (1990). Structure, action, and outcomes: The dynamic of power in social exchange. *Am Sociol Rev*, 55(3), 427–447.

# Appendix A

## Core Definitions

The following concepts are essential to this book but may be unfamiliar to Western readers. While there can be no right way to define these notions, I do need to be clear about them.

### A.1 Land-Lost Farmers

Simply speaking, land-lost farmers belong to the peasant households who lost part or all of their cultivated land, which is collectively owned. There are three primary reasons why farmers lose their cultivated land. The first is the desertification of land caused by natural disasters or the deterioration of ecological environment, which deprives the land of the foundation of cultivation. The second reason is the implementation of national environmental policies, such as the national plans of reforestation of cultivated land, reservoir emigration, reallocation of land, and so on. The third reason is the acceleration of urbanisation process, which leads to the governmental expropriation of farmers' cultivated land. It is thus clear that the definition of land-lost farmers can be interpreted in a broad sense as it contains reduction of agricultural land due to a variety of reasons. But generally speaking, land-lost farmers are understood in a narrow sense, as the peasant households whose agricultural land has decreased owing to the governmental expropriation of land during the process of urbanisation. The definition of land-lost farmers in this study is also, in a narrow sense, referring to that for the purpose of urbanisation, the population whose land was originally owned collectively and operated under the household responsibility system and now is expropriated by the state for purposes of urban development.



## **A.2 Local Government**

Local governments are set up by the central government to perform the functions of administration and management at the local level. Local governments in this study refer to all administrative establishments under the united leadership of the State Council, including governments at levels of the province, city, district (county), street (town), and community (village). Intentions of local government can often be manifested by conduct of local government staff. At some points of the book I distinguish regional government from local/grass-roots government and use the term ‘regional and local government’.

## **A.3 Appeal/Letters and Visits**

Appeal in this study is not appeal in a legal sense; rather, it is more similar to petition in form. As a peculiar kind of popular political expressive form in China, ‘appeal’ is entrenched in the public mind as a means of redress. It refers to the approach through which the masses report their problems to authorities and ask for resolution of these problems. The appeals’ process is institutionalised as the system of ‘letters and visits’. According to *Regulations on Letters and Visits*, letters and visits mean that ‘citizens, legal persons or other organisations give information, make comments or suggestions or lodge complaints to the people’s governments at all levels and the relevant departments of the people’s governments at or above the county level through correspondence, e-mails, faxes, phone calls, visits, and so on, which are dealt with by the relevant administrative departments according to law’.

## Appendix B

### Glossary of Important Chinese Terms

<i>badingzi</i>	Removing the snags	拔钉子
<i>fumuguan</i>	Parental officials	父母官
<i>guanxi (wang)</i>	(A web of) relations	关系(网)
<i>hukou</i>	Household registration	户口
<i>jiefang</i>	Blocking appellants	截访
<i>kaifanghu</i>	The households that are chosen by the government for outsiders to visit	开放户
<i>kaikouzi</i>	Bending the rules	开口子
LAL	Land Administration Law	土地管理法
<i>laobaixing</i>	Ordinary people	老百姓
<i>lao shangfanghu</i>	Frequent appellants	老上访户
LUR	Land use rights	土地使用权
<i>mianzi</i>	Face	面子
MLR	Ministry of Land and Resources	国土资源部
<i>mu</i>	Unit of area, approximating 666.67 m <sup>2</sup> or equating to 1/15 ha	亩
<i>nao</i>	Making a disturbance	闹
<i>peifang</i>	Accompanying appellants to appeal to higher authorities	陪访
<i>qingtian (dalaoye)</i>	Upright officials at higher levels	青天(大老爷)
<i>renhuo yikouqi</i>	People live for their dignity	人活一口气
<i>renqing (wang)</i>	(A web of) obligations	人情(网)
<i>shangfang</i>	Appeal	上访
<i>shangfang zhuan yehu</i>	Full-time appellants	上访专业户
<i>tuhuandi</i>	Local emperors	土皇帝
<i>weiquan</i>	Safeguarding rights	维权
<i>weiwen</i>	Maintaining stability	维稳
<i>xinfang</i>	Letters and visits	信访
<i>yuan</i>	Basic unit of modern Chinese currencies, approximating 0.15 US Dollar according to the latest rate of exchange	元
<i>zimin</i>	Filial subjects	子民

## Appendix C

# Context of Appeal System

The social context of the foremost institution for land-lost farmers to challenge government actions should be reflected on. The most widely-used system concerning government-populace relationship in China, is unofficially called ‘appeal’ (*shangfang*) or officially ‘letters and visits’ (*xinfang*). This system is the necessary vantage to understand the issue of how low-status people interplay with authorities. So we need to explore deeper into this system setting. No matter from the functionalist perspective or from the perspective of deductive reasoning, once a system can last long and spread wide, it must have its reason of existence or contextualised rationality, so it has to firstly obtain respect and understanding from latecomers or outsiders. Above all, it is significant to track back to history to seek the inherited nature of the entrenched system, and to figure out the tie between current socialist ideology and traditional Confucian settlement of disputes.

### C.1 The Development of Appeal in Traditional China

Imperial China had a long tradition of combining administration and judiciary in one official in every level of bureaucracy. This means that, the institution of settling lawsuits and redressing injustices through officials played a very important part in the judicial system of traditional China. It seems that the appellate system was a utilitarian operational mechanism because the populace could make use of it effectively and wisely, but actually it was the reflection of ordinary people’s consciousness of upright officials, also it was related to the typically hierarchical bureaucracy that the commands from superiors were more authoritative.

Appeal was formally introduced in the Western Zhou Dynasty (1100–771 B.C.) and ended with *jingkong* (capital appeal) in the Qing Dynasty (1644–1912). The ancient appellate system consisted of three basic forms: *ji dengweng* (banging the ‘grievance drum’ that can be heard by the emperor outside the palace when there is emergent and severe injustice), *yaochejia* (kneeling in front of the carriage of the emperor along the way of an imperial procession), and *shangbiao* (submitting a

written statement to the emperor). Throughout its development, it was increasingly institutionalised in terms of substantive regulations and procedures of operation, constituting a significant channel for the emperor and superior government to access factual situations of the public.

### *C.1.1 An Outline*

Presently, there are two marble pillars in Tiananmen Square which are evolved from ‘boards for condemnation’ in ancient times. In the times of Yao and Shun,<sup>1</sup> a plank of wood attached with a piece of transverse board was erected in this very place where people of that time discussed public affairs. People could write their opinions about somebody else and their suggestions on administration of the state on the board, which approximately equated to the present-day ‘letters of accusation’ and ‘petitions’. Lodging appeals to government has been a distinguishing and indispensable system for correcting false and unjust cases ever since ancient China. Appeals raised issues not of law but of fact and covered almost every imaginable legal, political, economic, and social issue.

According to the records in historical books such as *Huainanzi · Zhushuxun*, when Yao was on the throne, he erected ‘flags for offering advice’ in front of the imperial court to hear suggestions from ordinary people. Later he set up ‘boards for condemnation’ for the folk to discuss his faults. Similarly, Shun installed ‘drums for expostulation’ for the chancellery to express their opinions.<sup>2</sup> ‘Flags for offering advice’, ‘boards for condemnation’ and ‘drums for expostulation’ can be thought to be the origin of the system of ‘letters and visits’ in China. The existing earliest formal record of appeals can be seen in *Zhouli · Qiuguan Sikou*: in the Western Zhou Dynasty, a piece of *feishi* (red stone) was put on the right side of the gate to the palace; once the ordinary people felt anything unfair, they could beat the stone or stand on the stone to redress their grievances; related officials that did not come to listen to their grievances within three days and report the issues to their superiors would be punished (Gao 1993: 29). The hallmark system called *Dengwengu* (drum that once beaten can be heard by the emperor) was set up in Wei-Jin Southern and Northern Dynasties (220–589 A.D.). The *dengwengu* was hung outside the palace. People could bang the drum to air their grievances directly towards the emperor or the supreme judiciary. This system went through various reforms until the Qing Dynasty.

The appellate system became outstandingly institutionalised in the Tang Dynasty (618–907 A.D.), which not only inherited and developed systems of previous dynasties, but also increasingly specified the scope and procedures of appeals, sanctions against spurious appeals, responsibilities of officials, and so on. In the

<sup>1</sup>Yao and Shun are both legendary sage kings in late primitive China prior to the first slavery dynasty Xia.

<sup>2</sup><http://ctext.org/huainanzi/zhu-shu-xun/zh>, accessed 9 Jul 2011.

Song Dynasty (960–1279 A.D.), specialised organs were set up to accept appeals, which were referred to as *xueli* (clarification of reasons). The level-by-level appellate procedure was further emphasised in the Ming Dynasty (1368–1644 A.D.) as those who bypassed the immediate authority to appeal would be harshly punished. In the Qing Dynasty, the appellate system was so comprehensively constructed that its implementation could not be merely decided by the ruler's personal inclination but was operated systematically, and that restrictions on appeals were also more rigorous.

