Chinese Society

Change, conflict and resistance

Third Edition

Edited by
Elizabeth J. Perry and
Mark Selden

Chinese Society

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Elizabeth J. Perry is Henry Rosovsky Professor of Government at Harvard University. Her most recent books include *Grassroots Political Reform in Contemporary China*; and *Citizenship and the Modern Chinese State*. She is currently writing a book entitled *Anyuan: Ming China's Revolutionary Tradition*.

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**To those who resist injustice,
whether loudly or softly**

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Introduction

Reform, conflict and resistance in contemporary China

Mark Selden and Elizabeth J. Perry

In the closing decades of the twentieth century, China defied the best predictions of development economists and Sinologists alike in compiling a stunning record of economic growth. This was accomplished in the face of formidable obstacles including inefficient state enterprises, ambiguous property rights, irrational prices, primitive transportation, outmoded banking and securities facilities, and inefficient markets. Social and political obstacles, including instability and demoralization born of the failures of the Great Leap Forward and the Cultural Revolution, deep political divisions, a legacy of rural poverty and low levels of education, constituted equally formidable challenges. Yet, whether measured in per capita GDP or Purchasing Power Parity, exports, per capita income, induction of foreign capital, urbanization, or technological gains, China's sustained double-digit growth and rising per capita income from the late-1970s into the 1990s and on into the new millennium, was the world's envy. As a result, China was able to join a select group, including the East Asian Newly Industrializing Economies, which significantly improved their position in the world economy. And it did so at the very time when the former socialist economies of the Soviet Union and Eastern Europe were in ruins, even continuing its advance (albeit at a slower pace) into the twenty-first century while many other economies, including several high-flying East Asian economies, stumbled or languished after 1997. In the first decade of the twenty-first century, China gained acclaim as the world's most dynamic economy, a regional and global economic power and magnet for investment, both through its symbiotic relationship with the dynamic economies of East Asia and its special relationship to the US deficit economy.

But China was also a nation characterized by deepening social rifts, whether gauged in terms of social classes, ethnic relations, or urban–rural divisions, and one whose rush to development took so heavy a toll on the environment as to call into question the feasibility of continued high-speed growth. These problems associated with China's entry on the world economic stage were highlighted all the more powerfully by the world recession and the puncturing of financial bubbles that began in the USA and expanded worldwide sending growth rates everywhere tumbling and threatening many nations with bankruptcy.

While economists have marveled at China's growth achievements, less scholarly attention has been devoted to the social and political consequences and "externalities" of the reform agenda, including dramatic increases in spatial and class inequality, environmental destruction, the explosive growth of a migrant labor underclass, mounting ethnic unrest, loss of security, jobs and benefits for tens of millions of state sector employees. Dazzled by China's economic growth and the nation's emergence as a regional and global power, scholars and journalists have until recently paid less attention to the conflicts that reform and global incorporation have engendered, and the myriad arenas of resistance that have been its byproduct at every stage.[1]

The violent ethnic clashes between Uighurs and Han Chinese in Urumqi, capital of Xinjiang province on July 5, 2009 and subsequent days in which, according to official figures, 192 people were killed and 1,721 injured, therefore took many by surprise. The surprise came above all from the expectation that the Chinese state, whose priority of rapid economic growth is coupled with an emphasis on stability, would readily crush or preempt nascent conflicts as it did earlier this year in preempting demonstrations on the fiftieth anniversary of the Dalai Lama's flight from Tibet and the twentieth anniversary of the Tiananmen massacre. As the authors of the present study document, not only are social conflicts deeply rooted in contemporary Chinese society, these conflicts are extensively, and at times confrontationally and even violently, enacted throughout Chinese society: overtly and covertly, in organized and disorganized fashion, in the streets and in the courts. Many of these conflicts, moreover, occur at the confluence of major social rifts: in the present case, for example, Uighur–Han ethnic conflict, which flared in three widely separated provinces in the course of a few weeks, was intertwined with and exacerbated by large-scale layoffs resulting from the economic crisis of 2008–9, as well as being facilitated by access to new modes of communication including the internet, blogs, twitter, and cell phones that challenge the state's monopoly on sensitive information in moments of crisis. The issues also revolve around conflicting perceptions of the state's minority nationality policies including provision of such benefits as the right to have a second or third child, the reservation of certain jobs for minorities, and affirmative action policies in university admissions. As in the USA, the consequences of these policies include tensions between majority and minority, and in the US case, between citizens and non-citizens, tensions that sometimes spill over into violence.

Likewise, one can locate the issue in global processes: the Chinese state was quick to respond to Washington's prioritization of a "war on terrorism" following the attacks of September 11 2001, by declaring its own war on Muslim separatists in Xinjiang, with Tibet among China's most sensitive and tense border regions. This volume assesses the roots of conflict, state programs that seek to ameliorate and curb such conflicts, and repeated clashes that are the product of new and exacerbated forms of social inequality, including inequality among ethnic groups, in an epoch of high-speed growth.

China's economic reform and social transformation has been a multi-faceted four decade process whose core elements include an expanded latitude for market, mobility, modernization and internationalization together with the phased dismantling of collective and state sectors of the economy. Viewed from the centre, these policies sought to transform Chinese socialism in ways that accelerate economic growth, bolster party authority, strengthen China's international position in the world economy, and overcome poverty. Viewed from the perspective of diverse social forces promoting the reforms, they afford opportunities to expand social autonomy and facilitate a range of productive and profitable activities previously circumscribed or banned by the party-state. From the multiple perspectives of those who are disadvantaged or disappointed by the reform program, however, the consequences include preservation of party privilege and structures that work to the advantage of urban over rural citizens while radically increasing class and income inequalities and privileges of those with access to capital and to the levers of state power. In sum, reforms generated both from above and from below have brought far-reaching, even cataclysmic, changes that ripple through the economy, society, politics and culture, changes that touch every citizen, indeed call into question the parameters of citizenship, and extend to every corner of the land and beyond to redefine China's place in the capitalist world economy.

Diverse patterns of conflict and resistance are directly attributable to the reforms, yet they are frequently rooted in historic contests and display time-honored beliefs and behaviors. Contention during the reform era has ranged from tax riots, labor strikes and inter-ethnic clashes to legal challenges, pro-democracy demonstrations, environmental, anticorruption, ethnic, religious and gender protests, local electoral challenges, and demands for citizenship rights by the disenfranchised. For every direct challenge to the power, authority and reach of the state, and increasingly to that of capital as well, there are myriad invisible acts of everyday resistance.[2] These take such forms as private acts of evasion, flight and foot dragging, which, in the absence of manifestos or marches, may nevertheless effectively enlarge the terrain of social rights. These acts, as well as direct legal challenge in growing numbers of court cases, persistently press at the margins of official power and raise the costs of state controls. They also utilize social spaces opened up by conflicting goals of central and local officials, or between the state and private capital. In some instances, they may reinforce the reform agenda, by demanding freer markets, political and social rights, legal guarantees and geographical mobility, while in others they demand state protection against predatory officials and enterprises, often drawing on such slogans of an earlier revolutionary epoch as "workers are the masters". The cumulative weight of these challenges has forced significant changes in law and social praxis in contemporary China, developments that have been largely missed by analysts whose vision is limited to the search for American-style democracy or who are dazzled by economic growth rates or the dramatically changing skylines

of Beijing and Shanghai. The most striking of these shifts have taken place in economic, social and cultural realms, but the effects also extend to the political sphere and the courts.

This volume introduces contemporary Chinese society in the era of reform through examination of some of the dominant modes of resistance. Individual chapters trace the origins of different patterns of conflict and protest to diverse sources: old and new, foreign and domestic, socialist and capitalist, state and family, minority and majority. The conflicts examined here pay special attention to those framed by new relations of employment, unemployment and social class, to changing property rights, altered patterns of citizenship and marginality and of rights across the boundaries of urban and rural residence, of ethnicity, belief communities, and gender. Since much of this ferment is a product of the contemporary environment in a period of intense social change and rapid change in access to new forms of technology and communications, we begin with a brief consideration of the main features of the reform.

Reform agendas and consequences

China's post-Mao reforms began officially with the Third Plenum of the Eleventh Party Congress in December of 1978, when the new leadership gave its blessing to the initial stages of the decollectivization of agriculture and the expanded scope of the market. Significant roots of reform can, however, be traced back to the years 1970–78, not only in the US–China diplomatic breakthrough and China's resumption of its place in the UN Security Council in 1970–71, but also in the rapid expansion of China's foreign trade, the agricultural modernization agenda signaled by the 1970 North China Agricultural Conference, and the putative end of the radical phase of the Cultural Revolution with the 1971 death of Defence Minister Lin Biao, Mao's designated successor.

The centerpiece of early-post-Mao reform nevertheless was agricultural decollectivization and market opening, which proceeded by fits and starts between 1978 and 1982. Although agricultural land ownership continues to reside primarily in the village to this day, individual households signed contracts that afforded them effective control over the management, output and marketing of agricultural production in exchange for payments in the form of crops and labor to the village, and taxes in kind to the state, as discussed in Peter Ho's chapter. China's thirty-year experiment in collective farming was in essence repudiated in favor of a return to small-scale intensive family farming, officially styled the Household Responsibility System (HRS). With pressures from below from villagers and some cadres to expand the scope of market, mobility and household activity, and with increasing doubts at the center concerning the viability of collective agriculture, in just a few years collective agriculture was dismantled in favor of diverse forms of household contracting that restored the primacy of the family farm. In 1984,

these contracts were validated for fifteen years; in 1993, they were extended to thirty years; in 1998, President Jiang Zemin announced that contracts would remain in effect for at least an additional thirty years; in 2008 attempts to legally enshrine the widespread practice of household transfer of contracted land in a new land law that some observers see as a step toward land concentration in the hands of a few were once again stalemated, while in 2009 a new law spelled out guidelines for land dispute resolution that reaffirmed land management rights, an area that has spawned some of the most contentious rural conflicts (http://www.china.org.cn/government/central_government/2009–06/27/content_18024164.htm).

Alongside the HRS, from the early days of post-collective reform, the state welcomed free markets, encouraged diversification of rural enterprises in the form of small-scale industry and handicrafts, relaxed restrictions on rural–urban migration, and substantially boosted state procurement prices for agricultural products in an effort to jump-start and diversify the rural economy. In each of these instances, the state responded positively to pressures from below for the expanded scope of household and market that had built up throughout the era of anti-market collective agriculture. The immediate results of this policy package, which included far more than agricultural decollectivization, were a huge spurt in agricultural output, expansion of rural industry, and the first major gains in rural income since the start of the collective era a quarter of a century earlier. As farmers regained control of their labor power and the state relaxed prohibitions on markets and sideline production, rural labor and capital swiftly flowed in new channels, and villagers, notably those in prospering coastal areas that could take advantage of burgeoning exports, experienced new earning opportunities.[3]

This did not constitute a complete break with the revolutionary era, however. Not only did land ownership continue to reside in the village, but the equalizing legacy of the land revolution was sustained through the household contract system, and there was also continuity in the managerial role of collectives. While agriculture passed into the hands of households, in many communities the former collectives continued to direct rural industry and sideline production. The household economy had in fact never completely disappeared in Mao's China, as most families continued to cultivate individual plots of land at the margins of the collective economy. Hence foundations for commodifying elements of reform existed in embryonic form throughout the countryside, both in former collective industry and the household economy.

Perhaps the most dynamic response to the new opportunities presented by reform was the growth of township and village enterprises (TVEs) that mushroomed across the countryside. Many of the TVEs had their roots in earlier commune and brigade industries, but in the reform era under relatively open market conditions—including access to international markets and capital, and with the infusion of migrant labor—they injected unprecedented dynamism into rural industry, notably in coastal and suburban regions. When the communes were replaced by townships in the early 1980s, many village

collective industries continued to thrive. Over time, many of these collectively owned and operated enterprises converted into shareholding companies (*gufen gongsi*) or private firms or joint ventures, including some with foreign investment, while many new household or joint venture enterprises emerged and, in the course of the 1980s, created new jobs and income.

Demand for labor mobility went hand in hand with pressures to relax the household registration (*hukou*) system that had segregated citizens by rigid categories, particularly urban and rural residence, which had forestalled rural-to-urban migration and created a formal hierarchy of urban centers to the detriment of villagers. Reform opened the way for scores of millions of people to change their place of work and residence and seek new employment opportunities. But as Fei-ling Wang points out in his chapter, as "outsiders" in the city or in richer agricultural areas that became loci of rural industry, migrants have faced formidable official and unofficial restrictions in their new domicile. In the absence of legal urban registration, they remain ineligible for many rights and benefits enjoyed by those with legal urban registration— including the right to education for their children, pensions, health and welfare benefits, even the legal right to rent or purchase homes—and they are vulnerable to expulsion from cities. Despite the important contributions that migrant workers have made to China's economic growth, the state continues to view them as second-class citizens, branding them a "floating population" and remaining wary of them as a potential source of unrest. As their numbers soared into the range of 50 to 100 million people in the 1990s, and to more than one hundred and sixty million in the new millennium, permanent urban residents also came to see the migrants as a source of crime and, increasingly, as a threat to their own jobs, patterns familiar to students of migration in Germany, France and the USA, among others.

While economic and social transformation in many parts of the countryside was remarkably swift and far-reaching, urban industry proved resistant to change. Because the state, rather than lower-level collectives, owned and operated the major urban factories, and depended heavily upon them as its primary source of revenue, it was wary of changes that might undermine its power economically and politically or call into question its important social base among the urban workers who had been the major beneficiaries of the revolution in the form of lifetime employment, pensions, health care, subsidized housing and the perquisites of urban residence. In particular, state leaders feared that the loss of job security and welfare benefits of workers at state-owned enterprises (SOEs), could precipitate widespread labor unrest and undermine the core of the national economy. By contrast, villagers had enjoyed few state or other benefits and were tightly controlled under the collective. From the late-1970s, pressures mounted across the countryside to expand the scope of market and mobility and to curb the collective, while many workers in the city viewed the reform agenda as a direct threat to their income, security and prestige.[4]

The initial suspicions of Chinese labor proved prescient. Not only did reform bring few gains to SOE or collective workers in the cities and the

industrial sector, it meant in the first instance that industrial workers lost status and opportunity to rising entrepreneurs, many of them villagers or former villagers. Eventually tens of millions of state sector workers would lose lifetime employment and its accompanying benefits. Moreover, many would also lose such welfare benefits as pensions that they had worked a lifetime to secure when enterprises were privatized. Many who retained their jobs were required to sign contracts with their employers, initially for a maximum of five years, later frequently for one year. The "iron rice bowl" of lifetime employment was smashed to the detriment of workers. Many more workers were hired on short-term contracts with neither security nor benefits of any kind, and for the first time since the early-1950s, they were competing with rural migrants ready to work at a fraction of the wages formerly paid to state workers. By the early years of the new millennium, the state sector had shrunk to core enterprises of the industrial economy as numerous SOEs were converted to shareholding corporations owned by former leading officials, often with private or foreign capital as workers faced relentless pressures from capital to overturn the rights secured in the revolutionary era. Older and women workers bore the brunt of dislocation and unemployment among SOE workers, forcing many to accept menial jobs with no benefits and no security.

The gap separating rich and poor, between and within regions as well as across social class and ethnic lines, has grown apace under the reforms. In contrast to industrial relocation to poorer and peripheral regions during the Mao era, Deng Xiaoping's reform since 1978 heavily favored coastal over inland areas with state investment and privileged access to international capital and markets. State and private funds poured into rapidly industrializing coastal areas that spearheaded China's export boom. And in contrast to earlier class levelling, reformers promoted and exalted the new rich under Deng's reassuring slogan "Let some get rich first." Indeed, by the 1990s some analysts concluded that China in the course of a few decades had moved from the ranks of the world's most egalitarian societies to one of the most unequal in its distribution of income, wealth and opportunity.[5] Although Party Secretary Jiang Zemin (1989–2002) launched a high-profile programme billed to redress this imbalance, few resources appear to have been allocated to it and the coastal areas continue to attract the lion's share of foreign investment and outstrip inland regions. Spatial and class economic and social inequalities are frequently multiplied by distinctions of ethnicity, as Uradyn Bulag under-lines. In a society notable for mobility and greater media access, including on-line communications have heightened awareness of income differentials, lavish conspicuous consumption and corrupt official practices, as the chapters in this volume reveal, these disparities can fuel popular anger and at times fuel resistance.

Reform has been accompanied by a relaxation of controls over economy and society in many, but hardly all, spheres. Indeed, just as the neo-liberal economic agenda of the George W. Bush administration went hand in hand

with the extension of state controls over American citizens through the Homeland Security Act and other measures, in certain arenas the reach of the Chinese state has been extended in the course of the reform era. For example, since the 1970s the Chinese state, in the face of a population explosion, imposed arguably the strictest birth-control regulations put into effect anywhere, thus reaching directly into the nuclear family to regulate reproduction. Given the age-old preference for many children, especially sons whose responsibility is to assure the welfare of parents in their old age and continue the family line, the state acted vigorously to ensure that couples limit themselves to a single offspring. The single-child policy, rigorously enforced in the 1980s and 1990s, and more selectively thereafter, poses severe challenges for a society whose core cultural values are based on kinship relations and an emphasis on the filial obligation to assure family continuity through future generations, an act that requires a male offspring.

The single-child policy has achieved considerable success in the cities, where most families could rely on state or collective pensions to provide for them in retirement and where tight housing conditions favored smaller families. But in the countryside, where no such welfare regime existed, and where the one-child policy coincided with the collapse of community welfare provisions such as cooperative health care, the one-child policy posed agonizing choices for households. The results have included fierce resistance that took such forms as flight to give birth to a second or further child, female infanticide and, at times, murder of cadres or family members of cadres who had imposed forced abortions, sterilizations and heavy fines on violators. As Tyrene White demonstrates, rural-centered resistance would eventually force the state to relax the one-child policy to permit a second child when the first is a girl. Other pressures led the state to accept multiple births for minority nationalities. At the same time, Sara Friedman also shows how population controls have produced unintended consequences by opening up a space for young people to develop romantic relationships, sometimes even before they reach the legal marriage age. Conflict and resistance surrounding the state's aggressive population control policies continue nevertheless, notably on the part of rural households with no sons.

It is commonly asserted that, despite far-reaching economic and social reform, China's political system remains frozen. Many of the contributions to this volume suggest otherwise. The changes, however, do not bring comfort to proponents of American-style electoral democracy or to those who favor empowerment of the disenfranchised. In part to alleviate the anxieties and conflicts that accompanied head-spinning changes in both the economic and social arenas, the state initiated sweeping legal reforms. A revised constitution promulgated in 1982 was followed by codes that provide guidelines on a host of issues ranging from labor relations and intellectual property rights to the environment and commerce. A massive education campaign has been launched to publicize the new regulations. Mediation and arbitration offices,

as well as the courts, have been beefed up to handle the growing number of disputes and protests in an effort to defuse conflicts that might otherwise produce violent confrontation, above all striving to move the arena of conflict from the streets to the courts. This is but one important sphere in which political and social relations are being redefined by a combination of state reforms and the expanded exercise of citizen rights, as chapters by Peter Ho, Jun Jing, Ching Kwan Lee, Minxin Pei, Sara Friedman, and David Zweig reveal from diverse angles. Do these conflicts ultimately undermine Communist Party rule, or do they provide outlets for grievances including both social protest and legal challenges?

In keeping with its professed commitment to honor legal claims, symbolized by China's signing of numerous international covenants on economic, social and cultural rights as well as on civil and political rights, the state has announced support for religious freedom (albeit only for officially recognized and registered groups), cultural autonomy for ethnic minorities (that is, for the officially classified 56 nationalities which enjoy important affirmative action privileges but are also subject to tight controls), and limited processes of democratization such as village elections. The results, however, are contradictory. Not all groups have experienced expanded religious or cultural space. Nor have all groups achieved economic gains by any means. As Uradyn E. Bulag shows, some minority nationalities facing intense pressures for assimilation, have experienced the erosion of autonomous rights.

The Chinese state has enlarged the scope of official tolerance for intellectual activities in literature, the arts, scholarship and journalism. Yet the relationship of intellectuals to the state is no less ambiguous than it was during the Mao era, as discussed by Geremie Barmé. In practice, official guarantees are periodically circumscribed, at times harshly, primarily out of security concerns, but also in response to concerns over "cultural pollution"—the importing of deleterious alien concepts and ideas that might undermine officially approved values. Suspicion of subversive, separatist, sectarian or even "superstitious" activities has repeatedly elicited draconian state responses. The harsh repression campaign against the quasi-Buddhist sect, Falun Gong, follows decades of attempts to control unauthorized Christian and other religious activities as Patricia Thornton and Richard Madsen respectively, detail. Nevertheless, the combination of broad new legislation, changing social relations, and the thrust and counter-thrust of resistance and repression has exerted a significant political impact. And what are arguably the three most far-reaching changes in politics and society are largely invisible. First, since the late-1970s, the state has for the most part abandoned the mass mobilization campaigns that were the hallmark of Chinese politics in the Mao era—the birth control campaign and the crackdown on Falun Gong being two conspicuous exceptions. Second, the state has withdrawn from direct control of large areas of the economy in both urban and rural areas, leaving nonetheless important realms

of state influence and control. Nevertheless, it is fair to say that it has substantially reduced the scope of direct intervention in the lives of ordinary people. Third, it has permitted expanded migration and mobility even while continuing to enforce social and political distinctions inherent in the *hukou* system of population control as discussed by Fei-ling Wang.

The highly touted elections for village committees illustrate both the logic and limits of political reform. Centrally sponsored democratic elections have apparently been carried out in about half of China's nearly one million rural villages. But in a context in which independent opposition parties remain illegal and the nomination process is closely monitored by Communist officials, such grassroots experiments exert limited, and some would say minimal, influence on the exercise of power. Of particular importance is that party secretaries, not village committees, still rule the countryside. That is, the top local official is not subject to popular election. The Communist Party, in short, retains a monopoly over key instruments of control: propaganda, personnel, the military and the police. The small officially sanctioned minority parties cultivated by the Communist Party throughout the People's Republic are pledged to loyalty to the ruling party. Publications as well as on-line resources are restricted by an elaborate system of party censorship, while the official ideology remains Marxism-Leninism-Mao Zedong Thought guided in practice by theories and leadership principles associated with Deng Xiaoping and his successors, Jiang Zemin and Hu Jintao. And in the wake of the party's crackdown on the protests of 1989 with their center at Tiananmen, it has moved aggressively to control signs of the emergence of political opposition, for example by banning attempts a decade later and since to register a newly founded China Democracy Party.

Despite significant changes such as an expanded role for the National People's Congress, an apparent disjuncture remains between free-wheeling economic expansion on the one hand, and the still circumscribed political climate, on the other. Bustling stock exchanges, shimmering skyscrapers, and *au courant* electronic modes of communication have not broken the grip of the omnipresent security system. Indeed, the growing power of capital rests on the support of the state and the security apparatus with which it is closely intertwined. In the two decades since 1989, despite growing numbers of strikes, protests, everyday resistance and court cases, no large-scale political movements have significantly challenged party rule. If local protests have grown in the course of the reform era, the state has repeatedly demonstrated its ability to stymie attempts to generalize resistance across time and space by isolating protest and prevention of the establishing of links beyond individual units. In fact, the forces of repression have grown in tandem with modernization, urbanization, internationalization, and the new prosperity *for some*. The institution of the armed police (*wujing*) augments the public security bureau in maintaining order, and an espionage service once reserved for international assignments is now being deployed domestically down to the county level.

Conflict, cleavage and contention

It is not surprising that the current situation, in which Maoist precepts are often neglected in practice but rarely formally negated, has seen the emergence of a polyphony of conflict and contention—among state authorities and between authorities at multiple levels and elements of the populace. Although Maoism shared many features with Leninism and Stalinism, it was also distinctive in its avowed egalitarianism and populism, and in the contentious mobilization politics that were its hallmark not only in spearheading a people's war that brought it to power, but in such periods as the Hundred Flowers Movement of 1956–57, the Great Leap Forward of 1958–60, and the Great Proletarian Cultural Revolution (1966–76) that punctuated the Party's years in power. One important legacy of the era of revolution is a residual sense of entitlement and a repertoire of protest strategies that extended to the most remote parts of the countryside and to people of diverse social classes and ethnicities.

Of course, popular protest long predated the initiatives associated with Mao Zedong and the Chinese Communist Party. Chinese history boasts a record of resistance and rebellion second to none. Whether we survey Imperial, Republican or Communist periods, we find ample evidence of defiance and dissent shading into rebellion and revolution. An intriguing question, therefore, concerns the degree to which recent contentious events build (consciously or unconsciously) on earlier precedents. To what extent do the wellsprings of conflict and resistance in contemporary China draw on patterns and practices honed in bygone days? To what extent have they changed in response to the imperatives of the reform era?

One important basis of comparison concerns the social composition of the participants. While historians in the People's Republic during the Mao years celebrated the class nature of popular protest in China going back to the earliest recorded uprisings (third century BC), analyses of Imperial-era protests by Western and some Chinese scholars have demonstrated the significance of lineages, villages and religious communities in structuring patterns of resistance. A debate has unfolded over whether new forms of community began to emerge in the late-Imperial and early-Republican periods (and have re-emerged in the post-Mao era), and whether they can best be understood as part of a nascent civil society or public sphere. Some stress a growing sense of citizenship among ordinary Chinese, particularly urbanites, as early as the final years of the Qing dynasty. Others argue that, under the influence of Western imperialism and domestic capitalism, a proto-class consciousness developed that helped to fuel the Communist revolution and may be reappearing with growing class polarization of the reform era.[6]

In the post-1949 period, Mao insisted that class must continue to command center stage. Not only were land reform and nationalization of industry rooted in the logic of eliminating class exploitation and laying the foundations for a new democratic and then a socialist society, but Mao justified his Great

Proletarian Cultural Revolution on the basis of the *continued* imperative of class struggle to assure that the gains of revolution would not be reversed by a new red bourgeoisie in the ranks of party officials. The Cultural Revolution, however, was a class struggle of Mao's own distinctive formulation, one necessary to topple "those in authority taking the capitalist road", that is, the enemies of Mao and of socialism as he construed it. With the class transformations of land reform, collectivization and nationalization of industry, class distinctions, if they existed, were rooted not in property-based inequalities but in the realm of ideology and political power.

In exploring the roots of cleavages and conflicts in the reform era, the authors of this volume break with stereotypical categories drawn from pre-land-reform society and from an era preceding the nationalization of industry to analyse anew the bases and structures of inequality, and efforts to challenge them, within the People's Republic. They find that not only class, but also gender, ethnicity, generation, religion and regional location (*hukou*) constitute powerful sources of conflict and spurs to resistance in the reform era. And that each of these took new and modified forms as the era of revolution gave way to the reform era of capitalist transformation, or what China's leaders euphemistically describe as socialism with Chinese characteristics. These axes of contention intersect in ever-changing and volatile ways. For example, as Ching Kwan Lee points out, large-scale layoffs of workers in state-owned enterprises in the 1990s were disproportionately directed against older women, while Fei-ling Wang underscores the discriminatory treatment of rural migrants to the city. Patricia Thornton notes the high rates of Falun Gong membership among elderly and laid-off workers, and Uradyn Bulag draws attention to the loss of Mongol autonomy within the reform framework. Sara Friedman shows how young people in the 1990s defined ideals of progressive marriages in terms that resonated closely with earlier state-sponsored models of liberated socialist gender and family relations. The chapters reveal how multiple intertwined factors shape social tensions and patterns of resistance.

This is not to suggest that the bases for conflict have been entirely reconfigured in the contemporary era. As Jun Jing, Peter Ho and David Zweig show, longstanding village and lineage loyalties continue to shape insurgent identities in rural China as social movements draw on themes and images sanctified by tradition even as they engage the consequences of reform. Patricia Thornton, Richard Madsen, and Jun Jing demonstrate that popular religion and folk ideologies play pivotal roles in this process, with the beliefs and rituals surrounding local temples, churches, deities, spiritual masters, ancestral halls, and festivals often providing inspiration for collective mobilization. This may be the case even when the precipitant of protest, for example the relocation of two million villagers occasioned by the massive Three Gorges Dam project, is imbricated within a modernizing agenda associated with construction of the world's largest dam. Traditional forms of contention are being revitalized in a new sociopolitical context framed not only by domestic reform but also by incorporation in global networks of capital, giving rise

to radically transformed public spaces and urban architectures that are the product in part of new economic bases and international relationships.

The recourse to claims rooted in history can take many forms. In the conflict between the interests of Mongol pastoralists and Han Chinese farmers, and more recently, industrial workers, as Uradyn Bulag illustrates, the clash over land usage has been central for more than a century. To buttress their competing positions, competing ethnic groups with clashing economic agendas have staked claims to indigenous status in the area that is now Inner Mongolia. Countering Han Chinese claims to represent a modern 'civilizing mission', Mongols have turned to their own linguistic, cultural and historical traditions as wellsprings of resistance. Yet this longstanding dispute, which resonates with conflicts in other autonomous regions with large minority populations has undergone substantial change in recent times as Chinese industries cast a covetous eye towards the natural resources hidden beneath the steppes and Mongols find themselves marginalized in the face of proliferating industries in their autonomous region. The widening economic gap between coastal cities and the interior provinces further inflames resentment that includes, but is not limited to, minority peoples or ethnic groups with distinctive languages and cultures. The issues take on particular urgency for the Chinese state since ethnic minorities occupy many of China's most geopolitically sensitive and natural resource-rich border areas, because Mongols, Uighurs and Hui, the latter both Muslims, occupy border areas adjacent to ethnic kin across national borders. In short, ethnic and religious conflict may be exacerbated in China as elsewhere by resource nationalism. In oil- and natural gas-rich Xinjiang, for example, many Uighurs experience the state as siphoning off the wealth that is legitimately theirs while industrial and mining jobs go to settlers from other parts of China. In the case of Tibet, international forces pose questions of autonomy, human rights, even independence.