The dual nature of appeal as implements of both revelation and remediation explains why it became a persistent mechanism. But whose interests did this mechanism serve, apart from the dynasties'? Was the appellate system just one more forum for social conflict and bureaucratic politics, or was it an instrument for securing justice for the individual? Let us seek answers to these questions by a closer examination of the operation of traditional appeals.

### ***C.1.2 Three Representative Forms of Traditional Appeal***

*Ji dengwengu*, *yaochejia*, and *shangbiao* were the three representative forms of appeal in ancient China. The following will explicate their respective evolution.

#### **C.1.2.1 Ji Dengwengu**

Other than its conventional function as musical instrument, *gu* (drum) was bestowed a variety of special missions, the most famous of which included *zhangu* (war drum), *jiangu* (expostulation drum) and *dengwengu*. The Yellow Emperor used *zhangu* to boost morale in the War of Zhuolu; Shun took the lead in installing *jiangu* to encourage free airing of views among the chancellor; while *dengwengu* was the drum for ordinary people to redress their grievances. The usage of drum for appeals was originated from the Zhou Dynasty (1122–256 B.C.), and developed into *Dengwengu* System in Wei-Jin Southern and Northern Dynasties. Once the *dengwengu* was banged, it could be heard by the emperor, so there was no possibility for bureaucrats to shield one another.

According to *Zhouli · Xiaguan Sima*, in the Western Zhou Dynasty, four drums were installed outside the gate of the palace. All ordinary people could bang them. Once the imperial servants heard the sound of the drum, they should introduce the drum-bangers to the emperor immediately.<sup>3</sup> Nevertheless, it is difficult to verify whether the stipulation was strictly implemented since the emperor would not have borne such heavy work if he had met every drum-banger.

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<sup>3</sup>[http://www.guoxue.com/jinbu/13jing/zhouli/zl\\_004.htm](http://www.guoxue.com/jinbu/13jing/zhouli/zl_004.htm), accessed 9 Jul 2011.

The Han Dynasty (202 B.C. to 220 A.D.) inherited the system of the Western Zhou Dynasty that allowed people to bang the drum to expose abnormal things, including someone's motivation of usurpation or their sufferings of severe injustice. The government officials would be punished if they did not pass the appeals up to their superiors within half a month.

*Dengwengu* System was formed in Wei-Jin Southern and Northern Dynasties. The law of that time stipulated that when the ordinary people suffered grievances and had nowhere to turn to, they could appeal directly to the emperor, the form of which was banging the *dengwengu*. From then on, *ji* (banging) *dengwengu* became an important form of the appellate system in subsequent dynasties.

In Sui (581–618 A.D.) and Tang Dynasties, lodging appeals to the emperor through *ji dengwengu* was controlled to some degree, namely, only those who still felt unfair through judicial trials along hierarchical levels were allowed to appeal by *ji dengwengu*. Grounded on the Sui Dynasty regulations, the Tang Dynasty set some limits on appeals by *ji dengwengu*: the appellants would be punished if the matters of direct appeals were fabricated, and the law officers who did not immediately accept and hear appeals through *ji dengwengu* would be doubly guilty compared to their legal liability of ignoring normal appeals.

The Song Dynasty began to set up a specialised institution in charge of *dengwengu*. Those who wanted to appeal on affairs of the state, beg favours and redress wrongs should petition firstly through the institution. At times the emperor himself would hear the cases. In the last years of the Northern Song Dynasty (960–1127 A.D.), the emperor wrongly dismissed the Secretary of State Ligang and the Senior General Zhong Shidao from their posts because of a rumour; hundreds of imperial scholars and ordinary people protested and banged the *dengwengu* until the drum leather was broken; in the end, the emperor had to announce to recover the posts of Ligang and Zhong Shidao. In the meantime, the dynasties established by northern minorities including Liao (907–1125 A.D.) and Jin (1115–1234 A.D.) imitated the system of the Song Dynasty and respectively set up a similar institution.

Developed till the times of Yuan, Ming, and Qing, limits on the scope and procedure of *ji dengwengu* were made increasingly clear. The Yuan Dynasty stipulated that appellants could only appeal to an immediately superior court, in addition, only those whose family members were killed and had nowhere to voice could appeal through *ji dengwengu*. Thereby, the Yuan Dynasty limited appeals within a small number of severe cases. Although more legal limits on appeals through *ji dengwengu* were gradually placed in the times of Yuan and Ming, as a matter of fact, there was distinct arbitrariness of whether to accept appeals. It was stipulated that only those who had severe grievances or issues concerning national secrets could appeal through *ji dengwengu*, but many appeals on history records turned out to be trivial cases. Actually, the key to whether appeals could be accepted depended on whether the interest of the emperor could be attracted. For example, in the period of Hongwu (the first emperor of Ming, Zhu Yuanzhang), an officer in Nanjing made a mistake and was penalised to transcribe files, unexpectedly meanwhile his mother passed away, the officer requested to go back to mourn but was refused by the senior official in the Board of Personnel, then the

officer vented his grievances by *ji dengwengu*; in the end, the emperor blamed the senior official and permitted the officer to return to his home. In the first year of the period of Yongle (the third emperor of Ming, Zhu Di), a county magistrate was sentenced to be banished for taking bribes and he appealed by *ji dengwengu*, the case was then rechecked; though the offence was confirmed, the emperor treated him leniently and forgave him.

In the sixty-first year of Kangxi,<sup>4</sup> the Drum Hall was set up. Once officials or ordinary people suffered from grievances and were not accepted or treated unjustly by first trial yamens, they could appeal by *ji dengwengu*; if injustice really existed, the cases would be reported to the emperor and dealt with by the Board of Punishment. This system continued to be used till the end of Qing. The Qing Dynasty restricted more tightly on appeals by *ji dengwengu*. The article of *yuesong* (litigation bypassing immediate courts) in *Daqing Lüli · Xinglü · Susong* (Law of Qing Dynasty · Criminal Law · Litigation) stipulated that those who lodged ostensible appeals through *ji dengwengu* would receive one hundred strokes, the appellants would be convicted of felony if the matters were more severe; furthermore, it prohibited criminals with cases that had been carefully investigated by local governors from neither banging the drum to reverse a verdict nor self mutilating and making noises at the Chang'an Gate,<sup>5</sup> and it also prohibited a crowd from intruding into the Drum Hall; those who violated the prohibitions would be heavily punished, e.g. the principal culprit of drum-banging gang would be exiled and the others would be dealt with in a slightly alleviated way.<sup>6</sup>

### C.1.2.2 Yaochejia

*Yaochejia* is a kind of direct appeal that having been treated unjustly and unable to find anywhere to resort to, the appellants hid in advance in a place where the emperor would certainly pass through during the imperial procession, knelt in front of the emperor's carriage and vented their grievances when he arrived.

The appellate form of *yaochejia* formally arose in Wei-Jin Southern and Northern Dynasties. *Houhanshu* (a major history record of the Han Dynasty) recorded a typical instance. A scholar named Yang Zheng directly appealed for his teacher through *yaochejia*; having begun with self-mutilation and then been shot with arrows by the emperor's guards, he still did not give up, which finally moved the emperor and rescued his teacher. Yang Zheng's behaviour was ubiquitous in ancient appeals, which were usually combined with self-mutilation such as rolling through iron nails, piercing the face, cutting off the ear, nailing the hand, and so on.

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<sup>4</sup>He is the fourth emperor of Qing since its establishment as well as the second emperor of Qing since its entrance to the central plains of China. The following emperors of Qing are all mentioned in the latter standard.

<sup>5</sup>This is the gate through which all officials enter into the court to meet the emperor on ordinary days.

<sup>6</sup><http://www.guoxue123.com/shibu/0401/01dql/index.htm>, accessed 9 Jul 2011.

Appellants indicated their determination to proceed the appeals until success and expressed their sincerity of self-punishment for disturbing the emperor. It is really moving and tragic of appellants to seek the enlistment of the emperor at the cost of self-mutilation, which demonstrates that dissatisfied and persistent appellants were an anathema whose claims should be contained rather than sustained, but whether the appeals would succeed depended on whether the emperor would be moved. Thus the demerit is evident.

*Yaochejia* was formally enacted in law in the Tang Dynasty. It was stipulated that, on the one hand, appeals through *yaochejia* should be accepted, on the other, those who lodged frivolous appeals should be punished. Moreover, it prohibited appeals by the means of self-mutilation, which illustrates that the ruler of Tang clearly realised the perniciousness of self-mutilation in appeals. This is prominent progress.

Restrictions on appeals by *yaochejia* were more rigorous in the Qing Dynasty as well. It was stipulated in *Daqing Lüli · Xinglü · Susong* that those who lodged embellished appeals by *yaochejia* would receive one hundred strokes and those who disturbed the guard of honour would be hung.

### C.1.2.3 Shangbiao

*Shangbiao* is a kind of appeal that the parties wrote directly to the emperor to request correction of misjudged cases. The famous story of Tiying who rescued her father through *shangbiao* was the most typical example. In B.C. 167, an official named Chun Yuyi was harshly sentenced for his crime; the emperor ordered that related criminals be escorted to Chang'an (the capital of that time); the law of Han stipulated that if parents made crimes, their sons could replace them to serve the sentences, however, Chun did not have any sons but only five daughters, thus he scolded at his daughters and thought them useless especially in an emergency; unexpectedly his youngest daughter Tiying followed him to Chang'an, and submitted a written statement to the emperor, in which she defended her father, criticised that the corporal punishment which was popular then deprived of opportunities of correction, and stated her willingness to redeem the sentence of his father with herself; as a result, the genuine and wholehearted statement written by Tiying moved the emperor and urged him to be determined on launching a famous penalty reformation campaign in the history of legal system that was committed to abolishing corporal punishment.

Many emperors in the Tang Dynasty were famous for doing well in accepting expostulations, so the channels of *shangbiao* were less obstructed. The most famous practice took place in the second year of the reign of Wu Zetian,<sup>7</sup> four boxes were hung outside the palace to receive public opinions about agriculture,

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<sup>7</sup>She is generally regarded as the fourth emperor of Tang (but actually she created a title Zhou for her reigning dynasty) as well as the sole female emperor in the whole history of China.



administration, injustice, and plots respectively; an official was assigned to collate bills of complaint. This quasi-formal cum convenient institution aroused an upsurge of ‘letters and visits’.

In the Qing Dynasty, the censorate and the capital gendarmerie (*bujun tongling yamen*) were responsible for sorting and sifting materials submitted to the emperor, censoring written accusations and plaintiffs’ statements, which shared the emperor’s pressure of hearing cases. As the emperor’s triage officers, they decided which cases were worth the emperor’s notice, which could be remanded to the regions, and which could be dismissed. That is to say, as a result of the increase of population and cases of injustice, it was impossible for the emperor to check all written statements that had been filtered by specialised departments. Therefore quite a few real cases of injustice were blocked half-way and could not reach the emperor. In 1800, Jiaqing became the fifth emperor of Qing and made a determination to reinvigorate Qing administration. He launched the context of reopening channels of communication (*yanlu*), under which all appeals lodged to the emperor be accepted: neither bribes nor mutual face-saving could conceal official malpractice. This watershed decision was ensued with a flood of appeals. Nonetheless, Jiaqing’s 1800 edict still required his triage officers to sort appeals in spite of his statement of reading every case record. Only those that presented clear evidence of unredressed grievances, of unfair or careless judgments arrived at either unintentionally or through the inducement of bribes, or of any other serious charge, were to be memorialised to the emperor. He would read them, add a rescript, but then refer them back to the provincial governors.<sup>8</sup> It was not easy to submit written statements to the emperor. So it is understandable that the basic expectation of the appellants was not that the emperor himself would try a case but that his imprimatur would stimulate officials to resolve a grievance quickly and justly.

As it was rather difficult to write petitions that could move the emperor, *shangbiao* required higher literary quality of appellants. Its particularity created room for those who were specialised in lodging appeals for others. These people were called *songgun* (pettifoggers or tricksters, lit. litigation sticks), who were the ancient rudiment of lawyers in China. In the Qing Dynasty, it was common that *songgun* took part in *shangbiao*. During the 1830s–1860s in Jiangsu, the specialists found a ‘litigation network’ with ‘offices’ in both Suzhou and Beijing to provide service for appellants, and they gathered in hostels on the way to Beijing where they solicited business.

Developed under the political institution of highly centralised authority, the ancient appellate system homogenised with the system of accepting admonition, the system of litigation, and the system of supervision to a large extent. Notwithstanding the establishment of *dengwengu*, *yaochejia*, and the institution for accepting *shangbiao*, the traditional appellate system was generally required to be implemented along the hierarchical level. Governors tend to ‘shut people up’ by

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<sup>8</sup>*Qinding Taigui (Imperial Established Regulations of the Censorate), 1892 Preface*. Beijing, pp. 14: 7b–8a, 18a–18b.

accusing them of bypassing though they might warn their subordinate officials to concern themselves with the reasonableness of the appeals. A Board of Punishment official, Wang Yingfu, criticised that it was detrimental to reject appellant who had bypassed. A dam could staunch a river, and officials could still the people's voices; but such results were transient and catastrophic deluges would inevitably follow.

### ***C.1.3 The End of Traditional Appeal in China: Jingkong in the Qing Dynasty***

Chinese traditional appellate system developed to the peak and also came to an end in the Qing Dynasty. In Qing Dynasty, appeals were generally categorised into two types: appeals lodged to up-to-provincial levels were called local appeals, and appeals lodged to the central ministries were called *jingkong* (capital appeals) which had a rich connotation. Qing Dynasty was the late period of feudal society in China when serious problems and defects arose within the order of the state. It was not unreasonable to attribute the late nineteenth-century excess of appeals to the machinations of pettifoggers or the perversity of the selfish and small-minded who appealed regardless of the significance or veracity of their cause simply if they did not get their own way, but commentators were still unanimous that appeals in general were the people's way of maintaining a healthy pulse in the body politic by removing the blockage of official negligence. cursory comments, improper inquests, deliberate delays, uncontrolled clerks who concealed evidence, and mistaken judgments were considered by emperors and their senior officials to be the fertile breeding ground for capital appeals.

Jiaqing described a syndrome in which laxity was merely one element. First, local officials did not judge a case faithfully; then, superior officials did not personally judge the appeal but remanded it to the original magistrate. The local officials, in order not to reverse themselves, maneuvered to dissuade or prevent the appellant from proceeding with his cause, sometimes even by locking him up to 'close his mouth'. As a last resort, people had to appeal to Beijing.<sup>9</sup> In normal state, as the representative of the state, the authority of the grass-roots regime is located at the core position of the structure, and the state authority lurks. As a result of a great amount of grass-roots governments' encroachment of the masses' interests, the legitimacy of grass-roots regime is called into question, and the state authority naturally enters the vision of the ordinary people.

So *jingkong* was legally, politically, economically and socially involved from illegal penalty and misconduct of judgement to ineffective debt and familial problems, and so on, which in effect became an important approach for feudal rulers

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<sup>9</sup>*Qinding Taigui (Imperial Established Regulations of the Censorate), 1892 Preface.* Beijing, pp. 14: 23b, 38a; *Qinding Liubu Chufen Zeli (Imperial Established Disciplinary Regulations for the Six Boards), 1887 Preface* (reprint). Taipei: Wenhai, 1969, pp. 47: 9b–10a; Zhu and Bao 1968: 45: 18b–19b.

to acquire information and control the society. This can explain why such a system is encouraged in a Confucian society ever since. Capital appeals were discerned by all levels of rulers from magistrate to emperor, as a rich source of information about the quality of governance and the operation of society. For the emperor, the ultimate guardian of national harmony, appeals served a preventive function by forestalling punishment of the innocent as well as a restorative one by ensuring that injustices were duly corrected.

Before the drastic increase of *jingkong* in the late eighteenth century and the early nineteenth century, the bulk of officials that accepted and heard capital appeals were imperial commissioners dispatched by the emperor. Since the imperial commissioners were directly answerable to the emperor and putatively independent of any ties to the provincial bureaucracy as well as non-distracted by other official responsibilities, their trial of important cases, especially those in which officials and clerks were implicated, gave promise of disinterested justice to the plaintiff. Nevertheless, the state could not bear the heavy financial burden of assigning peripatetic imperial commissioners to every case. After the early nineteenth century, the responsibility of accepting and hearing *jingkong* was mostly transferred to governors of provinces, which greatly alleviated the dynamism of *jingkong*. Qing provincial officials of the 1820s and 1830s reacted vigorously to the growing burden of appeals. As members of regional bureaucratic system, the possibility for governors-general to take acceptance of persons and harbour the subordinates was usually much greater than the imperial commissioners. Moreover, as regional high-ranking officials, governors-general had such a large amount of work to do that they usually got cases dealt with by their subordinates. In an environment where attention to the state's finances was more vital to their careers than the skilful distribution of justice, it was inevitable that harassed governors would not give high priority to trying capital appeals. Generally their concern was less with the socio-economic problems that caused the initial complaint and the remedies for them than with the difficulties produced by the failure to handle the complaints fairly and quickly. They therefore resorted to promoting the quality and morale of local officials in hope of motivating them to treat magistrate's cases and eliminating that source of capital appeals.

As mentioned earlier, the emperor Jiaqing initially wanted to release the control on *jingkong* to encourage free airing of views, but it was impossible at all for the emperor to check such a large quantity of cases. In order to expedite processing really major cases of injustice, the central government decided to remand all trivial cases to local government, that is to say, all trivial cases would not be submitted to provincial officials who had to concentrate on major cases. Facing an impending deadline as well as to maintain political achievements and other interests, many officials that handled cases neglected accuracy without satisfying appellants' requirements of fairness. One premise of the Qing judicial system was that the submission of complaints should give way to mediation. Indeed, local magistrates used the horrors of custody and delay to discourage people from becoming involved in the process. This guiding ideology increasingly tightened restrictions on appeals, which has been mentioned earlier.