Significant strains in contemporary popular protest can be traced back to Imperial- and Republican-era precedents. There are, however, compelling models much closer at hand. As Peter Ho shows, many of the land disputes that have recently erupted in rural China can be traced in large part to the structures and conventions of the collective era. Village communities, lineage groups and households now challenge earlier state and collective appropriation of their lands and in some instances the size or quality of the land distributed for cultivation. Given the stark policy and value contrasts between the eras of revolution and reform, the former has come to stand as a convenient foil for many of the discontents of the latter, and protests often draw on social justice themes and approaches honed during land reform, collectivization and the Cultural Revolution.

Thus, workers and women who find themselves disadvantaged by the industrial reforms are quick to remind authorities (with considerable irony) of Maoist slogans and promises: "The working-class must lead in everything!" and "Women hold up half the sky!". On occasion, as Ching Kwan Lee and David Zweig describe, workers even adopt Cultural Revolution style struggle

tactics to press demands against brutal or corrupt factory managers or cadres who cheat villagers out of land rights. And people of all classes, in bemoaning the rampant corruption of the present era, often recall nostalgically the high ethical standards and plain living of an earlier generation of revolutionaries.

The combination of seemingly ancient styles of protest with Maoist principles and practices can result in poignant and explosive expressions of discontent.[7] Take a case which occurred in the early-1990s in several provinces in Southwest China. A group known as the "Heavenly Soldiers Fraternal Army" (*Tianbing dizijun*) recruited thousands of followers from more than 100 villages. The group's leader, declaring himself a reincarnation of the Jade Emperor (a Daoist deity), practised shamanistic rituals of spirit possession and exorcism. His disciples pledged to fight for a new, divine regime free from social classes, authorities, grades and ranks, and the like. If the popular religious elements have a seemingly venerable pedigree, the commitment to rid China of all forms of inequality equally draws on Cultural Revolution themes.

In another intriguing resistance movement, a 29-year-old peasant leader claimed to be Mao Zedong's son who had come to lead a rural uprising. The would-be Mao penned treatises on the "thirty great relationships" (Mao Zedong had limited himself to ten) and assumed the titles of party chairman, military commission chair, state chairman, political consultative conference chair and premier, again surpassing Mao in the range of his official titles. He also sent letters to various government offices praising the radical ideas of the Gang of Four, attacking Deng Xiaoping's market socialism, and calling for armed rebellion, student boycotts and workers' strikes.

Even in what would appear to be the most "traditional" of peasant uprisings, many of the slogans have a distinctly "modern" ring to them. Take the case of a rebellion that got underway in the mid-1980s along the Yunnan–Guizhou border after its leader claimed—in the manner of Hong Xiuquan, commander of the Taiping Rebellion, the great millenarian uprising that rocked China in the mid-nineteenth century—that he had dreamed of an old man with a white beard who lent him a sacred sword. The contemporary insurgents slaughtered a chicken and swore a blood oath in the ancient manner of Chinese rebels, but alongside the age-old slogan of "Steal from the rich to aid the poor," they emblazoned their battle banners with contemporary mottoes: "Support the left and oppose the right!" and "Down with birth control!"

The syncretism of these recent movements is surely due in part to the quasi-religious dimensions assumed by the cult of Mao during the Cultural Revolution. Political rituals of that era, such as recitation of the *Little Red Book of Mao Quotations* and performance of loyalty dances, helped to blur the distinction between older forms of worship and new Communist practices. Moreover, collective loyalties fostered in that period can serve today as bases for resistance to higher-level state demands.

A theme that runs through many of the chapters in this volume is the pivotal—and often contradictory—role played by local authorities in relation

to popular resistance. We find party officials articulating and defending the interests of retirees (Zweig), religious believers (Madsen and Thornton) and land ownership rights (Ho and Zweig) in their locality; union officials siding with disgruntled workers (Lee); birth control officials colluding with prospective parents (White); young women claiming the right to continue to live with their natal families for years after marriage (Friedman); Mongol officials defending indigenous rights against the claims of Han Chinese migrants (Bulag); local officials leading villagers in demanding compensation from polluting enterprises (Jing), and so on. In short, while local officials frequently crack down on popular resistance, in numerous cases their leadership is instrumental in shaping, legitimating and articulating the demands of social movements, and in some instances in networking with state officials on behalf of local interests, or even providing the leadership for social movements. It was, of course, precisely such leadership bifurcations that made possible the persistence and violence of the Cultural Revolution, and that lent strength to earlier rebel and revolutionary movements. Breaches in the loyalties of grassroots authorities are of enormous concern to the central government. Indeed, fears on the part of central leaders about renegade local officials help to explain Beijing's adoption of such policies as legal reform, anticorruption drives and village elections, which provide legitimate state-sanctioned channels to vent and adjudicate grievances. Yet, as the *qigong* craze that nurtured Falun Gong clearly shows (Thornton), even central authorities may play a key role in encouraging beliefs and practices that are later deemed subversive.

The dramatic recrudescence of organized crime, often with police complicity and corruption, is another symptom of the contradictions and contentions that are products of reform. Active in both urban and rural areas on a scale unknown in the early decades of the People's Republic, criminal gangs oversee drug smuggling, trafficking of people, gambling and prostitution rings, extortion, robbery and more. The upsurge in such activities is attributable to several factors attendant upon the reforms: increased population mobility, high levels of surplus labor and unemployment, growing income disparities, access to previously unavailable economic resources, and declining civic values. Independent financial bases for criminals render government efforts at repression increasingly difficult—especially when corrupt officials are able to cash in handsomely. This too is part of our story since anger and diverse forms of resistance are also a product of complicity, crime and official corruption.

Reform and the future of Chinese communism

Does the rich and multifaceted history of contemporary resistance augur the demise of China's Communist Party or the passage toward more progressive outcomes under a twenty-first-century party? It is difficult to know whether "liberal" initiatives, from economic reform to judicial reform to village

elections, are serving to shore up, or to further erode, central government and party control. What is certain is that they are transforming the nature and terrain of state–society relations, leading some analysts to see the emergence of a 'soft authoritarianism' and even to speak of the advance of democratizing processes within the Chinese polity. Despite the fact that the Communist Party retains *de facto* veto and *de jure* power over the enforcement of laws and electoral results, reform measures have opened new space for expressing local interests and checking arbitrary abuses.

Particularly telling is the retreat of the state from direct control over many aspects of life and labor. The day-to-day economic activities of one billion villagers are no longer micromanaged by collective and commune officials, as people turn their energies to farming, industrial or sideline activities, undertake to organize family or joint enterprises or migrate far from home. Yet, as Sara Friedman shows, state influence may also be felt, both directly and indirectly, in domains of intimate life, such as decisions about whether to marry a foreigner or to leave an unhappy marriage when population control policies might hinder one's chances of remarrying.

As Minxin Pei, Ching Kwan Lee, and David Zweig explain, legal reforms have set limits on state prerogatives at the same time that they have encouraged greater expectations about, and provided an institutional framework for, the protection of rights among the populace at large. The growing numbers of lawsuits filed against government and party officials since the 1990s are symptomatic of this emergent sense of entitlement. Moreover, the significant number of strikes and other clashes notwithstanding, labor and many other disputes are most commonly settled in newly established arbitration committees rather than in the streets. But laws, of course, are at least as useful to state authorities as to dissidents. The state security law, for example, sanctions the arbitrary arrest of anyone suspected of subversive motives, and efforts to create independent labor unions confront a legal structure that grants official unions, whose primary loyalties to date have been to the state or to capital and not to their members, a monopoly on representation.

Grassroots elections are also a two-edged sword for the state. State leaders hope that such procedures will help curb the corrupt excesses of local tyrants and thereby dampen the fires of rebellion in the countryside. Yet giving villagers an enlarged sense of their own political efficacy, and providing a public forum for open discussion of civic affairs, can also act to stimulate local resistance to higher-level dictates. Voters at a 1999 local election monitored by the Carter Center, for example, vociferously protested a nomination process that they considered to have been rigged by party authorities.

While official elections have been closely watched internationally and above all in the US, the more important village activities from the perspective of sustained impact on their communities, are probably those sparked by the numerous new associations, ranging from religious and sectarian groups (Madsen, Thornton) to credit societies and cultural associations, which operate

quite independently of the state. In the cities as well, as Geremie Barmé suggests, intellectuals who were preoccupied with issues of democratic transition and state authority in the late-1980s subsequently turned their attention to cultural discussions that seem quite removed from direct political confrontation or winning the vote. Yet such debates may also work to undercut party hegemony, as in the emergence of "new left" forces both within and independent of the party that criticize the devastating social consequences for the disadvantaged of the reform agenda and press the state to provide health and welfare benefits for the needy or to expand the rights of migrant workers and families.

Internationalization

One of the most striking aspects of the reform era is the depth and multiplicity of China's engagement with the world. Whereas Cultural Revolution China was a relatively autarkic society, both internally and internationally, today China's links to the rest of the globe are extraordinarily dense while intrasocietal movement and communications have accelerated. Foreign television programmes from Japan, Korea, Taiwan, Hong Kong, the US and Europe dominate the airwaves in even remote reaches of the countryside and American fast-food franchises dot the urban landscape. International capital defines leading sectors of economy and finance, and fuels China's explosive export-oriented industrialization and trade growth. Global fashions in everything from European, Japanese and American designer jeans to perfume to appliances make their presence felt in town and countryside alike. And pop music reverberates to the beat of Hong Kong, Taiwan, Japanese, Korean and American musicians.

The implications of internationalization, reform, and new technologies are far-reaching and contradictory. Access to the global market has placed fax machines, personal computers, internet access and above all cell phones and i-phones within the reach of millions of people in city and countryside, including intellectuals and activists, facilitating autonomous communication as well as contacts with foreign scholars, potential spouses, human rights organizations and the international media. It has also, however, simultaneously equipped the military and public security agencies with state-of-the-art electronic and communications technology including sophisticated surveillance technology. Thornton shows the significance of internet technology to the growth of Falun Gong and other 'cybersects'. The new technology makes possible a growth in the information available to outsiders concerning Chinese domestic affairs while facilitating the full range of social, including dissident, communications. The expanded role of the international community in publicizing Chinese human rights abuses has been one outcome. But this does not begin to exhaust the implications. As Geremie Barmé indicates, the debates among domestic intellectuals and critics have been profoundly shaped by their exposure to international discourse, much of it via the internet and

cell phone. And Sara Friedman shows how expanded contact with outsiders has also led to growing interest in marrying across national borders.

As foreigners assume a higher profile in China—whether as suppliers of capital and technology and purveyors of cultural and consumer styles, as human rights advocates, missionaries, email correspondents, or simply as tourists—they inevitably alter the balance of power in a rapidly changing and urbanizing society. Foreigners as well as Chinese sightseers streaming to religious centres, can trigger conflict within the state between public security officials concerned about maintaining social order and a cultural apparatus intent on promoting local traditions for economic as well as aesthetic reasons. The SARS epidemic of 2002–3 highlighted one type of challenge inherent in globalization. It also triggered local protests by residents unhappy about the government's handling of the crisis. The hosting of the 2008 Beijing Olympics gave rise to other issues as China played host to the world while seeking to address such challenges as Tibetan protest and to place its own stamp on China's global image through the display of Chinese culture in the opening ceremonies and the power of Chinese athleticism all conveyed via the global media.

Contradictions of reform

In short, the reforms have stimulated contradictory currents that elicit a mélange of old and new responses. Strict birth control policies gave rise initially to tragic, yet historically familiar, practices of female infanticide and abandonment as desperate villagers sought to ensure that their one child would be a boy. However, as White shows, these tactics have been largely supplanted by new strategies such as sex-selective abortion, enabled by state-of-the-art ultrasound technology. Similarly, the protest against a dangerously polluting fertilizer factory, detailed by Jing, erupted only after a government medical team educated villagers about the link between water pollution and birth defects. Sympathetic township officials not only sanctioned the worship of fertility goddesses to combat the pollutants, they also allowed village cadres to mobilize demonstrations forcing the fertilizer factory to solve the problems resulting from its wanton discharge of toxic waste and compensate the community for damages.

Relaxation of the household registration system, complementing the reform of agriculture and industry, has greatly complicated state control. Since the 1980s, migrant workers have provided the labor for many of the most productive, export-oriented and income-producing industries. The option of flight from local authorities makes it much easier to evade the family planning policy (White). Exposure to urban lifestyles and values also raises the marital expectations of young migrant women, but without providing them with opportunities to realize those desires in the face of urban discrimination (Friedman). Migrant workers constitute a new source of labor unrest, notably in Special Economic Zones, like Shenzhen, where their

numbers have skyrocketed. And the continued growth in the number of migrant workers at a time of rising urban unemployment brings into direct conflict the interests of urban and rural workers who once occupied different niches on the employment ladder, with migrants assuming jobs disdained by urban residents but also competing directly for jobs with laid-off urban workers (Wang and Lee).

Resistance, revolution and China's future

Along with urbanization, commodification, rising per capita incomes and remarkable affluence for some, China's reforms and their attendant economic growth have brought deepening social inequalities resulting in anxiety and anguish to many. What does this situation augur for the future of state–society relations? Is Chinese society a ticking time bomb, about to detonate the Communist state? Have the wide-ranging patterns of resistance and pressures for change from below generated a fundamental transformation in popular consciousness or in the state–society relationship? Or are the manifestations of discontent so small and scattered as to pose little threat to the survival of the political system?

Social science theories provide few signposts that allow us to specify with confidence the conditions under which social conflict may become politically destabilizing and even regime threatening. Individual personalities and historical contingencies—factors that remain stubbornly immune to the best predictive efforts of social scientists—play a decisive role in translating popular unrest into political challenge or political and social transformation.

As this volume shows, there is plenty of dissatisfaction in contemporary China, some of it attributable to grievances built up during the earlier Mao era, but much of it traceable directly or indirectly to the effects of reform policies. The very economic successes of these policies have encouraged "rising expectations" that could (*à la* Crane Brinton) not only spark protest but might ultimately prove revolutionary.[8] Moreover, the growing gap between greater and lesser beneficiaries of the reforms has clearly fostered among the less fortunate a sense of "relative deprivation" (*à la* Ted Robert Gurr)[9] that generates not only individual frustration but may also, at times, lead to collective violence. If the economy were to suffer a sudden slowdown or even a reversal after the steep gains of recent decades, as the world economic pandemic of 2008–9 strongly suggests, it would then resemble James Davies' "J-Curve"[10]—a situation said to be replete with revolutionary potential. Above all, China's high-speed growth has produced deepening class polarization and class antagonisms, the very outcomes that Karl Marx pinpointed as the prerequisites for resistance and revolution.