Therefore, the emphasis of *jingkong* was focused on major criminal cases especially those involving officials; civil cases were excluded, even land disputes were conferred only restricted access to courts. In an agricultural society disputes over land were of vital concern to the public livelihoods and consequently could suddenly explode from minor matters into violent confrontations, so it is puzzling that Qing law never formally recognised their importance (Huang 1985: 88–101). Qing only waived the restriction on hearing such minor civil litigation during the agricultural busy season when disputes over boundaries risked the smooth process of planting.

Late Qing was an even more troubled period when bizarre cases occurred frequently. Gradual downfall of feudal political institution caused extreme corruption within the judiciary. The structural defects in judiciary not only directly increased appeals but also prompted the use of the appellate system for ulterior intentions. Although these well-known cases—Zhejiang’s Yang Naiwu, Jiangnan’s Sanpailou, Henan’s Wang Shuwen, and Sichuan’s Dongxiang (Zhou 1985)—display the great injustices of the late Qing, they are not necessarily the tip of an iceberg (Alford 1984). Here I will take the case of Yang Naiwu as an instance.<sup>10</sup> Because of bribery and the network of *guanxi* (relations), most administrators of the county, provincial, and the central government accused Yang of the crime. But meanwhile appellants on behalf of Yang repeatedly went to Beijing to complain the unjust charge. Finally the wronged case was righted, during which the Empress Dowager and an honest and upright high-ranking official named Weng Tonghe played a great part. Government at local level made mistakes again and again, and at last only with the intervention of the highest ruler and the existence of the honest and upright official could right a wronged case that was originally uncomplicated. This revealed that the judiciary of that time could not essentially protect legitimate rights and benefits of the masses. Nonetheless, the misjudged case was corrected ultimately, which on the other hand demonstrated certain legitimacy and realistic significance of *jingkong* in the Qing Dynasty. Anyway, resorting to appeal is the only choice of the people to redress grievances within the institution, and in most cases they have to take it to Beijing notwithstanding many difficulties that may be involved. This phenomenon has a long-lasting influence, which sits as a breeding source of problems concerning appeal contemporarily.

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<sup>10</sup>The case of Yang Naiwu can be outlined as follows. In the twelfth year of Tongzhi (the eighth emperor of Qing), there arose some gossip between a *juren* (second degree candidate in the feudal provincial examination) Yang Naiwu and his tenant Bi Xiugu due to their over-intimate contact. Coincidentally the husband of Bi who had been ill for a long time suddenly died. Bi’s mother-in-law who had suspected the affair between Bi and Yang voiced her grievances to the government. Thus a wronged case of murder was concocted under the torture of inquisition conducted by officials of all ranks.

## C.2 The Cleavage: the Republican Era

The legal system was reformed in late Qing. From 1911 to 1945 was the reign of the Republic of China, during which the Western continental legal system was introduced. The former Chinese legal system was disbanded. Sun Yat-sen's 'Three Principles of the People'<sup>11</sup> as the foundation of the country and the 'Five-Power Constitution'<sup>12</sup> as the guideline for the political system and bureaucracy were followed to some extent, and thus the direct appellate system did not exist at that time. However, petitions and protests launched spontaneously by the masses emerged in an endless stream. Some nationwide petitions could involve dozens of thousands of people. Many senior officials including Chiang Kai-shek granted an audience to the petitioning masses or their representatives.

## C.3 The System of Letters and Visits

Appeal is institutionalised as the system of letters and visits in contemporary China. The CCP has been encouraging people to write letters and pay visits to express their suggestions since its initial formation. In 1921, two workers in Anyuan Coal Mine (the most important coal mine of that time) wrote a letter to Mao Zedong, suggesting that the party concern workers' campaigns as much as farmers'; Mao paid much attention to it and went personally to the coal mine to find out what was going on; then the party assigned Liu Shaoqi to direct workers' campaigns in Anyuan. During the periods of the initial establishment of Soviet Regime and the Anti-Japanese War, many letters were personally read and replied by central leaders, many visits were personally accepted by themselves as well. However, activities of letters and visits at that time just happened occasionally.

In August 1949, the Political Secretary Office of the Secretariat of the Central Committee was formally set up to take charge of public letters and visits, which was the first professional institution of letters and visits in the history of CCP (Diao 1996: 25). There were a lot of letters and visits when the People's Republic was initially founded. Three units in the central government were set up almost simultaneously to handle this matter, including the General Office of the Central Government Commission, the Secretariat of the Government Administration Council, and the Premier's Office. Shortly later, the Standing Committee of the National People's Congress set up a 'People's Reception Room', specifically dealing with everyday affairs of people's letters and visits. On May 16th 1951,

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<sup>11</sup>The principles can be enumerated as Nationalism, Democracy, and People's Welfare, therein the people's political power contains election, recall, initiative, and referendum.

<sup>12</sup>The five branches of governmental power include Executive, Legislative, Judicial, Examination, and Control.

Chairman Mao made a comment ‘People’s Letters must be Valued’, stating that ‘People’s letters should be appropriately processed, and the masses’ reasonable requirements should be satisfied. This should be considered as a method to strengthen the link between CCP and the people.’ (Liu and Nie 1988: 26). On Jan. 5th 1953, Mao gave a directive ‘Combat Bureaucracy, Commandism and Violations of the Law and Discipline’, requiring that processing people’s letters should be combined with other work of constructing the Party to rectify bureaucracy (Mao 1953). *People’s Daily* also published a series of editorials to criticise bureaucracy and encourage people’s letters and visits.<sup>13</sup>

Till 1954, most ministries and direct organisations of the central government had set up institutions of letters and visits and allocated full-time or part-time staff, many provinces and counties nationwide had also set up corresponding institutions. During this period, the principle of ‘letters and visits being taken charge by corresponding level of government and processed by specific departments’ was gradually formed. From 1954 to 1957, some methods were created such as leaders’ accepting days, heads of counties or cities periodically accepting deputies to the people’s congresses, cooperating with mediation committees, smoothing over collective appeals, so on and so forth (Diao 1996: 85). Many local institutions of letters and visits also figured out working regulations.

During the movements afterwards,<sup>14</sup> the quantity of normal letters and visits drastically dropped, whilst a special form arose. The central government steered clear of various levels of organisations and directly dispatched working teams to find out public situations. Once the Cultural Revolution started, various levels of Party organisations were universally spoiled, most institutions of letters and visits stayed in a state of paralysis or semi-paralysis.

After Cultural Revolution, institutions of letters and visits were gradually resumed and relevant working rules were subsequently made out, such as ‘The

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<sup>13</sup>Such as the article ‘Ren zhen Chuli Renmin Qunzhong Laixin Dadan Jiefu Guanliao Zhuyi Zui’e (Seriously Processing Letters from the Masses, Boldly Disclosing the Sin of Bureaucracy)’ published by *People’s Daily* on Jan. 19th 1953, ‘Yazhi Piping de Ren shi Dang de Sidi (Those who Suppress Criticism are the Deadly Enemy of the Party)’ published on Jan. 23rd, ‘Ba Chuli Renmin Laixin Gongzuo Xiangqian Tuijin Yibu (Furthering the Work of Processing People’s Letters)’ published on Nov. 2nd, and so on.

<sup>14</sup>Several movements took place from the end of 1950s until the second half part of 1970s, which generally made the whole China in an abnormal state, including: the Anti-Rightist Movement (consisting of a series of campaigns to purge alleged ‘rightists’ within the CCP and abroad from 1957 to early 1960s. The definition of ‘rightists’ was not always consistent, but in general officially referred to those intellectuals who appeared to favour capitalism and class divisions and object to collectivisation); the Great Leap Forward (an economic and social plan used from 1958 to 1961 which aimed to use China’s vast population to rapidly transform China from a primarily agrarian economy by peasant farmers into a modern communist society through the process of industrialisation and collectivisation); the Socialist Education Movement, also known as the Four Cleanups Movement (a movement from 1963 until 1966 which sought to remove those believed to be ‘reactionary’ elements within the bureaucracy of the CCP); and the Cultural Revolution (to remove ‘liberal bourgeois’ elements through post-revolutionary class struggle by mobilising the thoughts and actions of the youth between 1966 and 1976).

Detailed Rules of the Office of Letters and Visits of the Supreme People's Court' issued on Jun. 20th 1980 and 'The Detailed Rules of Making Accuses and Appeals of the Supreme People's Procuratorate' issued on Dec. 10th 1986. The State Council promulgated 'Regulations on Letters and Visits' in 1995. Thereafter various central governmental departments, provincial governments and municipal governments successively issued rules and working methods. All of these signalled the institutionalisation of letters and visits.

It can be seen that the institutionalised letters and visits has been brought into the organisational network of power of the CCP ever since the very beginning. The following editorial<sup>15</sup> which represented the national outlook of letters and visits can indicate this point:

Practical experience also proves that seriously processing people's letters and accepting people's visits would bring lots of benefits: making regular contacts with millions of masses and understanding feelings and requirements of all strata; publicising policies and educating the masses; appropriately handling interior conflict within the people and timely coping with outstanding problems in the work. In a word, it could help the leading organs to find out problems, combat bureaucracy, and to improve their work at all times.