The chapters in this volume present evidence of all of these patterns at work. They offer numerous examples of diverse forms of everyday resistance as well as strikes, protests, riots and other types of organized and unorganized protest. Does this mean that China stands poised at the brink of revolution,

auguring the overthrow of the Chinese Communist Party and a passage
either into system disintegration and civil war or reunification under another
political banner? The problem with the diverse theories sketched briefly above
is that, while suggestive for analyzing the psychological and material roots
of protest, resistance, rebellion and revolution, none specifies the threshold
point at which popular aspirations and grievances gain sufficient momentum
to become politically threatening. Thus, however useful the theories may be
in offering *ex post facto* explanations, and in drawing attention to areas of
conflict and potential resistance, they offer little predictive value.

Approaches that focus on the state, more than the societal, side of the
revolutionary equation (Charles Tilly, Theda Skocpol, Jack Goldstone, James
Scott, Richard Tucker, Mark Lupher)[11] direct our attention to critical issues
of state capacity to administer and to repress in the attempt to order and
control nature and humanity. Revolutionary outcomes are contingent not
only on social discontent, but also on the ability to mobilize people and
resources effectively to exploit state weakness and ineptitude. They hinge
equally, however, on state capacity to counter such challenges. Here we
move beyond the psychological to the political arena, but still without a clear
vision—until we attain the vantage point of twenty-twenty hindsight—of the
actual dividing line between state capacity and incapacity.

What is striking is the fact that for all the popular anguish and the variety
and depth of contemporary protest, to date no significant organizational focus,
whether enshrined in a political party or social movement, has emerged at
the regional, national or even local level effectively to issue a sustained
challenge to Communist Party leadership. The Chinese state has demonstrated
residual strengths. In contrast, for example, to the Soviet-imposed regimes
of much of Eastern Europe, China's Communist Party led a popular resistance
against Japanese invasion en route to the founding of the People's Republic,
a history that enables it to lay claim to the nationalist mantle in confronting
its critics and opponents. The contrast to East European regimes which owed
their power to the Soviet Union could hardly be more clear. And in contrast
to the Communist-led regimes that collapsed or were overthrown in Eastern
Europe in the late-1980s and 1990s, or in Afghanistan in 1988, China's
Communist Party can claim credit for several decades of rapid economic
growth and widely, if unequally distributed, income gains. The result has
been growing international power and prestige as China assumes a wider
role as a regional and even a global power, as in proposing the ASEAN +
3 concept linking China, Japan and Korea to the Southeast Asian organization.
This heightened international profile, in turn, strengthens the state's hand in
dealing with certain types of protests. In the wake of the terrorist attacks on
the World Trade Center and the Pentagon on September 11, 2001, for example,
China gained US approval in its war against secessionist elements in Xinjiang,
now labelled as Islamic "terrorists." And the initially hostile Bush administra-
tion would not only actively court China's support for its "war on terrorism"
and its attempts to isolate Iran, but would foster economic and financial ties

with China that pivoted on a massive surplus of Chinese exports to the USA complemented by Chinese purchases of US treasuries. This allowed the USA to sustain large trade and budget deficits.

Equally important has been the Communist Party's ability to absorb some of the most powerful complaints of its critics without yielding its grip on state power. The state accommodated demands for expanding the market and the private sector as well as enlarging the scope of the legal system, sponsoring village elections, and permitting non-governmental organizations to function. Nevertheless, far from quelling social protest, these achievements associated with the reform agenda have arguably stimulated it.

Recently, analysts have advanced a triad of concepts to account for the emergence of powerful social movements: political opportunity structure, mobilizational networks and collective action "framing" (or cultural/symbolic interpretation).[12] This "political process approach" has sensitized scholars to a wider array of relevant factors in generating social movements, ranging from the political climate and social connections to symbolic constructions. Like earlier theories, it offers scant likelihood of forecasting the outcomes of social protest. It does, however, draw attention, in assessing the salience of social movements, to the need to examine not only the nature and levels of discontent in society or the strength, resources and flexibility of the state, but also the concrete opportunities, organizations and outlook of would-be protesters.

The chapters of this volume provide insight into all of these dimensions. In terms of opportunities, we learn for example about ways in which ordinary people have taken advantage of new openings afforded by the legal reforms to press previously untenable claims against officials and to draw the attention of the media and the central authorities. In terms of organization, we discover the continuing importance of lineage, village, ethnicity and neighborhood in structuring a range of activities from environmental protests to tax riots, ethnic protests and demands for recognition of land rights, the honoring of pension agreements nullified by the privatization of industry and relocation compensation. In terms of outlook, we find that popular religion and historical myths, Maoist ideology and international discourse, sometimes intertwined in unexpected combinations, all play significant roles in inspiring and sustaining resistance, and in creating spaces autonomous from, and at times directly challenging, state power and discursive formulations.

At present, these diverse strains of resistance take the form of single-issue conflicts over jobs (Lee), land (Ho, Zweig), reproduction and marriage (Friedman, White), the environment (Jing), ethnic self-determination and equality (Bulag), religion (Madsen, Thornton), residence and citizenship (Wang), ideas (Barmé) and other matters of concern to a specific subset of the population. This diversity of interests and goals is one reason why resistance and other social movements are for the most part small, local and isolated from one another, lacking interconnective ideological and organizational bonds. The fragmentation of the Chinese economy and society, with

the decollectivization of agriculture and the privatization of industry, and with millions of people constantly on the move, has brought greater social segmentation as well. As the living and working conditions of various groups of Chinese citizens become more heterogeneous, their relations to—and dissatisfactions with—the demands of state, capital and market diverge accordingly. Consequently, the laments of laid-off workers do not readily resonate with the outcries of overtaxed farmers or the complaints of critical intellectuals, or the protests of minority nationalities or women. Facing very different dilemmas, these diverse groups among today's protesters frame their grievances and demands in distinctive terms that do not easily transcend the barriers of class, region, gender, religion, ethnicity, residence, or educational level. Still less has resistance taken the form of a significant political party or social movement that transcends a single locality, addresses multiple issues or offers a comprehensive ideological or organizational challenge to Communist Party rule.

New Social Movement theory (as developed by Alberto Melucci, Alain Touraine and others) celebrates the cultural creativity and tactical virtuosity born of such diversity.[13] The post-modern condition, they tell us, is inherently fragmented. Even globalization, indeed precisely China's increasing incorporation in global economic, political and cultural processes, breeds localization in the sense that awareness of impinging global forces turns attention to the need to protect and cherish the local and regional against alien forces. At the same time, however, the annals of Chinese history stand as a reminder of the power of social cooperation. Alliances among previously disparate categories of intellectuals, farmers, workers, women, youths, minorities and so forth have served as the building blocks for influential protests, some of which forced policy changes while others eventually toppled the reigning order, from imperial rebellions through the revolution of 1911 to the Communist revolution of 1949.

To be sure, such mergers and alliances may harbor the seeds of hegemony in which "liberation" from the ancient regime can mean an even more repressive and preemptive fate at the hands of the victors. A party that rides to power on waves of mass mobilization, while claiming to represent the will of the people, may rule in the interests of a limited few. Nor is revolutionary victory any guarantee that a nation locked in the grip of poverty will improve its position within the hierarchical order of inequality of the world economy, still less that it will shake that international order to its roots. Nevertheless, diverse alliances are the *sine qua non* of politically consequential social movements. And the paucity of such connective webs in the case of recent Chinese protests bespeaks a fundamental weakness in their capacity to challenge state power beyond the realm of the single issues and local grievances that remain their strength.

Of course, the absence of ecumenical movements in contemporary China is hardly accidental. As astute students of their own history, Chinese leaders are perfectly aware of the dangers inherent in cross-class, cross-nationality and cross-regional associations. Since the founding of the People's Republic,

attempts to forge such bonds have been dealt with swiftly and severely. The crackdown against Falun Gong that began in the summer of 1999 follows in the tradition of suppression efforts that include the suppression of sectarian movements in the early-1950s, the Anti-Rightist Campaign of 1957, the crushing of Cultural Revolution rebels in 1968, the closing of Democracy Wall in 1979 and the June Fourth Massacre of 1989, among others. In all of these instances, repression was a response to state fears that protest could give rise to inter-class and interregional connections, and in the case of Falun Gong, to international connections as well. The harsh suppression of the Chinese Democratic Party in 1998 subsequently also exemplifies the fate of direct challenges to Communist Party rule, particularly those with significant international connections.

This is not to say that state–society relations have remained frozen throughout the duration of the Communist era. Far from it. The revolution itself generated fundamental social changes, destroying the power and authority of landlord, merchant and industrial propertied classes, undermining the status and influence of intellectuals, raising the status of the industrial working class while curbing its political autonomy and elevating the new cadre class, dividing city from countryside, and reorganizing agriculture on collective foundations as well as industry on state foundations. The socioeconomic transformations of the reform era have been equally powerful. Despite the survival of the single-party system, the situation today differs markedly from that which prevailed during the Mao era.

Of particular importance in transforming the landscape of protest in recent years have been the combination of rapid urbanization, largescale migration, and the continued state-maintained divisions between city and countryside on the one hand, and the destabilizing consequences of steps taken since the late-1990s to dismantle all but the very core of state industry, resulting in large-scale urban unemployment and instability and pitting urban and rural workers against one another in the job market for the first time. At the same time, deep grievances have centered on the privatization of enterprises, with cadres frequently gaining control of enterprises and depriving workers not only of their jobs but frequently of a lifetime of accumulated benefits, and real estate scams that made large fortunes and frequently forced residents from their homes for relocation far from the central city.

These changes are reflected in the realm of popular protest. A 1998 press account, for example, was headlined "Emboldened Chinese take their complaints to the streets:"

> About 200 demonstrators blocked traffic in the central Chinese city of Changsha this week protesting over not getting paid in the past six months by a local, formerly state-owned company. The police showed up to help unsnarl traffic, but not to intervene in the demonstrations.
>
> Last week 200 angry investors who lost their savings in a government-linked futures trading scheme marched to Tiananmen Square and

demanded their money back. Police formed a line between them and the square, but allowed them to pass peacefully.

. . . From striking cab drivers to disgruntled farmers, more and more people are taking their economic frustrations to the streets of China . . . Instead of beating and arresting protesters as they might have some years ago, officials seem more willing these days to accommodate, negotiate or simply pay them off. As long as demonstrators don't make personal attacks against top leaders or demand political change, they are often free to vent their anger.[14]

As the chapters in this volume make clear, demonstrations are but one weapon in a vast arsenal of resistance and protest techniques that include legal challenges and silent pressures on the sociopolitical system in defence of enlarged claims by diverse groups. In recent years, incidents of worker protest have been legion, and in some instances the state has permitted and legitimated protest towards local officials and private capital even as it seeks to create non-confrontational channels for resolving conflicts.

Although popular unrest in China—in the twenty-first century as in the third century BC—*could* result in regime change or even rebellion or revolution, it could also be managed by adept state leaders in such a way as to under*pin*, rather than under*mine*, their rule. Jiang Zemin's ability to ride the waves and coopt or silence myriad protests in the course of his decade-plus tenure as General Secretary of the Chinese Communist Party reflects in large part his adroit handling of social protest and, more important perhaps, the strength of the social base of beneficiaries of the reform including major elites: the educated, the business class, party members, party, government and military officials, and the many who have experienced significant income gains, particularly residents of coastal areas.

Jiang's divide-and-rule approach to social unrest was already apparent before he took over the reins of central power. In the winter of 1986–87, when he was still mayor of Shanghai, a wave of student protests swept across the city. The fuse for these demonstrations was a rock concert by the American group Jan and Dean, which had recently performed before a packed and appreciative crowd at the Shanghai Stadium. During their concert, the rock group invited members of the audience—most of whom were college students—to dance in the aisles and on the stage. When several students responded to this invitation with more enthusiasm than the Shanghai police could stomach, they were hauled outdoors and beaten. Fellow students, and then workers, poured into the streets to protest police brutality. The mayor ordered barricades erected at People's Square to prevent workers from entering the ranks of the student protesters. Jiang Zemin then went in person to the university of the students who had been roughed up by the police to deliver an apology on behalf of the city government. He told an all-campus assembly that the police had mistaken the *students* for *workers*,

which was why they had reacted so harshly! Perhaps more shocking in this "workers' state" was the fact that the professors and students in attendance apparently found nothing inappropriate in the mayor's explanation. Nor have students and intellectuals, secure within the *hukou* population registration system, sought to challenge the structured inequality that has worked to the detriment of the rural population.

Jiang Zemin's strategy of divide and rule drew the attention of Deng Xiaoping. And after being tapped for central leadership during the 1989 protests, Jiang put this strategy to effective use in dealing with a wide range of potential challenges. The state has dealt extremely harshly with movements (e.g. Falun Gong and the China Democracy Party) that boast a socially and regionally diverse membership, or threaten to develop one. By contrast, it has shown considerable leniency toward conflicts—such as strikes by workers at a single factory or tax riots or environmental protests by farmers in a single village—that are more homogeneous in membership and locale. Indeed, the government has even endorsed and encouraged some single-issue protests (e.g. the student demonstrations against the US bombing of China's Belgrade embassy in the spring of 1999, and 2005 protests against Japanese school textbooks that denied Japanese wartime atrocities in China).

Under the reforms, as the state assumes less responsibility for running the economy, it has become more willing to tolerate economic and social criticism and worker protest—so long as these remain localized, centered in marginal groups such as workers, minority nationalities, and farmers, and do not challenge party legitimacy. Demonstrations over back wages, lost investments, the deprivation of retirement benefits, environmental and anti-corruption protests and so forth have frequently been tolerated by the state, and in certain circumstances even encouraged. Only when such protests spill over state-sanctioned boundaries, as in the spring of 2002, when more than a dozen factories in Liaoyang in China's Northeast industrial rust belt went out on strike simultaneously, and in Uighur–Han Chinese clashes in Urumqi in 2008, are they certain to draw swift and strong state suppression. Public outbursts serve as important signals to a government seeking to navigate the shoals of sharply conflicting and potentially destablilizing class and group interests in a period of explosive social change.

The establishment in the Jiang Zemin era and since of hundreds of thousands of arbitration committees to resolve labor disputes is an important sign of the state's attempt to regularize channels of economic conflict in the face of a firestorm of labor discontent among the former core of the working class, state sector employees. Advocates of reform in the All-China Federation of Trade Unions, the Ministry of Civil Affairs and other official agencies have argued that demonstrations, arbitrations and village elections not only provide a safety-valve for disgruntled citizens, but also serve as correctives to misguided policies and corrupt lower-level administration. Nonetheless, the Communist Party's virtual monopoly on power and the weak institutional foundations for citizens' rights to assemble and organize produce a situation

in which the state periodically expands and contracts the terrain of protest and resistance.

Effective as these state strategies have been in controlling and limiting social protest, the question remains whether, in the absence of fundamental initiatives that address the nation's most pressing political, economic and social grievances, the party will be able to continue to isolate and divide various groups of protesters and maintain one party rule.

Jiang Zemin's successors, Hu Jintao and Wen Jiabao, have addressed these questions vigorously since assuming power in 2002. On the one hand, they have continued to contain protest by means of cooptation and control measures that encourage legal recourse to conflict while tolerating limited protests. Indeed, the number of officially recorded protests rose to high levels during the Hu-Wen era—from approximately 10,000 "mass incidents" in 1994, in the words of the Ministry of Public Security, to 74,000 in 2004 before declining to approximately 60,000 in 2005 and 2006.[15] Most striking, however, is the leadership response to protests and to popular anger over incidents of corruption, excessive unauthorized taxation, scandals such as the poisoning of the water in Lake Taihu and various tainted food scandals, to mass fury over the state's handling of such major disasters as the Sichuan earthquake of 2008, and to systemic issues centered on fundamental welfare issues. Most important are signs that significant steps are being taken to reduce burdens on the poor and reverse earlier market-driven neoliberal measures of the 1980s and especially of the 1990s that struck down many core measures of the Chinese welfare state by passing basic health and welfare legislation that holds out the promise of providing basic security guarantees, if at subsistence levels, for the entire population.

Under Hu Jintao and Wen Jiabao the state has moved to eliminate most taxes on farmers and has taken important steps to curb the excesses of the market-driven rising income inequality by initiating programs that promise to provide basic guarantees of health care and pensions for all citizens, that is to restore and strengthen some of the welfare measures of the revolutionary era that were swept away by subsequent market-driven reforms. Yet the problems are vast and the proposed solutions confront massive problems of effective implementation

Wang Shaoguang has argued, with only slight exaggeration, that "from 1978 to the mid-1990s, China had only economic policies and no social policies. Starting from around the turn of the century, social policies began to re-emerge." Wang cites the following wide-ranging measures as pivotal to the new social agenda: [16]

   1999 Go-West programme to spur investment in the poorer Western region.
   2002 Urban minimum income guarantee program.
   2003 Rural fee and tax reform; re-establishing the rural cooperative medical system (CMS).

2004 Lowering agricultural taxes; introduction of three types of rural subsidies.

2006 Abolishing all agricultural taxes; introduction of comprehensive rural subsidies; public housing for the urban poor.

2007 Free compulsory education in all rural areas; basic health insurance for all urban residents; rural minimum income guarantee program; pensions for migrant workers.

2008 Free compulsory education for all; CMS for all the rural population.

Many of these measures such as the cooperative medical system and health insurance, the provision of public housing and free compulsory education recall initiatives of the revolutionary era, but they are currently set within the parameters of the market economy and thus bear many of the hallmarks of the welfare state. The new policies have been accompanied by substantial fiscal transfers from the national to regional and local governments. Whether the new programs prove viable, and indeed whether they can be extended, or whether resources will be siphoned off for other purposes, will profoundly impact the patterns of social conflict and resistance that we have examined.

Still greater challenges in the coming decades will come from two directions each of which could derail the developmental surge that has enabled China to re-emerge as a major power and which underlies the party's credibility. These are, first, the challenges associated with a developmental model that has taken so high a toll on China's environment, poisoning air, water and land in a race for wealth and growth in the mega-construction state as typified by the world's largest dam construction project and the massive investment in private automobiles. And second and most immediate, by the world economic and financial pandemic touched off by the US meltdown of 2008 with waves that quickly extended throughout the world economy. For the first time in a quarter century, the galloping growth of the Chinese economy has slowed significantly and the challenge of providing employment at a time of declining exports poses severe challenges.

The past two centuries of Chinese history, not least the six decades of the People's Republic, have been a period of extraordinary contention. These years have witnessed the growth of diverse organized and unorganized challenges to state power, ranging from democratic, communist and anarchist movements to labor, peasant and nationality protests, and from religiously inspired uprisings to individual and private acts of everyday resistance. For their part, successive states have sought to maintain power by means of strategies ranging from fierce repression to cooptation and institutional adaptation. Periods of repression have often alternated with periods of relaxation, a pattern that has continued through the reform era.

China's reform leadership has presided over a time of rapid and far-reaching economic growth and equally profound social change. The pluralization of channels to wealth and power has given rise to new social formations and new political channels both independent of and interacting with the Communist

Party. Diverse social movements have responded to the imperatives of the day with new claims on the state and on private capital, some of which directly challenge Communist Party rule. Like earlier regimes, China's reform leaders oscillate between the extremes of political repression and a willingness to tolerate local protest and social movements that do not directly challenge their own claims to power. But as they grope their way across the river of reform, the stones underfoot appear slippery indeed.

Notes

1 But see, in addition to articles and books by contributors to the present volume, Peter Hays Gries and Stanley Rosen, eds, *Chinese Politics: State, Society and the Market* (London: Routledge, forthcoming 2010); Kevin J. O'Brien, ed., *Popular Protest in China* (Cambridge: Harvard University Press, 2008); Neil J. Diamant, Stanley B. Lubman, and Kevin J. O'Brien (eds), *Engaging the Law in China: State, Society, and Possibilities for Justice* (Stanford: Stanford University Press, 2005); 'Special Section on Rural Protests,' *The China Quarterly* 193, March 2008; Peter Gries and Stanley Rosen, eds, *State and Society in 21st Century China* (London: Routledge, 2004); Xiaobo Lu and Elizabeth J. Perry (eds), *Danwei: The Changing Chinese Workplace in Historical and Comparative Perspective* (Armonk: M.E. Sharpe, 1997); David Zweig, *Freeing China's Farmers. Rural Restructuring in the Reform Era* (Armonk: M.E. Sharpe, 1997); Mark Selden, *The Political Economy of Chinese Development* (Armonk: M.E. Sharpe, 1993); Barrett McCormick and Jonathan Unger (eds), *China After Socialism. In the Footsteps of Eastern Europe or East Asia?* (Armonk: M.E. Sharpe, 1996); Merle Goldman and Roderick MacFarquhar (eds), *The Paradox of China's Post-Mao Reforms* (Cambridge, MA: Harvard University Press, 1999); and Gardner Bovingdon (in press, 2010) *The Uyghurs: Strangers in Their Own Land*, forthcoming from Columbia University Press. A vast scholarly and journalistic literature explored the movements of 1989 that ended with the state's crackdown on Tiananmen, but with tighter state political controls in place subsequently, authors shifted their attention to other realms, notably China's emergence as a regional and world power. This has begun to shift in the last decade, as a number of titles cited above indicate.

2 See James C. Scott, *Weapons of the Weak. Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985) and *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990); Forrest Colburn (ed.), *Everyday Forms of Peasant Resistance* (Armonk: M.E. Sharpe, 1989), and Gardner Bovingdon (2002), 'The Not-So-Silent Majority: Uyghur Resistance to Han Rule in Xinjiang.' *Modern China* 28 (1): 39–78.

3 On the nature and impact of the reform see, in addition to works cited above, Yasheng Huang, *Capitalism with Chinese Characteristics. Entrepreneurship and the State* (Cambridge: Cambridge University Press, 2008); Barry Naughton, *The Chinese Economy: Transitions and Growth* (Cambridge, MA: MIT Press, 2007); Loren Brandt and Thomas Rawski (eds), *China's Economic Transition: Origins, Mechanisms, and Consequences* (New York: Cambridge University Press, 2008); Elizabeth J. Perry and Christine Wong (eds), *The Political Economy of Reform in Post-Mao China* (Cambridge, MA: The Council on East Asian Studies/Harvard University, 1985); Joseph Fewsmith, *Dilemmas of Reform in China. Political Conflict and Economic Debate* (Armonk: M.E. Sharpe, 1994); Barry Naughton, *Growing Out of the Plan. Chinese Economic Reform 1978–1993* (Cambridge: Cambridge University Press, 1995);) Stephan Feuchtwang, Athar Hussain and

Thierry Pairault (eds), *Transforming China's Economy in the Eighties* (Boulder: Westview, 1988) 2 vols.

4 Comparable phenomena of reform pressures emanating from the rural collective sector, accompanied by a coolness towards reform in state enterprises and cities, were evident in Vietnam in the 1980s and 1990s. By contrast, Soviet collective farm workers, who had gained the security and welfare benefits of industrial workers, staunchly resisted reforms that would weaken or eliminate collective farming. Mark Selden, 'After Collectivization: Continuity and Change in Rural China,' in Ivan Szelenyi (ed.), *Privatizing the Land: Rural Political Economy in Post-Communist Societies* (London: Routledge, 1998); Benedict Kerkvliet and Mark Selden, 'Agrarian Transformations in China and Vietnam,' in Anita Chan, Benedict Kerkvliet and Jonathan Unger (eds), *Transforming Asian Socialism: China and Vietnam Compared* (Melbourne: Allen and Unwin, 1999); Mark Selden, 'Pathways From Collectivization: Post-Socialist Agrarian Alternatives in Russia and China', in Barrett McCormick and Jonathan Unger (eds), *China After Socialism: In the Footsteps of Eastern Europe or East Asia?*

5 Ching Kwan Lee and Mark Selden, 'Inequality and Its Enemies in Revolutionary and Reform China,' *Economic and Political Weekly*, XLIII No. 52, December 27, 2008. 'Special Section on Inequality,' *The China Quarterly* 195, September, 2008; Feng Wang, *Boundaries and Categories: rising inequality in post-Socialist urban China* (Stanford: Stanford University Press, 2008); Azizur Rahman Khan and Carl Riskin, *Inequality and Poverty in China in the Age of Globalization* (Oxford: Oxford University Press, 2001). Peter Ho (ed.), *Developmental Dilemmas. Land Reform and Institutional Change in China* (London: Routledge, 2005)**;** *China: National Human Development Report. Human Development and Poverty Alleviation 1997* (Beijing: United Nations Development Programme, 1998); Carl Riskin, Zhao Renwei and Li Shi (eds), *China's Retreat From Equality: Income Distribution and Economic Transition* (Armonk: M.E. Sharpe, 2001).

6 See, for example, the contributions to the symposium '"Public Sphere"/"Civil Society" in China?', *Modern China*, 19 (3 April 1993); Jeffrey Wasserstrom and Elizabeth J. Perry (eds), *Popular Protest and Political Culture in Modern China*, 2nd edition (Boulder: Westview, 1994); Deborah Davis, Richard Kraus, Barry Naughton and Elizabeth J. Perry (eds), *Urban Spaces in Contemporary China: The Potential for Autonomy and Community* (Cambridge: Cambridge University Press, 1995); Merle Goldman and Elizabeth J. Perry (eds), *Changing Meanings of Citizenship in Modern China* (Cambridge, MA: Harvard University Press, 2002). The debate was in part sparked by Jürgen Habermas's influential *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge, MA: MIT Press, 1989) and by the movements of 1989 in China.

7 The following cases are drawn from Li Kaifu (ed.), *Xingshi fanzui anli congshu— fangeming zui* (Compilation of Criminal Cases—Counter-revolutionary Crimes) (Beijing: Chinese Procuracy Press, 1992).

8 Crane Brinton, *The Anatomy of Revolution* (New York: Vintage, [1938] 1965).

9 Ted Robert Gurr, *Why Men Rebel* (Princeton: Princeton University Press, 1970).

10 James C. Davies, *When Men Revolt and Why* (New Brunswick: Transaction, 1997).

11 Charles Tilly, *From Mobilization to Revolution* (Reading, MA: Addison-Wesley, 1978); Theda Skocpol, *States and Social Revolutions* (Cambridge: Cambridge University Press, 1979); Jack A. Goldstone, *Revolution and Rebellion in the Early Modern World* (Berkeley: University of California Press, 1991); James C. Scott, *Seeing Like a State. How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998); Richard P. Tucker, *Insatiable Appetite. The United States and the Ecological Degradation of the*

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12 Doug McAdam, John D. McCarthy and Mayer N. Zald (eds), *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings* (Cambridge: Cambridge University Press, 1996).

13 Alberto Melucci, *Nomads of the Present: Social Movements and Individual Needs in Contemporary Society* (Philadelphia: Temple University Press, 1989).

14 *Baltimore Sun*, 20 November 1998, p. 34A. On the state's willingness to accommodate labor protesters, see also Philip P. Pan, 'An Experiment Begins', *Washington Post*, 5 November 2001, concerning a migrant worker's struggle in Tangxia, a small city not far from Wenzhou. Major protests were centerd in the Daqing oil fields, the Maoist model of industry, Liaoyang and other industrial cities of the northeast that experienced large-scale layoffs. See the reports of the *China Labor Bulletin*

15 Andrew G. Walder and Zhao Litao, 'China's Social Protests: Political Threat or Growing Pains?' *EAI Background Brief* 357, November 6, 2007. In the absence of significant analysis of the basis for recording mass incidents, it is difficult to assess the meaning of the numbers, or their increase and decrease, including 2009 reports that their number had increased to 58,000 in the first three months of the year. They can, however, be read as expressions of official concern.

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1 Rights and resistance

The changing contexts of the dissident movement

Minxin Pei

Rights consciousness not only increases the frequency of resistance, but changes the forms of such resistance. The forms and tactics of democratic resistance have undergone significant changes since the late 1970s. While the dissident movement in the 1980s favored direct and confrontational approaches, the movement in the late 1990s relied increasingly on indirect and legal means. In the first decade of the twenty-first century, Chinese dissidents further refined their tactics by focusing on social issues that resonated with the Chinese public.

This chapter places the transformed dissident movement in political, institutional and social context. Rapid economic development has brought enormous changes to Chinese society and created a more hospitable environment for individuals to assert and protect their rights. Legal reform has opened a new legitimate political arena in which individuals, including political dissidents, can exercise greater autonomy and even challenge the regime. Rising rights consciousness in Chinese society provides a social milieu within which invocations of rights are more likely to gain broad-based support. Finally, China's extensive and deepening integration into the international system in general, and its various commitments to international laws and institutions in particular, have placed leaders under new constraints and provided dissidents with new sources of moral support.

Oppression and resistance are symbiotic—one almost never occurs without the other. Even the most oppressive regime, such as the one portrayed in George Orwell's *1984*, fails to eradicate resistance completely. Although resistance—ranging from dramatic and sometimes violent confrontations with the authorities to "everyday forms of resistance"—may not succeed in overthrowing oppressive regimes, such acts of defiance help preserve individual dignity, exercise pressure for institutional change, and set limits to and raise the costs of oppression.[1] Those whose works celebrate resistance in all forms may have bolstered our faith in the strength of the human spirit. But at the empirical level, much scholarship on resistance remains opaque on the precise relationship between oppression and resistance. We are not sure, for example, whether more oppression elicits greater resistance or vice

versa; above all, the conditions that produce successful resistance, moreover, remain disputed.