The *Regulations on Letters and Visits* has made its nature distinct: it 'means that citizens, legal persons or other organisations give information, make comments or suggestions or lodge complaints to the people's governments at all levels and the relevant departments of the people's governments at or above the county level through correspondence, e-mails, faxes, phone calls, visits, and so on, which are dealt with by the relevant administrative departments according to law'.<sup>16</sup> According to the definition, the rights exercised through letters and visits should be mainly 'the right to criticise and make suggestions' which is stipulated by Article 41 of the Constitution.<sup>17</sup> But in practice, letters and visits is more often playing a role of 'remedy of rights'.

Having analysed such course of development, Ying (2004) categorised activities of letters and visits since the establishment of the People's Republic into three phases: letters and visits for public mobilisation (1951–1979), letters and visits for bringing order out of chaos (1979–1982), and letters and visits for stability and

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<sup>15</sup>*People's Daily*, Nov. 25th 1957.

<sup>16</sup>Art. 2 (1), Regulations on Letters and Visits (2005), [http://www.gjxfj.gov.cn/2006-03/07/content\\_6399309.htm](http://www.gjxfj.gov.cn/2006-03/07/content_6399309.htm), accessed 13 May 2011.

<sup>17</sup>Art. 41: 'Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary. Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary; but fabrication or distortion of facts with the intention of libel or frame-up is prohibited. In case of complaints, charges or exposures made by citizens, the state organ concerned must deal with them in a responsible manner after ascertaining the facts.' Constitution of the People's Republic of China (1982), <http://english.people.com.cn/constitution/constitution.html>, accessed 13 May 2011.

solidarity (1982–present). However, the institutionalisation of letters and visits does not necessarily mean that such departments can play a key role in resolving problems.<sup>18</sup> In the words of most appellants, staff of letters and visits have quite a good manner but cannot work anything out (Zhang and Zhang 2009: 149). Rather, those who play the most important part are senior officials of the Party and the government. This breeds the contradiction between the masses' expectation and the capability of institutions of letters and visits.

#### C.4 The Relevance of Contemporary Appeal to Traditional Appeal

Though some scholars think that the system of letters and visits which is set up in the PRC is totally different from direct appeal and capital appeal in ancient China,<sup>19</sup> I believe that notwithstanding different institutional designs and objectives, the tradition of direct appeal and capital appeal exerts significant influence on the activity of letters and visits in the PRC. The systematic framework of CCP followed imperial bureaucracy and copied Soviet bureaucracy to a large extent. As mentioned earlier, the People's Republic since its establishment through military revolution in 1949 has set up the system of 'letters and visits' due to its need to construct the legitimacy of national ideology and institution. And it has deemed traditional justice a praiseworthy example since the late 1970s to re-establish 'rule of law' (Zhang and Li 1982; Huadong Zhengfa Xueyuan Yuwen Jiaoyanshi 1983; Zhou 1985; Beijing Zhengfa Xueyuan Fazhishi Jiaoyanshi 1981; Zhu et al. 1981). Capital appeals were popularly, albeit informally, replicated immediately after the Cultural Revolution as its victims flooded into Beijing to present their petitions for the redress of grievances. Till now, when the Chinese populace encounter disputes of interests and invasion of unfairness, they are used to resorting to officials of the Party and government. As a result, lodging appeals is widely used to 'search for just judges' and 'ask for statements (*taoge shuofa*)' (Ying 2001) in various levels of

<sup>18</sup>According to Yu's research, the number of problems that are resolved by appeal take only 0.2 % of the totality of appeals (Zhao 2004a).

<sup>19</sup>For example, in Li's (2007: 136–7) opinion, the system of letters and visits of the PRC and the activities of capital appeal etc. in ancient China are seemingly in consistency but actually at variance. His reasons include: (1) there is fundamental difference between federal emperors' dictatorship and the present peoples' democratic dictatorship; (2) the aim of direct appeal in the imperial society is to reflect virtue of the emperor and infinite royal graciousness, while the basic function of the system of letters and visits in the PRC is to make up for the deficiency of standard democratic approaches; (3) the entire federal system of the ancient society generally suppresses direct appeal, but present-day letters and visits are permitted and encouraged by the state and develop prosperously; (4) ancient direct appeal drift around on the margins of the system and is abnormal, while the present system of letters and visits has become a relatively mature system, furthermore, appellants' appellate activities are not only for the sake of resolving their own specific disputes of rights and interests but also performing basic rights as citizens.



Party and government organs. Though *ji dengwengu*, *yaochejia*, and *shangbiao* do not exist nowadays, the patterns of ancient appeal resemble to some phenomena in the current society. Appealing to people's congress, government, court, and procuratorate is similar to *ji dengwengu*, appellants' cutting off the cars of government leaders is basically the same as *yaochejia*, sending letters, e-mails, faxes, and making calls to relevant departments is similar to *shangbiao*. Like people in ancient time favouring capital appeal, appeals in the present age also tend to upgrade. The difference is that there is no emperor any longer, instead people appeal to higher authorities, embracing the hope of influencing the process of cases through the ex-judicial approach.

Given the cleavage of direct appeal in the republican era, though we cannot ensure that current-day appeal definitely inherits from traditional appeal, at least we can infer similar regime structure between the current-day society and the imperial society gives rise to the conduciveness of the appellate system in both societies. In Chinese imperial tradition, the emperor was both the chief leader of bureaucratic administration and the source of all laws; officials at various levels also took charge of administrative cum judicial affairs. Owing to the revision of law from late Qing to the republican era, administration was formally separated from judiciary. The People's Congress System set up by the People's Republic has been following the institutional separation between judiciary and administration, but the separation is just nominal. Thus, in contrast with Dworkin's (1986) insistence on interpreting law by principles and opposition against political interpretation, being subject to political system and social environment, judicial interpretation in China has been in effect no more than a kind of political interpretation for a long time (Zhou 1994: 4). This explains the reason that the appellate mechanism has been holding a distinctive position in institutional communication between the government and the populace, which does not only relate to the tradition that imperial China intentionally obligated a certain approach of administrative appeal out of the consideration of political security (Ying 2004), but also lies in the current situation of inflated administrative power (including Party power) in national construction since 1949.

And furthermore in ideological aspect, it can be argued that the ideological basis of appeal is both on Confucianism as well as on socialism. The key element to Confucianism is *li*, which can be understood as codes of conduct (Bodde and Morris 1973, 1967: 19). The relationship between ruler and subject is one of the relationships that are thought to be instinctive to man and essential for a stable social order. *Li* reinforces such relationships by prescribing different modes of behaviour according to status, whereas law destroys the relationships by imposing a forced uniformity. Confucianism not only governs mentality of ordinary people but also that of officials.<sup>20</sup> Confucianism states that there is one goal that law cannot achieve, which is to obliterate all social conflicts and disputes, whereas *li* can do this. In a word, the Confucian ideology *li* uses relationships as its yardstick, while

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<sup>20</sup>With the implementation of the Imperial Examination System, the government is formed of qualified Confucian students.

law constructs its frameworks by events. *Li* is more flexible and more elusive compared with law thus better fitted within Chinese society. The values of *li* were completely destroyed by the Cultural Revolution, but after that, Confucianism recovers its authority to a large extent, and its vestiges combine with Socialist standards. Therefore, I would like to argue that the relationship between the masses and government manifested in appeal is the retread of the relationship between the ordinary people and imperial power under the impact of both Confucian and socialist ideologies. To make this more explicit, the momentum of traditional appeal and present-day appeal will be examined respectively to uncover those implicit.

## C.5 The Momentum of Traditional Appeal

The appellate system is a vital component of traditional legal culture in China. Finding out and correcting unjust or false cases is the most outstanding function of the appellate system. It is an important system of moderating social conflict and supervising judicial officials' enforcement of law, also an important approach for rulers to encourage free airing of views and improve their relationship with the masses. By accepting and hearing appeals, rulers came to understand sufferings of ordinary people and administrative corruption of local officials.

As the last resort of ordinary people to protect their own rights and benefits, the appellate system was yet more important. It could be reasoned that unless local justice was truly ineffective or distorted, people would not subject themselves to the fiscal and physical rigors of the journey to Beijing to lodge the appeal and then head back home (under custody) for its adjudication by either the senior provincial officials or a specially commissioned imperial agent.<sup>21</sup> From the point of view of Chinese ordinary people, the honest and upright officials who abstractly existed in people's minds could only be found in the provincial or national capital; while officials that specifically existed on their sides were malfeasants, so they had to lodge appeals bypassing immediate and intermediate courts in the capital. Definitely not all magistrates were so malfeasant or malicious, but all functioned within a bureaucracy that was conducive to the generation of appeals. The people and senior officials held dichotomous views of what constituted a good official (Bao 1968: 2181):

The people love an official who is diligent at trying civil litigation, whereas senior officials (whose annual evaluations were a function of those of their subordinates) rely on those who are expert at more serious cases... The attitude of indifference toward the problems of the people sustains itself because those who have it are promoted and then retain that attitude as senior officials.

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<sup>21</sup>*Qinding Taigui (Imperial Established Regulations of the Censorate), 1892 Preface.* Beijing, p. 14: 23b.

On the other side of the coin, enough plaintiffs apparently had their grievances redressed to perpetuate the notion that although the ruler might be ‘up high and far away’, it was nonetheless possible to obtain his intervention on the people’s behalf, and it was this notion that backed up innumerable appellants. Generally speaking, in Chinese history, the appellate system played such a positive role in correcting unjust, false, or wrong cases and combating malfeasants that it acquired the preference of ordinary people, which was obviously proved by many above-mentioned examples.

None the less, it should be realised that traditional appellate system in China was based on patriarchy. The advancement of traditional appeal remarkably reflected the deficiency of rule by law in a society under feudal dictatorship. Alleged injustices could only be remedied by the intervention of wise emperors and administration rather than normal judiciary. The prospect of appeals was dominated by the will of officials especially emperors, which normally caused ordinary people to tie their personal safety to the existence of upright officials and link national safety with the rule of wise emperors. Therefore, the appellate system in ancient China was characterised by rule of man, and the rulers considered appeal as their bounty to ordinary people. Meskill’s (1977: 163–4) comments in her discussion of an influential Taiwanese family’s appeal are illustrative:

The fictional literature of recent centuries shows that few Chinese went to court without approaching the judge through some such personal connection. In seeking recourse to law, then, the Lins had to weigh their own and the opposing side’s leverage outside the courtroom. Who one was, whom one knew, and who could be persuaded to intercede on one’s behalf – these would determine the outcome of the case even more than the evidence itself.

That is to say, the key to whether the appeals could be accepted, how they got to be heard, and what the final consequence would be depended on the will of rulers and social relationships. Even in the most independent judiciaries, judges do not operate in a vacuum; nowhere was this truer than in imperial China where the governors, sitting as appellate justices, operated in a vortex of political influences. In addition to the interests of the parties to a case, those of the local, regional, and national elites might all impinge on the governor’s decision.

## **C.6 The Momentum of Letters and Visits: Between Institution and Consciousness**

### ***C.6.1 An Institutional Design***

#### **C.6.1.1 Its Own Legitimacy**

The system of letters and visits arises as the technical apparatus of state power and possesses many functions, which are described below:

1. *Intensifying the legitimisation of regime.* In 1949, the CCP snatched the regime through military revolution and theoretically obtained formal legitimacy, in that violent revolution had been a conventional means of establishing the legitimacy of regime since Xinhai Revolution (Jiang 2003: 48). However, after the founding of the People's Republic, the legitimacy of CCP's regime needed further argumentation, in other words, problems just emerged at that time. How to ensure the legitimacy of the state regime to the society, particularly the widespread rural society, how to establish the legitimacy of ideology, and how to establish the legitimacy of national institution, all of which were the problems confronted by the new regime. The emergence (entstehung)<sup>22</sup> of letters and visits as a kind of routine system reflected the Party's endeavour to establish legitimacy of the regime. The masses' letters and visits reflected the communication and interaction between CCP's regime and the folk society, also reflected the whole society's identification of the new regime. The system of letters and visits works by the approach of the masses' complaining problems and then government's solution after investigation, which can help realise the Party's ideological promise of 'Serving the People', and can make people see the Party's ideological effect of 'making intimate contact with the masses' and 'coming from the masses and paying back to the masses'. This kind of purported ideology makes good use of the masses' conventional consciousness of *qingtian* (upright officials). Therefore, as a specific system, it can not only self-prove its legitimacy but also implement ideological legitimacy of the regime. By the same token, the reason that the system of letters and visits could be rapidly restored and improved after the total sweep of Cultural Revolution was also owing to new generation of leaders' urgent need to establish legitimacy. At the initial finish of Cultural Revolution, the masses' large-scale appeals quickly exceeded the limit that the administrative system could bear. Afterwards, with the standstill of rural reforms, problems of administration of local officials increasingly stood out. When the means of movements was publicly prohibited, lasting letters and visits again became farmers' main means to redress injustice. As an institutionalised apparatus, it has been proving the continuity of the regime and the legitimacy of new generations of leaders.
2. *Unconventionally controlling bureaucracy.* The supreme leaders were quite cautious about the problem of bureaucratic corruption at the initial establishment of CCP's regime and supervised bureaucracy by various means to prevent its depravity or separation from masses. The most frequently-used way was to launch movements, while the system of letters and visits only took a subordinate part in this respect. Nonetheless, its function of unconventionally controlling bureaucracy stood out after the completion of Cultural Revolution when the means of movements was proclaimed to withdraw from the political stage. The People's Republic had particular appraisal standards with regard to bureaucrats'

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<sup>22</sup>I am using Foucault's meaning of 'emergence', which means the rise of things due to the combination of many forces. See Foucault (1977).

ideology and achievements, but this kind of control would run up against many impediments, such as cover-ups among officials and fictitious achievement projects, which hindered the central government and superiors from correctly understanding lower-level officials' belief firmness, administrative abilities, moral standards, and so on. Under such circumstances, the system of letters and visits could act as an unconventional window through which the central government and superiors could know the conditions of lower-level officials. As regards major cases reported by letters and visits, in most cases the central government and superior organs would carry out investigation by themselves at the local level, which is also the investigation and understanding of local officials involved. It detours the intermediate bureaucratic strata and realises the central government and superiors' direct control of local-level officials to a certain extent.

3. *Dissolving drastic social conflict.* The People's Republic has formed a special kind of bureaucracy: on the one hand, bureaucratic organisations replace various traditional organisations; while on the other, various rationalised standards and procedures as required by bureaucratic organisations have not fully developed (Ying 2001: 368). 'Reporting the favourable and covering the unfavourable' becomes the tacit understanding among all levels of organs. Under such circumstances, the system of letters and visits serves as an unconventional channel for high-level authorities to achieve information about the most drastic conflict and the most urgent problems in the society. Furthermore, the information commanded by policy-makers is far from realising their objective of administration, so flexibility becomes a universal mechanism that can be approved to a large extent within this kind of bureaucracy. The mode of letters and visits provides this kind of flexibility.

### C.6.1.2 Its Comparable Legitimacy

The original intention of the system of letters and visits is not for resolving disputes but for understanding conditions of the people and for the public to express their opinions; while judicial organs are specially established for conciliating conflicts and resolving disputes. With the vigorous advocacy of 'rule by law' and 'rule of law', legal regulations have been provided sufficiently for locally applying for administrative reviews and filing administrative suits, and so on. Why do the populace not choose the theoretically legal channels but turn out to choose the high-risky appeal bypassing immediate and even intermediate levels? There is only one reason for this, the legal channels lose their effectiveness or cannot play their due role. But why do they fail? People's appealing to higher authorities can be out of affairs with government or other private people. Given the topic of this research, I will only concern myself with the former situation here.

When citizens' rights are encroached by administrative power, first and foremost they could apply for administrative review to local government or the senior

department, which is theoretically the lowest-cost and simplest relief measure. But in practice, as the department which receives the application is in a senior-junior relationship with the involved administrative department and thus their interests are inextricably interwoven. Most administrative reviews are revoked and cannot play their due role of administrative supervision, which makes this channel short of its due public credibility and fairness.

The second approach is administrative litigation. Since supervision within the administrative system cannot play its due role, citizens can choose such judicial supervisory means as administrative litigation, filing a lawsuit in the court where the administrative department is located. But it can be found that the court lacks enough independence. The masses have common distrust of judicature since they think it cannot provide fair and impartial protection for the populace due to judicial corruption. So to say, the most serious corruption of Chinese judicature rests with the localisation of judicial power that various levels of local administrative organs infringe the populace's legal rights and interests in the name of law by commanding or impacting judicial power. The local judicial power belongs to the locality on both institutional design and practical operation. The operating logic of law follows the operating logic of Party and government's power. In the institutional design, local courts and procuratorates are responsible to People's Congress. In the personnel system, chief judges and chief procurators of various levels of local courts and procuratorates are elected and dismissed by corresponding levels of People's Congress, and deputy chief judges, deputy chief procurators, judicial officers, procurators, judicial committee members, procuratorial committee members are appointed and dismissed by standing committees of corresponding levels of People's Congress; various levels of local people's courts and procuratorates are answerable to the corresponding level of People's Congress and its standing committee, and standing committees of various levels of local People's Congress supervise the work of corresponding levels of courts and procuratorates. Thus we can see the localisation of judicial power on institutional design. An even more important institutional arrangement that results in the local judicial organs' subjection to local administrative authorities is: main funding of courts and procuratorates derives from the same level of financial department, other materials and resources are also subject to local administrative departments. In addition, *zheng-fawei* (the Political and Legislative Affairs Committee of the Party) can call the shots without any hindrance. Hence, in practical operation, not only does the court have to take orders from local Party committees and government leaders in trials, it also has to directly act as one functional department to take part in local governmental tasks and even provide escort for not-so-legal administrative activities such as enforcing relocation of land-lost farmers. Land-lost farmers usually state that 'the courts do not want to accept and hear our cases', reflecting the dependent status of the court. Actually it is widely stated that the court is the 'watch dog' of the government. The localisation of judicial power affects the state unity of legal implementation and judicial authority, thus the judges' fair and impartial enforcement of law does not have sufficient and effective legal guarantee. In addition, from the masses' point of view, judicial approaches have complicated procedures and

rigid patterns. By comparison, the approach of letters and visits has a lower threshold, which makes them participate in the course of communication and resolution in an overall and penetrative manner so as to actively command the progress of the matter.