This relationship poses an especially intriguing problem for social scientists because it is central to understanding the politics of reform in a liberalizing authoritarian regime. The most insightful contemporary observer of the French Revolution, Alexis de Tocqueville, was perhaps the first to hint at a possible connection between declining oppression and growing resistance. In one of his most quoted passages in *The Old Regime and the French Revolution*, de Tocqueville wrote:

> The social order overthrown by a revolution is almost always better than the one immediately preceding it. Only consummate statecraft can enable a King to save his throne when after a long spell of oppressive rule he sets to improving the lot of his subjects. Patiently endured so long as it seemed beyond redress, a grievance comes to appear intolerable once the possibility of removing it crosses men's minds. For the mere fact that certain abuses have been remedied draws attention to the others and they now appear more galling; people may suffer less, but their sensibility is exacerbated.[2]

Tocqueville's formulation identifies a sudden change in the sensibility of the people as the cause for a dramatic fall in the public tolerance of the practices of the regime that used to be accepted with resignation. What Tocqueville called "sensibility" seems very similar to "rights consciousness" in the parlance of social scientists. Unfortunately, although he alerted us to the paradoxical effects of political opening by a softening autocracy, Tocqueville's own analysis overlooked other important issues on oppression and resistance: why rights consciousness rises quickly in an autocratic regime undergoing partial political opening; which specific factors contribute to this change; how changes in rights consciousness affect the forms and tactics of resistance; how changes in the balance of power or control of resources between the state and society may result from regime-initiated reform to produce a more favorable outcome in the contest between the regime and its societal opponents.

It is of theoretical and practical importance to raise these questions in analyzing the changing relationship between the Chinese government and its citizens in general, and the evolving patterns of conflict between the ruling Chinese Communist Party (CCP) and its domestic critics in particular. For many students of Chinese politics have observed that, despite a considerable fall in the level of overt political repression since the late 1970s, resistance against the post-communist authoritarian regime persisted and may even have increased. In some cases, such resistance even took explosive and violent forms.[3] The most dramatic expression of resistance was, without doubt, the 1989 nationwide pro-democracy movement, with its focal point in Tiananmen Square, a movement which posed the most serious

challenge to the regime in the post-Mao era. But the 1989 movement was a rare event (as was the violent repression unleashed by the regime in response). Most forms of post-Mao resistance did not directly threaten the regime. There are few signs suggesting that popular resistance has reached such a level as to portend an imminent revolution. Nevertheless, despite the absence of revolution, China's limited reform has created enough public space to permit a small but tenacious dissident movement persistently to challenge the political legitimacy of the ruling regime.[4]

This chapter explores the factors that have indirectly contributed to the endurance, growth and change in resistance by China's pro-democracy activists. Such resistance must be understood in the overall context of the far-reaching institutional, socioeconomic and political changes that China has experienced since the 1980s. While no single cause should be credited with increasing the degree of rights consciousness of the Chinese people in general, including the dissident community, I argue that a multiplicity of factors has decidedly reshaped the contexts within which rights consciousness is engendered. More importantly, the changing contextual factors have not only influenced the emergence of new norms that give more specific meanings to certain rights, but have also reduced the institutional and structural barriers that previously impeded the full protection and exercise of such human rights, enabling resisters to adopt novel means of activism and defiance. In the first section of this study, I briefly discuss the idea of rights and the relationship between rights and resistance in the Chinese context. Then I trace the evolution of dissident resistance since reform began in 1979. Finally, I analyze the socioeconomic, legal, international and political–psychological contexts within which such resistance has been waged.

Rights and resistance

In theory, the relationship between rights and resistance appears straight-forward: individuals or groups of individuals who feel either entitled to and/or endowed with certain fundamental rights may be expected to put up resistance when such rights are violated or perceived to be violated. The stronger the feeling of entitlement and/or endowment, the stronger the resistance. The more rights are claimed by individuals or groups, the more likely resistance will be triggered as government action infringes on them. In reality, however, the definition of rights, the degree of rights consciousness and the ability to secure rights are contingent on historical, cultural and political contexts within which such concepts are invoked. Students of Chinese politics and legal history, for example, have long noted some of the important differences in the meaning, nature, scope and utility of rights. According to Andrew Nathan, rights in contemporary China are derived from citizenship/membership instead of humanity, treated as programmatic goals instead of claims on government, restricted by state power, and unprotected by independent judicial review.[5] This restrictive conceptualization of rights creates apparent inconsistencies

in rights practices. For example, even though Chinese constitutions grant extensive rights in theory, the state has maintained tight control over how these rights are exercised in reality.[6] The central goal of the extension of rights to individuals, moreover, is not the protection of individuals against the state, but the better fulfilment of duties to the state by individuals. This state-centerd notion of rights, Nathan argues, is a product of Chinese obsession with a weak state since the mid-nineteenth century. Consequently, the strengthening of the state and the restoration of political order were viewed by Chinese rights thinkers as the more important collective goal than the protection of individual rights.[7]

Other scholars have detected a strong influence of utilitarianism and collectivism on the Chinese conceptualization of rights. Chinese often conceive of rights as interests. An important political consequence of this conception is that political legitimacy does not derive from popular sovereignty but from the government's ability to serve the interests of the people. Another consequence is the inherent bias in this conception in favor of collective interests (rights) over individual rights (interests), especially if the two should come into conflict.[8] Thus, reciprocity becomes a central principle: an individual may possess and enjoy certain rights only to the extent that he or she has fulfilled certain duties to the community and the ruler.[9]

The conceptual differences between Chinese and Western notions of rights, however, must not be exaggerated. Even though such differences may influence rights practices, the extent to which rights are respected and protected may depend more on political conditions than on concepts of rights. In particular, the political milieu of a society may profoundly affect the degree of rights consciousness. Since rights consciousness is never static, individuals may assess the extent of the protection, exercise and enjoyment of rights on the basis of various political signals they receive from the governing elite, from the international environment, and from society in general. Therefore, the level of rights consciousness may be low when the possibility of rights protection and enjoyment is judged to be dim, and high when the same possibility improves. This reasoning may explain the paradoxical relationship between falling repression and rising resistance observed first by Tocqueville, whose insights provide a persuasive explanation for the patterns of repression and resistance in contemporary China.

If the Maoist era involved massive and systematic violation and curtailment of civil and political rights, the post-Mao reform era is a period in which the regime has tried to remedy its past excesses and has restored some basic rights to people. Formally, some of these rights were re-granted or reiterated in the revised Chinese Constitution (1982) and in many other laws. Informally, the regime has significantly expanded certain individual rights (such as most personal freedoms) while severely restricting some of the most important political rights (such as the freedom of political speech and association). Despite the limited nature of the improvement in the expansion and protection of rights, the enumeration of legal rights and promulgation of public policies have provided Chinese citizens with important instruments of resistance

against the government and its agents. The pioneering research by Kevin O'Brien and Lianjiang Li reported that peasants knowledgeable about specific government tax and procurement policies were able to protect their rights and interests more effectively.[10] Over time, out of China's new laws and policies have evolved implicit rules and norms that limit the scope and degree of oppression and abuse of power. For instance, the persecution (such as imprisonment and physical abuse) of dissidents may occur routinely, but persecution of family members of dissidents has been sharply reduced. This new norm enables family members of jailed dissidents to become open advocates of their personal causes, and to gain public and international support. Another newly established norm protects ordinary citizens who publicly protest against government administrative failures, abuse of power by lower-level officials, economic hardships and other shortcomings for which the government is held responsible (such as unemployment and financial scams). Citizens involved in these protests are not branded, as they once were, anti-government elements. Instead, their collective acts are frequently tolerated. They sometimes succeed in attracting official, even high-level attention and in obtaining at least a partial resolution of the problems that triggered the protests initially. This, together with increasing awareness of legal rights, may explain why collective protests by ordinary citizens increased dramatically in the late 1990s.

Dissident resistance in post-Mao China

Dissident movements in post-Mao China emerged and persevered in this dynamic environment. Democratic resistance accompanied Deng Xiaoping's reform in the late 1970s. To be sure, acts of defiance against the regime occurred during the Maoist era, such as during the Hundred Flowers Movement in 1957 and the early days of the Cultural Revolution. Such collective, organized and public expressions of protest carried prohibitive costs and risks. These modes of organized protest were restricted to periods of regime-sanctioned political campaigns or political turmoil.[11] In the post-Mao era, as the Deng regime gradually loosened its grip on public political discourse and reduced the overall level of repression, political dissidents were emboldened to favor more organized and public forms of protest. In some instances, they tried to evoke new laws and procedures to legitimize their action.[12] Even though these tactics yielded mixed results and landed many dissidents in jail or exile, political dissent has gradually evolved, gained its own sources of support from within the fast-changing society, and become part of China's political landscape.

Dissident resistance: the early years

In the early years of reform, the embryonic dissident movement adopted a more direct and confrontational approach (though far less confrontational

than that of the Red Guard groups of 1966–67), relying heavily on underground publications and mass demonstrations to challenge the Communist Party's monopoly of power. During this period (1978–89), the first sustained campaign of dissident resistance was the Democracy Wall movement in 1978–79. The movement which began in Beijing soon spread to more than 20 major cities and continued for slightly more than two years. According to a veteran participant of the Democracy Wall movement, Hu Ping, underground publications mushroomed in these cities. At the peak of the movement, Beijing alone had over 40 such publications, involving more than 2,000 people.[13] The crackdown on the Democracy Wall movement and the imprisonment of several of its main leaders (such as Wei Jingsheng and Xu Wenli) left the dissident community temporarily without leaders. In the hiatus between 1981 and 1986, dissident resistance was waged mostly under the protection of official cover. Pro-democracy activists were able to establish a presence on college campuses and in semi-official publications. Their intellectual influence was instrumental in fomenting the debate on political reform in the summer of 1986, which was soon followed by the student-led pro-democracy demonstrations that rocked several major Chinese cities at the end of 1986 and the beginning of 1987.

The 1986–87 movement was quickly crushed by the authorities, but with little bloodshed. Several political patrons of the liberal intelligentsia, such as CCP General Secretary Hu Yaobang and propaganda chief Zhu Houze, were dismissed. A handful of leading critics of the government (Fang Lizhi, the former vice-president of the Chinese University of Science and Technology) were blamed by the government for instigating student unrest and stripped of their party membership. In retrospect, however, the crackdown in early 1987 was both short-lived and limited in scope. The majority of liberal intellectuals and dissidents were unaffected. Two years later, they launched a third, and more costly, direct political challenge against the regime: the Tiananmen Square movement in the spring of 1989. The bloody end to the episode and, more importantly, the subsequent imprisonment and exile of many leaders of the movement dealt a severe, albeit temporary, blow to China's dissident community. In fact, it did not recover from the Tiananmen setback until the mid-1990s.

Dissent in the 1990s

The revival of the dissident movement in the mid-1990s may be attributed to many factors. Most importantly, the conservative attempt to reverse China's economic reform failed miserably and decisively in 1992 after Deng Xiaoping toured southern China and re-ignited economic reform. The decline of conservative elites and the strengthening of moderate reformers in Beijing created a more relaxed political atmosphere. Internal political considerations and external pressures led to the release of most of the leading dissidents (although some of the more prominent ones were forced into exile). Chinese

society in the 1990s also became much more open and, as we shall see later, contained an increasing number of autonomous enclaves where resistance could be waged.

However, the renewed dissident resistance differed in important ways both from popular resistance by ordinary people (workers, peasants and urban residents) and from previous dissident resistance. The most common form of resistance in contemporary China seeks redress of routine instances of injustice for which victims hold the government and its agents responsible. Such resistance may take several forms. Individual acts of defiance may consist of filing petitions, staging sit-ins, lodging complaints, taking the government to court, or refusing to comply with official rules and policies.[14] While this type of individual resistance is observed daily and everywhere, there are no good data to measure its size, variety, causes and effects, chiefly because routine resistance seldom gets the type of media attention that is typically accorded to collective resistance by individuals and dissident resistance. A partial comparison between everyday resistance growing out of personal grievances and dissident resistance seeking systemic change may thus be made by examining only the reported instances of resistance of both types. Official reports indicate that the number of collective protests of significant size (officially labeled "mass incidents") exceeded 90,000 in 2006, over ten times more than in the mid-1990s, even though only a small percentage of these incidents received media coverage (see Table 1.1). News reports in the Chinese press and overseas dissident publications show that most such incidents were triggered by specific grievances. Typical grievances involved illegal seizure of land, forced evictions and relocations, environmental pollution, non-payment of overdue wages, pensions and unemployment benefits, police brutality, and other forms of "petty despotism."[15] As a rule, ordinary resisters are likely to employ simple and direct forms of defiance. Their weapon of choice is street demonstrations, blocking major railways and highways, strikes, but there have also been occasional attacks on government buildings.[16] The targets of their protest are mostly local governments and state-owned enterprises. The risks of violent confrontation are high for ordinary resisters because their tactics focus on direct protest in public places and unavoidably come into contact with the police and security forces dispatched by the government to deal with them.[17]

Table 1.1 Rising numbers of collective protests, 1993–2006

Year	1993	1997	1999	2005	2006
Number of collective protests of significant size	8,700	15,000	32,000	87,000	90,000

Source: Ministry of Public Security, Neibu canyue (Internal Reference), August 10 2001, p. 18; "Dianxin quntixin shijian de jing hao" (Warnings from representative mass incidents), *Liaowang* September 8, 2008 <news.inhuanet.com/legal/2008–09/08>

In comparison, dissident resistance was characterized by its peaceful nature. An analysis of the 49 reported instances of incidents from September to October 1998 (Table 1.2) shows that, as a sign of growing solidarity within the dissident community, nearly 40 percent of the protest events were precipitated by the persecution of fellow dissidents. About 25 percent of the incidents involved the declaration of rights and positions on major political issues. It should be noted that dissidents were also less fearful of waging organized resistance, as shown by the fact that attempts to register their opposition party and other groups comprised 20 percent of the protest events. Even though most dissident protests involved a small number of participants (fewer than 50), about one in five protests had over 50 participants. While street demonstrations were a favored form of everyday resistance, issuing open letters, appeals and declarations was the preferred tool of protest for dissidents. As C.K. Lee's chapter (Chapter 2) in this book shows, using China's formal legal system to sue local authorities as a form of protest has become another useful tactic. Notably, dissidents eschewed the tactics of street politics and none of the protests was violent. The example of Yao Lifa, a former local legislator who had become one of China's best-known pro-democracy activists, is typical. After he failed to win re-election as a local people's congress deputy in Qianjiang county in Hubei in 2007, Yao devoted all his energy to human rights causes. In 2008 alone, Yao took part in about a dozen protest and petition activities, ranging from organizing

Table 1.2 An analysis of dissident resistance in September and October 1998 (49 reported incidents)

Causes of incidents	Number of participants	Type of participants	Forms of resistance	Targets/ intended audience
Persecution of fellow dissidents (20)	Fewer than 50 (35)	Known dissidents (39)	Open letter, appeals, declaration and protest (37)	Local government agencies
Rights/policy announcement (13)	50–100 (5)	Organized dissident groups (6)	Formal application (12)	Central government leaders (13)
Registration of opposition groups (11)	Unknown (6)	Family of members of dissidents (4)	Hunger strike (1)	Police/courts (10)
Declaration of candidacy (3)				International community and world leaders (6)
Other (2)				N/A (6)

Source: *Beijing Spring*, 63 (August 1998), p. 100 and other press accounts.

competitive village elections, training independent candidates, leading collective protest by aggrieved citizens, to assisting Western reporters in covering village elections. Yao persisted in these peaceful dissident endeavors despite constant harassment by the police.

This analysis suggests that Chinese dissident resistance after the early 1990s was waged non-violently in the arenas of public relations and legal procedures. The immediate effects of dissident resistance were, however, not obvious, mainly because dissidents remained unable to expand their social bases of support or to mobilize workers and peasants. Even college students, who had been among the strongest supporters of pro-democracy causes, withdrew for the most part from politics after the crackdown of June 1989. These adverse conditions did not appear to have discouraged the dissident community from continuing its resistance. Indeed, towards the end of the 1990s, Chinese dissidents had acquired more creative and sophisticated tactics, apparently to offset the disadvantages of the relative political and social isolation that was caused both by the regime's repressive measures and by a more consumerist and less politicized society. In the 1980s, Chinese dissidents tended to discuss and promote democracy in terms that appeared remote to the concerns of many ordinary Chinese citizens. That elitist approach did not gain much sympathy or support from the working classes in city and countryside though it did attract significant support from the intelligentsia and college students.

That is perhaps why, in the 1990s, the same dissidents began to pursue a two-pronged strategy: combining direct challenges to the regime with the adoption of certain populist causes (such as workers' rights, anticorruption and environmental protection) to gain public sympathy. Therefore dissidents continued to show their defiance directly, such as by declaring candidacy for local electoral offices (local people's congresses and village committees) and by attempting to register dissident groups.[18] Such efforts culminated in the formal declaration of the formation of China's first new open opposition party, the China Democracy Party (CDP), in the summer of 1998. The "provisional party charter" explicitly called for an end to the "one-party dictatorship" of the Communist Party and advocated the promotion of justice, human rights, market reforms, freedom of religion and autonomy for ethnic minorities. Within four months, CDP claimed to have about 200 members in a dozen branches around the country (Guizhou, Henan, Beijing, Tianjin, Zhejiang, Shanghai, Liaoning, Jilin, Heilongjiang, Hubei and Shandong), and had secured sympathetic international press in the USA and other democratic nations.[19]

The dissidents identified three political issues—corruption, patriotism and environmental protection—as top priorities that would enable them to galvanize public support as well as embarrass the government. Capitalizing on popular anger at rampant official corruption, some dissidents attempted to organize anti-corruption civic groups. In November 1998, a self-styled anti-corruption fighter, Xiong Zhifu, announced a plan to visit several

provinces to collect signatures on an anti-corruption petition. After the former Politburo member Chen Xitong was secretly tried and sentenced to 16 years in jail for corruption, seven dissidents in Zhejiang wrote an open letter to the People's Supreme Court demanding a live TV re-trial and a death sentence for Chen upon conviction. "Corruption watch" groups established by dissidents sprang up in Hubei, Jiangxi and Gansu provinces.[20]

Sometimes dissidents packaged their protest activities as patriotic acts to embarrass the regime and reduce political risks. The most famous examples were their efforts to organize an unofficial movement to seek war compensation from Japan, to protest against Japan's occupation of the Diaoyutai Islands, over which China claimed sovereignty, and to demonstrate against the persecution of ethnic Chinese in Indonesia in 1998. In each case, the Chinese government was forced into a political dilemma because diplomatic considerations dictated a softer stance, which made it look weak and incapable of defending China's national interests. This created a rare opportunity for democratic resisters to score political points. While the Chinese government remained silent on the violence against ethnic Chinese in Indonesia in May 1998, 44 dissidents signed a letter in July demanding that the Chinese government take a tough stand. In August 1998, several hundred people staged demonstrations—the largest post-Tiananmen rallies—every day for two weeks in front of the Indonesian Embassy in Beijing to protest against Indonesia's treatment of ethnic Chinese. A written protest, signed by 240 people, was delivered to the Indonesian Embassy. It turned out that a quarter of the signers were relatives of the victims of the Tiananmen Square crackdown.[21] Embarrassing the government was an obvious objective. A hidden agenda of the dissidents was to use these unofficial patriotic events to develop an organizational base. This effort began with Bao Ge of Shanghai, who formed the "All-China Alliance for Seeking Civil Damages from Japan," with several activists in Hubei, Fujian and Nanjing, in 1988. Its branch organizations sought, unsuccessfully, to register as civic organizations in Shanghai, Hubei and Nanjing. During the annual National People's Congress session in March 1993, Bao issued an open letter calling for a national referendum on the issue of seeking civilian war damages from Japan. Recounting this experience several years later, Bao said,

> On this issue (seeking war damages from Japan), we could hold public lectures at universities, conduct debates and invite international law specialists to answer legal questions. Eventually we would ask various places to send special petition groups to Beijing to ask the National People's Congress (NPC) to hold a national referendum on this important issue. This perhaps could have become an opportunity to rekindle China's democracy movement.[22]

In short, dissidents sought to capture the nationalist mantle by showing the government's failure to protect Chinese interests internationally. Dissidents

were also quick to champion the cause of environmental protection. After disastrous floods ravaged central China in August 1998, 309 prominent intellectuals and dissidents signed a letter openly blaming the government's policy for the floods. They called on the government to protect the environment along the Yangzi River, to publish accurate figures on the disaster (such as casualties and economic losses) and to punish the officials responsible for the disaster.[23] Fifteen dissidents donated 1,000 yuan to the flood victims. In these and other ways, the movement expanded its concerns from the original focus on democratic rights.

The contexts of resistance

That Chinese pro-democracy activists were able to adopt various means of resistance owed significantly to the dramatic changes in the socioeconomic, legal and international context. Despite the tight control the regime maintained over the political sphere, market-oriented reforms and relaxation of restrictions on personal freedom provided dissidents modest but valuable resources to sustain their efforts of political resistance. Financially, some dissidents received support from overseas exiles and domestic private businessmen, allowing them to purchase much-needed equipment such as fax machines and personal computers. (The Chinese police claimed that the money for the Shanghai branch of the China Democracy Party—$1,000—was sent from Fu Shenqi, an exiled dissident based in New York City.) Guo Ruoji, a professor of philosophy in Nanjing who filed China's first lawsuit against the Communist Party, wrote his legal documents on an IBM computer which a private vendor sold him at a discount as a gesture of solidarity); the money paid for the computer was a $600 payment for an article Guo wrote for the Taiwan-based China Times Publishing Company.[24] Some dissidents operated commercial businesses to support themselves. Qin Yongmin, a Wuhan dissident, ran a small street stand. Peng Ming, who founded the China Development Union, was a successful private entrepreneur. Lin Hai, who was sentenced to two years in prison after he was convicted of illegally collecting and sending more than 30,000 email addresses in China to a New York-based dissident internet publication, owned his own software company in Shanghai.

Access to modern communications also enabled China's dissidents to maintain contact with each other and their overseas supporters. In 2000, China had about 144 million fixed telephone lines or about 11 per 100 people; in urban areas, there were about 30 telephone lines per 100 people. The number of cell phones in use rose to 84 million in 2000. Access to the internet also increased dramatically. In 1995, only about 7,000 users had internet connections. By 2008, the number of internet users in China reached 298 million, surpassing the European Union (297 million) and the US (220 million).[25] The increasing access to new information technologies has enabled the dissident community to become more effective in communicating its

messages and persevering in its resistance, even in face of government repression.[26] Many dissidents had cell phones, personal computers, fax machines and even internet connections. Qin Yongmin, a former skilled laborer who spent eight years in prison for dissident activities in the early 1980s, published a fax newsletter called *China Human Rights Observer* (the country's first human rights newsletter) at home. Before he was arrested on charges of "subverting state security" and sentenced to twelve years in jail at the end of 1998, Qin was able to put out 362 issues.[27] Peng Ming claimed that he transmitted email notices to hundreds of people within China every day. Chinese dissidents frequently faxed their messages and political manifestos to overseas Chinese groups to gain exposure in the international media. For example, when a group of veteran dissidents, families of Tiananmen Square victims and former CCP officials issued two manifestos ("Declaration on Civil Rights and Freedom" and "Declaration on Civil Rights and Social Justice") at the end of September 1998, they first faxed the documents to Chinese dissident groups in New York for translation into English and then posted them on the internet.[28]

The spread of the internet inside China gave dissidents a new and more flexible forum. In April 2000, a group of Shandong-based dissidents set up a website, <http://www.winwenming.net>, and was able to keep it running for three months before the police shut it down. In Sichuan, a computer scientist by the name of Huang Qi founded his "tianwanxunren" website on June 4 1999, using it to carry letters from ordinary citizens and exposés of corruption. He managed to keep his site in operation for a year before he was arrested by the authorities.[29] In 2001, a Beijing software engineer, Yang Zhili, established a website, <http://www.lib.126.com>, to post articles on political reform and democracy (he was soon detained by the police and his website closed).[30] Overseas dissident groups have also used the internet to reach China's millions of netizens. *Dacankao* (*VIP Reference*), an internet magazine published by a New York overseas Chinese group, claimed to be able to send its online publication to 120,000 Chinese email addresses every ten days.[31]

The potency of technologically enhanced resistance is most vividly illustrated by the case of Falun Gong, the spiritual movement initially promoted by the Chinese state before being declared an evil cult and banned by Beijing in July 1999 (see Chapter 9 by Patricia Thornton). Even though the organizational network of Falun Gong was effectively destroyed after the regime launched a massive crackdown, cells of adherents of the movement were able to continue to communicate with each other through the use of cell phones and the internet. This enabled them to mount occasional protests in Tiananmen Square to demonstrate their defiance against the government. Most important, the internet provided Falun Gong a *global* stage. Websites set up and maintained abroad became the rallying point for the movement in cyberspace. These sites post the messages from Falun Gong's leader, Li Hongzhi, and other information about the movement that can be accessed inside China despite the government's efforts to block these sites. In late

June 2002, Falun Gong managed to pull off a surprising technological stunt. Its followers used a powerful transmitter to jam the television signals broadcast by the government-owned Sinosat-1 for a full week and inserted their own video images of meditating Falun Gong followers for the millions of viewers in China to watch. This forced the government to shut down the entire satellite television network.[32]

The international context

One of the favorable contextual factors contributing to the increasing level of dissident resistance has been China's growing economic and political integration into the international community. The post-Mao ruling elite pursued an "open-door" policy primarily to gain access to Western and overseas Chinese investment, markets and technology; its expansion of political ties with international organizations and major Western governments also served to increase the status and respectability of the regime as it sought to establish itself as a responsible power. While the economic and political gains of the "open-door" policy were considerable, the regime has also paid a hidden price: its domestic behavior has been subjected to international scrutiny and criticisms. While Beijing's leaders often reacted furiously to such outside pressures, China's growing economic and political ties with the international community indirectly, and sometimes directly, constrained its leaders' domestic policies and created new opportunities for dissident resistance.

There are numerous examples of how access to external material and moral support strengthened the dissident community. (However, only a few high-profile dissidents enjoy significant overseas financial support while the vast majority of ordinary resisters receive no such support.) Overseas dissident groups routinely send money to China-based dissidents, who frequently contact the foreign media and their overseas supporters to mobilize international pressures. For some leading dissidents, Western pressures have become an integral part of their resistance. In an essay published in December 1998, Xu Wenli wrote, "Now, through the help and pressure of the international community, the CCP has recognized that human rights is a very serious problem, which has at times caused China to 'lose face' and damaged its international image."[33] Xu believed that Western coverage of the human rights conditions in China

> forced the Communist Party to gain a bit of understanding of the issue of human rights . . . in particular, I believe that during Jiang Zemin's numerous visits abroad, he must have deeply felt the international criticisms and condemnation of the Chinese government on this issue . . . he perhaps has made some commitments to Western leaders. Now it appears that there is some progress, for example, the CCP has pledged to sign the two international covenants on human rights . . . we should take advantage of the opportunities the CCP is forced to give us.[34]

Inside China, well-known dissidents thus frequently timed their protest activities to coincide with important visits by major Western leaders to put the government in an embarrassing situation. Zhejiang-based Wang Youcai, a veteran of the 1989 Tiananmen Square movement, chose to announce the founding of the China Democracy Party the day before the arrival of President Bill Clinton at the end of June 1998. When the United Nations Human Rights Commissioner, Mary Robinson, paid her landmark visit to China in September 1998, leading dissidents openly challenged the government by requesting meetings with Robinson and attempting to present her with petitions for releasing jailed dissidents. Dissidents made similar attempts during the visits by British Prime Minister Tony Blair and French Prime Minister Lionel Jospin in October 1998.

Perhaps the most daring challenge to the Chinese Communist Party since the Tiananmen crackdown occurred on December 10, 2008. Marking the sixtieth anniversary of the United Nations Declaration of Universal Human Rights, 303 Chinese scholars, lawyers, and journalists put their names to a joint statement on human rights and democracy, provocatively titled "08 Charter." The organizers of the "08 Charter" seemed to have timed their action perfectly. They took advantage of the Chinese government's increasingly strong desire for international respect after it successfully staged the Beijing Olympics in the summer of 2008. In addition, with the Chinese economy slowing down rapidly due to the global economic crisis of 2008–9, the leaders of the Charter 08 movement calculated that the Chinese government would be constrained from taking harsh action. To some extent, the dissidents succeeded. The number of signatories grew dramatically, mainly thanks to the ease with which individuals can sign the petition via the internet. In the meantime, the Communist Party leadership reacted with relative restraint. Other than arresting veteran dissident Liu Xiaobao, who was apparently the leader of the movement, the party refrained from crushing the movement with brute force or mass arrest.