The next approach is to lodge appeals through the levels of authorities according to 'Regulations on Letters and Visits'. This is a higher-cost way because appellants have to pay the expenses needed for appeal on their own and search for proofs of illegal administration of the government. 'Regulations on Letters and Visits' and corresponding local statutes are promulgated in order to specify behaviour of letters and visits and to make problems reported by letters and visits satisfactorily resolved. Moreover, the central government sets up 'joint conference system' to concentrate on processing outstanding problems reported by letters and visits and mass incidents', various regions also issue a series of accountability systems to urge local leaders to attach importance to and cope with the populace's problems of letters and visits. It should be said that these measures take some effect. In practice, however, local officials of various levels usually do not deal with problems of letters and visits but have them sealed up and covered, so a lot of problems cannot be solved deservedly.

Under such circumstances, more and more masses are forced to 'lodge complaints' or 'ask for statements' towards higher authorities and even central departments. So, it is not necessarily that the ordinary people do not understand procedures and do not have legal awareness; instead, they know benefit and harm so well that they have to lodge appeals and even bypass the immediate and intermediate authorities to appeal.

### ***C.6.2 A Conscious Choice***

Although the grass-roots political structure displays the overall feature of powerful officials and weak masses, it does not infer that the masses have not got any way to game with officials. The key is how the masses located in vulnerable situations assess their own value and capabilities and experience their own 'grievances' in a particular relation and process-event (Sun 2000).

A great amount of experience shows that leading the problem to appeal rather than law, in other words, making the problem 'officially governed' rather than 'legalised', is the tactics contemporary Chinese people frequently adopt when safeguarding their rights. This can be attributed to their peculiar recognition of the source and institution of power in force. Under the condition of inflated administrative power, people always believe that the government possesses more capabilities than law courts, so they are more willing to hand in their 'grievances' to higher authorities for judgement. Since the reform and opening-up, though the value of judicial independence as a part of transformation of state governance is emphasised, as regards installation of core power mechanisms, there has not been any fundamental change on the pattern of 'rule of bureaucracy' exercising control

over rule of law. Therefore, when the masses encounter ‘injustice’, especially ‘injustice’ brought about by grass-roots government, they are most likely to appeal to higher authorities.

Furthermore, the tamed system of letters and visits makes vague the legality of activities of appeal, relevant countermeasures attached bring appellants lots of threats and sufferings. But why do all of these threats and sufferings just urge people to use tactics instead of striking people’s determination to lodge appeals and calming down the tides of persistent appeals? The space for gaming left by the system of letters and visits is an important factor. ‘Letters and visits’ leave people a space of non-procedural discussion and resolution. They believe that as long as they persist till the end in an astute and appropriate way, their problems would be attached importance by senior authorities, only then all of their ‘tortures’ endured in the course of appeal would make sense. It is the glimmer of hope of problems being resolved that makes the struggle revolving around letters and visits and the tactics employed in the struggle meaningful.

Most importantly, the masses’ consciousness of *qingtian* (upright officials) and *zimin* (filial subjects) firms up their determination on appeals. Similar to people in ancient times, most interviewed appellate masses sigh at the difficulty in finding honest and upright officials, believing that ‘the central government is great, but local governments put things wrong. Once investigated, eight or nine out of ten county officials must be corrupt.’ Most Chinese underclass holds the following mental image of the state bureaucracy: majestic and mysterious top leaders in Beijing plus a large number of corrupt local cadres plus a small number of upright officials (Ying 2001: 405). Cao (2000: 70, 210, 645) reached similar conclusion when he did his investigation in Henan. On the other hand, the Chinese grass roots have the ‘consciousness of *zimin*’: being frightened of power but also embracing the desire to get intimate to power (Wang 2000). This consciousness puts people in a contradictory mental state: being frightened of power so as to keep away from the instrument of power – law; but meanwhile believing that only the use of power can deter others who are as afraid of power as themselves so as to get intimate to power to circumvent the law and to strengthen their own force over others. ‘Letters and visits’ provide an institutional channel for their intention of getting intimate to power. Appeal is, to a certain extent, premised on the populace’s affirmation of the built-in power structure. Thus we can understand why appeal can be persisted: when it makes for regeneration and continuity of the existing power order, it would be commonly constructed by the upper layer and the bottom layer of the power structure (Ying 2001).

When the grass roots consider the state power of the People’s Republic with the classification of ‘upright officials/corrupt officials’, their prospect has much similarity in spirit with that under the traditional background of ‘emperor—upright officials—corrupt officials’: being equally shrouded in the top aureole, equally surrounded by corrupt and despicable officials, and equally undauntedly searching for ‘just judges’. From earlier analyses, it can be argued that the similarity between the system of letters and visits in the People’s Republic and the appellate system in traditional China greatly contributes to its persistency. The CCP makes good use of



the traditional heritage by creating the system of letters and visits; while the common people also make good use of the combination between traditional consciousness and this creation. However, this also determines its implicit paradox from the very beginning: the masses' recourse to appeal is based on their eagerness to be protected under the shroud of top aureole with insufficient concern about its existing regulations, thus appeal is likely to be used illegally; while by institutionalising the system, the state is expecting to frame it within governmental regulations. That is why it is thought to be susceptible to give birth to pressure within the political structure (Yu 2007).

## C.7 Appraisal of the System of Letters and Visits

The distinctive design of the system of letters and visits makes itself a double-edged sword. There were hot debates about its abolishment or preservation in Chinese academia against the background of revision of *Regulations on Letters and Visits* before 2005. Though the revised version of regulations was promulgated, the controversial nature inherent in the system still remains.

### C.7.1 Demerits

Yu (2005, 2009) is among the minority who vigorously find faults with the system of letters and visits. In his opinion, this system has not accommodated itself to the market economic environment and has become an impediment of political recognition. The negative effects mainly manifest in the following three aspects.

- (1) Institutions of letters and visits are numerous and disorganised, causing the focuses of various problems and conflicts to be assembled towards the central government and thus the loss of political authority of the central government. From the central down to the local, there are institutions of letters and visits installed in all levels of Party committees, people's congresses, governments, courts, procuratorates, and related functional departments. The capability of supervision and coordination of the State Bureau for Letters and Visits to local institutions of letters and visits and central departmental institutions of letters and visits is quite limited, and there are differences in function, power and operational pattern among institutions of letters and visits in various regions, so information cannot be shared and restraining force is lacking. Given that not any one can act as the absolute lead among a great number of institutions of letters and visits, all institutions tend to evade responsibilities and push the received cases to others and appellants have to incessantly run to and fro among various institutions of letters and visits. If they still cannot get their problems resolved, appellants' recognition of political authority of government would be obviously changed.

When analysing the confusion and disorder of Weimar Republic after the WWI, in Schmitt's (1932, 2004) opinion, political resolution means the state makes the decision, and politics is necessary only when contradictions and conflicts upgrade to a higher degree. Through his observation of total state arising in some countries like Italy, Schmitt also found out that if the political power of the state extends to all fields of the society so that all social issues are politicised, the capacity of the state would be reduced instead of being strengthened and politics would be immersed in trivial as well as multifarious social affairs. If the state entangles itself too much with non-political social affairs, the state would lose its transcendentality and independence. Farmers' protection of their own rights and interests by appeal embodies in itself their trust in the institution. The central government's repeated emphasis on protecting legitimate and legal appeal is completely necessary. But if being too much involved in direct treatment of such grass-roots conflicts, it would dissipate political trust and support.

- (2) The system of letters and visits is malfunctioning with heavy responsibility but little power; judicial authority is reducing. As a formal system, the functions of the modern system of letters and visits are mainly two-fold. One is political participation, namely, citizens express their feelings and opinions about the work of state organs and their staff. The other is rights relief, namely, as a supplementary procedure of normal judicial relief, 'letters and visits' settle disputes and realise citizen's rights relief through administrative means. In practice, however, citizens usually regard 'letters and visits' as superior to other administrative relief or even judicial relief. Being a special path for the public to reach higher authorities to redress injustice and safeguard rights, the system of letters and visits more or less serves as the safety valve for the society and the placebo for ordinary people. Nonetheless, it has to be noted that one of the serious outcomes of the substitution of judicial relief with administrative relief is that the authority of judiciary is difficult to be constructed. On the other hand, as the former Vice-Director of the State Bureau for Letters and Visits Zhang (2007) claimed, one prominent problem existing in the system is the limitedness of the power of institutions of letters and visits. Thus some other scholars argue that institutions of letters and visits should be granted more power (e.g. Jiang and Lu 2004; Zhao 2004b).
- (3) The fact that proper procedures for letters and visits are lacking, accompanied by political radicalism, continuously triggers yet more severe conflicts. There is a significant deficiency in the procedure of the modern system of letters and visits. Furthermore, there is no strict standard regarding responsibilities of every level and department, so they can forward the cases to each other by various reasons. Meanwhile, problems have to be treated based on leaders' opinions and superiors' written comments. Given the accountability system, in order to inhibit the increase and upgrade of appeals, various levels of government would suppress appellate masses when bribery and deception cannot take effect. Thus serious political results would be generated.

### C.7.2 *Merits*

According to its constitutional foundation, ‘letters and visits’ is an approach for citizens’ freedom of speech, which is an important democratic right. Through letters and visits, individuals can place a certain extent of control over administrative power and judicial power. It can be seen from practices of letters and visits that appeals regarding some hot issues such as land expropriation, illegal funds-pooling, social security provision, restructuring of enterprises, and so on are all directly caused by inappropriate or illegal administration. In such a country that has a profound administrative tradition, in which state power dominates social progress, various phenomena of administrative illegality and social unfairness as a result of rapid development of social economy, transformation of the society, and deficiency of rules frequently appear, so it is extremely important to restrict administrative illegality and secure citizens’ legal rights. Letters and visits provide such an approach.

Although the system itself is undergoing persistent evolution, problems still remain that need further reflection and legitimation, such as how to manage the order of the operation of the system through proper procedures, how to balance expectations of the masses to institutions of letters and visits with the capacities of the institutions, how to ensure that the masses can make use of this system effectively, and so on.

## References

- Alford, W. (1984). Of arsenic and old laws: Looking anew at criminal justice in late imperial China. *California Law Review*, 72, 1180–1255.
- Bao, S. (1968). *Anwu sizhong (Complete works of Bao Shichen), 1872 preface*. Taipei: Wenhai. (reprint).
- Beijing Zhengfa Xueyuan Fazhishi Jiaoyanshi (Teaching and Research Office of Legal History at Beijing College of Political Science and Law) (Comp.). (1981). *Lidai yuan'an pingfan lu (A record of the reversal of injustices throughout the ages)*. Beijing: Zhishi Press.
- Bodde, D. & Morris, C. (1973, 1967). *Law in imperial China: Exemplified by 190 Ch'ing Dynasty cases (Translated from the Hsing-an hui-lan) with historical, social, and juridical commentaries*. Philadelphia: University of Pennsylvania Press.
- Cao, J. (2000). *Huanghebian de Zhongguo: Yige xuezhe dui Zhongguo xiangcun shehui de guancha yu sikao (China beside the yellow river: A scholar's observation and reflection on Chinese rural society)*. Shanghai: Shanghai Literature and Art Publishing Group.
- Diao, J. (1996). *Renmin xinfang shilue (The outline of the history of people's letters and visits)*. Beijing: Beijing Jingji Xueyuan Press.
- Dworkin, R. (1986). *Law's empire*. Cambridge, MA: Belknap Press.
- Foucault, M. (1977). Nietzsche, genealogy, history. In D. F. Bouchard (Ed.), *Language, counter-memory, practice: Selected essays and interviews* (pp. 139–164). Ithaca, NY: Cornell University Press.
- Gao, S. (1993). *Zhongguo lidai faxue mingpian zhushi (Notes on famous legal works of Chinese ancient dynasties)*. Beijing: Chinese People's Public Security University Press.

- Huadong Zhengfa Xueyuan Yuwen Jiaoyanshi (Chinese Teaching and Research Office at East China College of Political Science and Law) (Comp.). (1983). *Ming-Qing anyu gushixuan (A selection of Ming-Qing case stories)*. Beijing: Qunzhong Press.
- Huang, P. C. (1985). *The peasant economy and social change in North China*. Stanford: Stanford University Press.
- Jiang, S. (2003). *Fazhi yu zhili: Guojia zhuanxingzhong de falü (Legal institution and administration: The law during the state transition)*. Beijing: China University of Political Science and Law Press.
- Jiang, S. & Lu, B. (2004). Tansuo xinfang gongzuo xinjunmian xingcheng biaoben jianzhi daxinfang geju (Seeking fresh progress for the work of letters and visits, forming a grand pattern of letters and visits that address both the symptoms and root causes). *Oriental outlook*. <http://www.huxingdou.com.cn/more/petition.htm>. Accessed August 24, 2016.
- Li, H. (2007). *Fazhi xiandaihua jinchengzhong de renmin xinfang (People's letters and visits in the course of modernisation of rule by law)*. Beijing: Tsinghua University Press.
- Liu, X., & Nie, Y. (Eds.). (1988). *Xinfang gongzuo shouce (Working manual of letters and visits)*. Beijing: Higher Education Press.
- Mao, Z. (1953). Combat bureaucracy, commandism, and violations of the law and of discipline. In *Selected works of Mao Tse-tung*. (internet ed., Vol. V). [http://www.marxists.org/reference/archive/mao/selected-works/volume-5/mswv5\\_24.htm](http://www.marxists.org/reference/archive/mao/selected-works/volume-5/mswv5_24.htm). Accessed July 10, 2011.
- Meskill, J. (1977). *A Chinese pioneer family*. Princeton: Princeton University Press.
- Schmitt, C. (1932, 2004). *Legality and legitimacy* (J. Seitzer, Ed. & Trans.). Durham, NC: Duke University Press.
- Sun, L. (2000). 'Process-event analysis' and the relationship in practice between the state and the farmers in contemporary China. *Tsinghua sociological review* (Vol. 1, pp. 1–20). Xiamen: Lujiang Publishing House.
- Wang, H. (2000). Discussion on current situation of Chinese farmers' legal consciousness. *Tribune of Political Science and Law*, 5, 30–60.
- Ying, X. (2001). *From 'asking for a statement' to 'balancing relations (baiping lishun)': A story of a hydroelectric station area in Southwest in China*. Beijing: SDX Joint Publishing Company.
- Ying, X. (2004). Zuwei teshu xingzheng jiuji de xinfang jiuji (The remedy of 'letters and visits' as a special administrative remedy). *Chinese Journal of Law*, 3, 58–71.
- Yu, J. (2005). Zhongguo xinfang zhidu pipan (Criticism of the Chinese system of letters and visits). *China Reform*, 2, 26–28.
- Yu, J. (2007). Gaibian zhengzhi zengya jizhi (Changing the political pressure-increasing mechanism). *Nanfengchuang*, 10, 67–68.
- Yu, J. (2009). Xinfang beilun jiqi chulu (The paradox of letters and visits and its way out). *Nanfengchuang*, 8, 42–43.
- Zhang, M., & Li, G. (1982). *Qingchao Ming'an xuan (A selection of capital crimes from the Qing)*. Beijing: Law Press.
- Zhang, P. (2007). Cong xinfang gongzuozhong de wenti kan hexie shehui jianshe nandian zhongdian (Looking at the difficult point and focal point of a harmonious society from problems in the work of letters and visits). <http://theory.people.com.cn/GB/49150/49152/5535972.html>. Accessed August 24, 2016.
- Zhang, Y., & Zhang, W. (2009). *Lintong xinfang: Zhongguo jiceng xinfang wenti yanjiu baogao (Letters and visits in Lintong: Research report of the issue of grass-roots letters and visits in China)*. Beijing: Renmin Press.
- Zhao, L. (2004a). Guonei shoufen xinfang baogao huo gaoceng zhongshi (The first report of letters and visits obtaining the attention of the high-level authorities). *Nanfeng weekend* (internet ed.). <http://www.southcn.com/weekend/top/200411040019.htm>
- Zhao, L. (2004b). Xinfang gaige yinfa zhengyi (The reform of letters and visits triggering controversy). *Nanfeng weekend* (internet ed.). <http://news.sina.com.cn/s/2004-11-18/12254278321s.shtml>

- Zhou, D. (1994). Xinzhongguo sifa jieshi gongzuo de huigu yu wanshan sifa jieshi gongzuo de sikao (Review of judicial interpretative work in new China and reflection on perfecting judicial interpretative work). In Research Office of the Supreme People's Court (Comp.) *Zhonghua renmin gongheguo zuigao renmin fayuan sifa jieshi quanji (Complete works of judicial interpretation of the Supreme People's Court of the People's Republic of China)* (Vol. III, pp. 4–16). Beijing: China Court Press.
- Zhou, L. (1985). *Qingmo sida qi'an (Four great injustice of the late Qing)*. Beijing: Qunzhong Chubanshe.
- Zhu, J., Kong, Q., & Jin, M. (1981). *Zhongguo gudai zhifa duan'an shihua (Historical accounts from ancient China of upholding the law)*. Jilin: Jilin People's Publishing House.