In addition, China has signed a large number of international treaties and joined many international organizations since the late 1970s. Most significantly, Beijing signed two critical human rights covenants under Western pressure—the international covenant on social, economic and cultural rights (in 1997) and the international covenant on civil and political rights (in 1998). According to the stipulations of the covenants, China would be required to report to the UN on its fulfilment of the covenant obligations within two years of their ratification by the Chinese National People's Congress. These, and other formal obligations under these treaties, may limit Chinese leaders' ability to impose repressive measures on pro-democracy activists and provide the latter with greater political legitimacy in their struggle. This potential has certainly not been lost on China's dissident community. A founder of the CDP, Wang Youcai, has claimed, perhaps a bit naively,

> Since the government has signed the international covenant on economic, social, and cultural rights and pledged to sign the international covenant

on civil and political rights, a large space has emerged for organizing an opposition party openly and through legal means.[35]

The battlefield of resistance has been effectively extended to the international diplomatic and legal arena. Dissident groups and families of imprisoned dissidents have learned to use the international media and political establishment to seek support. After Xu Wenli's imprisonment in late 1998, his wife traveled to the USA to work for his release. His daughter, a student at an American college, published an article in the Op-Ed page of the *New York Times* to highlight the Chinese government's persecution of her father. In some cases, international pressures forced the Chinese government to release individuals wrongfully imprisoned. For example, Song Yongyi, Gao Zhan and Li Shaomin, three Chinese-American scholars accused of espionage by Beijing, regained their freedom (in 1999 and 2001) after the international community, including many scholars on China, launched a well-coordinated rescue campaign. In recent years, overseas dissident groups and, since 1999, the foreign branches of the banned Falun Gong movement, have been able to organize sizeable protest rallies to "greet" visits by senior Chinese government officials. On several occasions, their presence was so large and embarrassing that visiting Chinese dignitaries such as President Jiang Zemin, NPC Chairman Li Peng and then Vice-President Hu Jintao were forced to use side entrances to get into their hotels. In April 2006, a Falun Gong practitioner sneaked into the South Lawn of the White House and loudly denounced the Chinese Communist Party during President George W. Bush's official ceremony welcoming President Hu Jintao's visit. An interesting trend is to use foreign legal instruments to harass visiting Chinese officials. Two senior provincial officials, the party secretary of Sichuan province and the deputy director of public security in Hubei province, were sued in 2001 while traveling in the USA.[36]

The changing legal context

A notable trend in the pro-democracy movement in the 1990s was the dissidents' increasing use of China's evolving legal system in asserting rights and putting the government and the ruling party on the defensive. This shift in the tactics of resistance was made in response to changes brought about by the post-Mao legal reform that gradually expanded individual rights, limited the repressive power of the state, and provided ordinary citizens with a limited set of legal tools to challenge the government. The institutional changes embodied in China's legal reforms were part of a complex process of political evolution in the Deng era. The CCP-controlled party-state consisted of groups and elements of diverse ideological persuasion. Indeed several open-minded reformers, such as Hu Yaobang and Zhao Ziyang, rose to the highest level of the power hierarchy inside the regime and used their office to promote a more tolerant political atmosphere. Several important institutional

developments, such as the gradual strengthening of the National People's Congress and the initiation of village elections, occurred in this fluid political environment.

The growing influence of the NPC has accelerated the pace of reform in the legal system.[37] Official data show that the NPC issued 255 laws and 84 other pieces of legislation between 1979 and 2000.[38] Of these laws, the most important were the administrative litigation law, the civil procedure law, the revised criminal procedure law and the new criminal code that came into effect in 1998. Litigation—commercial, civil and administrative (suits filed against the government)—exploded as well, indicative of the growing importance of the legal system in resolving various conflicts (see Tables 1.3 and 1.4). China's professional legal community, which was almost non-existent at the end of the 1970s, grew rapidly in the same period. The number of licensed lawyers reached 117,260 at the end of 2000.[39] Before a genuine democratic opening, China's emerging legal system may not become a full-fledged channel for resolving fundamental political conflicts between the CCP and its opposition. But the very existence of this channel and the increasing utility and importance of the courts in the lives of ordinary people should, in the long run, enhance the legal system's relative institutional autonomy and transform it into a political arena where democratic resistance is waged publicly and under certain legal protection.

Table 1.3 Growth of litigation in China, 1978–2000 (cases accepted by the courts of first instance)

Year	Commercial	Civil	Administrative
1978	–	285,000	–
1984	85,700	–	–
1987	367,156	1,213,219	5,240
1997	1,483,356	3,277,572	90,557
2005	4,303,744*		92,192

Sources: *Zhongguo falu nianjian*, various years.
Note: * Including civil cases.

Table 1.4 Civil defamation lawsuits filed

Year	Number of lawsuits accepted by the courts of first instance
1993	3,138
1998	5,040
2001	7,182
2004	5,195

Source: *Zhongguo falu nianjian*, various years.

To a limited extent, this has already occurred. In William Alford's view, China's legal reform forged a "double-edged sword." He observed that

> the regime has not only through its law provided a legal, moral, and political vocabulary with which those who wish to take it to task might articulate their concerns, but also has proffered these individuals a singular platform from which their concerns might be broadcast. In seeking to deploy formal legality for highly instrumental purposes, the regime has unwittingly handed its opponents a keenly honed instrument through which to seek to accomplish their own, very different ends.[40]

Indeed, as political entrepreneurs quick to detect the potential advantages embedded in the formal provisions of these laws, some Chinese dissidents took the lead in invoking the new laws, especially the administrative litigation law, to test the limits of the regime's tolerance of dissent. The first and most publicized lawsuit filed by a leading dissident scholar, Guo Ruoji, was a case in point. Guo, a professor of philosophy at Nanjing University, was stripped of his professorship and banned from traveling abroad by the Communist Party committee of his university in 1991. He promptly sued the Communist Party committee. His case attracted intense interest mainly because it was the first time the new administrative litigation law was explicitly used to challenge the power of the ruling party (although, technically, acts of the CCP were immune from administrative litigation). Both the Nanjing Intermediate Court and the Jiangsu Provincial Supreme People's Court ruled against Guo, but the professor believed that he had scored a moral victory. Writing about the experience later, Guo said, "I knew that my lawsuit could not win in court, but it would certainly win morally. My suit was not filed to be read by the judges; it was meant for the people".[41]

Several other dissidents filed similar lawsuits against the government and the CCP. In 1993, a professor at the People's University in Beijing, Yuan Hongbing, sued the university's CCP committee for banning a book he had edited, *The Tide of History*, which attacked leftist orthodox views. In 1998, a Wuhan-based dissident, Li Weiping, used the administrative litigation law to sue the head of the city's public security bureau for the illegal seizure of his passport. In the same year, a Beijing-based dissident, Peng Ming, filed an administrative litigation suit against the Beijing Municipal Civil Affairs Bureau for shutting down an affiliate of his private think-tank (the China Development Union) and confiscating its office equipment. Bao Ge, a former medical student in Shanghai who was sent to a re-education camp for organizing an unofficial movement to seek war compensation from Japan, claimed to have filed more than 20 suits against the government while in camp and against the agency in charge of the camp after his release. "Each time I filed a suit, I made sure the press knew."[42] Although none of the dissidents won their suits against the government, the very act of filing these suits achieved important political and symbolic victories. As Alford has perceptively noted,

The mere act of filing a complaint enables litigants to juxtapose publicly the gap between the state's professed ideals and lived reality with a rare drama, clarity, and moral force—whether their goal be to attack particular individuals and institutions without appearing vengeful or to raise more systemic questions about legitimacy. Litigation further poses a profound dilemma for the authorities by requiring, in effect, that the state either provide the litigant a day in court to make his case or appear to be acting in hypocritical disregard of processes that it has labored hard to publicize.[43]

In using the legal system to resist the domination of the state, the Chinese dissident community merely borrowed a time-tested and proven political tactic widely adopted by resisters in other countries. "Legal institutions are important sites for public performances of resistance by individuals and groups. Telling one's story in court, particularly a story of oppression, can be an important act of resistance".[44] As an institution of the state, the court is often identified as an instrument of domination. But under certain conditions the court can sometimes be converted into a forum where acts of resistance may be performed at relatively low cost. Scholars of popular resistance have reported that people who are otherwise politically marginal go to court regularly to resist domination, they skilfully manipulate legal rhetoric in courts and in a variety of other sites of oppositional practice, although governments wield tremendous power to encode and enforce law, a crucial part of the power of law is its very contestability . . . resisting state domination . . . often entails seeking inclusion in legal institutions . . . people regularly appropriate the terms, constructs, and procedures of law in formulating opposition.[45]

   To be sure, Chinese dissidents have filed only a handful of lawsuits against the government and these suits had no direct impact on the protection of the rights of dissidents. But the knowledge and experience gained in making use of China's own laws against its rulers seem to have prompted a shift of emphasis—away from direct acts of protest to the skilful exploitation of existing political procedures and processes. Veteran dissident Xu Wenli has openly articulated such a change in tactics. "We're using the law now, and they (the government) have never dealt with that before on such a scale".[46] Xu sees great potential in exploiting existing institutional advantages under the current system:

Our actions should not be covert, but should be open and in conformity with the Chinese constitution. The tactics of so-called "street politics" or demonstrations should be minimized or be used with great caution . . . we must gradually shift from a "street politics" approach to parliamentarianism. We must begin now to enter the process of instituting an electoral process and to strive for the participation of democracy activists in that process.[47]

The emergence of rights defenders

Since the late-1990s, a group of pro-democracy activists, mostly legal professionals, have become the most visible defenders of human rights in China. Because of their legal training, they have skilfully exploited the Chinese laws and regulations which, at least nominally, provide many protections of individual and property rights. To a large extent, these so-called "rights defenders" (*weiquan renshi*) came to the Chinese political scene at the right time. Because of rising inequality, poor social services provided by the government, illegal seizures of private property, and arbitrary treatment of ordinary citizens by local authorities, social tensions were rising and ordinary citizens grew progressively bold in defying local government officials. The rights defenders took advantage of the rising discontent among the under-privileged groups and responded with a new strategy of resistance. Instead of championing the abstract causes of freedom, democracy, the rule of law, and human rights, China's rights defenders focused on specific instances of abuse of power, violations of citizens' constitutional and property rights by Chinese officials, public health and environmental protection.

For example, the labor rights lawyer Zhou Litai set up his practice in Shenzhen in 1996 and provided free legal service to migrant laborers who suffered work-related injuries in seeking compensation. He succeeded in obtaining favorable court judgments for many workers and became a thorn in the side of the Shenzhen government, which shut down his law office in 2002. Afterwards Zhou returned to his hometown Chongqing and continued his labor rights practice. In 2005, Zhou managed to reopen his office in Shenzhen. Zheng Enchong, a Shanghai lawyer, became a champion of residents who were forcibly relocated by local officials. From 1994 to 2003, Zheng sued Shanghai's local governments on behalf of citizens whose houses were seized with insufficient compensation in more than 500 cases. After he was arrested on trumped-up charges of "leaking state secrets" in August 2003, Zheng was stripped of his lawyer's licence and imprisoned for three years. However, after he was released in 2006, Zheng continued to provide free legal consultation to citizens in their fight to protect their homes and rights.

Another rights defender, Chen Guangcheng, a blind peasant in Shandong who taught himself law, stood out both for his courage and suffering. Chen gained public recognition when he first led local peasants in protesting against illegal taxes and discrimination against the disabled. In 2006 Chen exposed local officials who used brutal methods to enforce China's one-child policy. He skilfully used the Western media to rally international support. However, with Beijing's tacit endorsement, the local authorities arrested Chen and sentenced him to a four-year term. During Chen's trial, several rights defenders, such as the Beijing-based lawyer Xu Ziyong, went to Shandong to provide legal defense.

Although China's rights defenders operated in a difficult and dangerous environment and several of them, such as Hu Jia, an AIDS activist, and Gao

Zhisheng, a Beijing-based lawyer, were imprisoned for their political activities, they have scored a few major victories. Wan Yanhai and Hu Jia, two of China's most well-known AIDS activists, succeeded in uncovering Chinese government failings in the treatment of AIDS patients and directing the international spotlight on Beijing. In July 2005, several leading rights defenders lent their support to the villagers of Taishi in Fanyu District of Guangzhou who had ousted their village chief according to the official law on village elections. For a brief moment, with the assistance of the rights defenders, the villagers elected their own village committee in a fully legal and democratic election. Although a government crackdown disbanded the newly elected committee and reinstalled the ousted village chief, this incident, which was widely publicized by the international media, severely embarrassed the Chinese government. Without doubt, the most significant and substantive victory scored by the rights defenders was the abolition of the infamous State Council regulation that allowed local authorities to detain indefinitely vagrants who could not provide proper identification. After a college graduate, Sun Zigang, was detained as a vagrant and beaten to death in March 2003 in Guangzhou, three Beijing legal professionals, Xu Ziyong, Teng Biao, and Yu Jiang, petitioned the Standing Committee of the National People's Congress to review the constitutionality of this regulation. Responding to public outrage over the beating death of Sun in the middle of a dangerous epidemic (severe acute respiratory syndrome, SARS) which the Chinese government initially tried to cover up, Beijing was forced to abolish the regulation immediately (see discussion of the case in Chapter 3 by Fei-ling Wang).

Rights consciousness and resistance

Democratic resistance in China may be understood as part of a broad trend of increasing rights consciousness among many walks of life. There is evidence that suggests that rights consciousness has gradually risen in the post-Mao era. One of the manifestations of the rise is the increase in the number of lawsuits filed against violations of property rights and personal rights (such as libel, defamation and unauthorized use of personal portraits). As Table 1.4 shows, the number of defamation civil lawsuits doubled from 1993 to 2001. Many ordinary citizens have filed collective and individual lawsuits under the administrative litigation law against government agencies for collecting illegal taxes and seizing their private property. In 2005, more than 92,000 administrative cases were accepted for adjudication by courts of first instance in China (see Table 1.3).

More systematically gathered data, mainly public opinion survey results, similarly show rising rights consciousness. In an extensive survey (financed by the Ford Foundation), Chinese legal scholars interviewed 5,461 individuals in six provinces in 1993 and published some of their findings in a landmark book titled *Zou xiang quanli de shidai: Zhongguo gongmin quanli fazhan*

yanjiu (Marching Toward the Era of Rights: A Study of the Development of Citizens' Rights in China).[49] This study, the first of its kind undertaken in China, has several limitations, chief of which is its inability to correlate socioeconomic attributes with rights consciousness. Nevertheless, the study provides valuable insight into the current state of rights consciousness. One important finding of the study is that, indeed, popular Chinese conceptions of the source of rights are substantially different from those in the West. As Table 1.5 shows, far more respondents stated that some of the most basic rights are granted by the state rather than given at birth.

Nevertheless, there is evidence suggesting that rights consciousness, especially in the areas of property rights, personal rights, due process and legal rights, may have risen to relatively high levels. For example, nearly 80 percent of the respondents in the survey agreed with the statement "Private property is sacred and must not be violated" (*'Siyou caichan shensheng buke qinfan'*).[50] Two-thirds of the respondents also opposed the suggestion that "The government may confiscate private property under any circumstances in the national interest."[51] About the same proportion of respondents also rejected the view that "In a lawsuit involving an individual and a collective, the judgement should favor the collective."[52] Chinese citizens also seemed to be ever more aware of their rights to due process. When asked whether a law enforcement agency could continue to detain a person for public security violations even if it was unable to prove his or her guilt or innocence, nearly 47 percent of the respondents opposed such action while only 27 percent of the 5,456 respondents supported it.[53]

Rising levels of rights consciousness are accompanied by increasing popular awareness of legal recourse. Contrary to the traditional perception that Chinese culture frowns upon confrontational litigation and prefers mediation, Chinese legal researchers reported that more than half of the rural respondents and 70 percent of the urban respondents felt they neither gained nor lost face going to court to resolve conflicts with someone they knew.[54] More importantly, a very large proportion of ordinary citizens selected the

Table 1.5 Conception of sources of basic rights*

Type of rights	Granted by the state and government	Given at birth
Security of life	32.38	8.15
Security of livelihood	36.95	1.34
Elect and dismiss officials	34.82	1.08
Work for wealth	23.38	7.45
Receive primary education	40.92	6.70
No mistreatment of the imprisoned	49.99	2.95

Source: Xia Yong (ed.), *Zou xiang quanli de shidai: Zhongguo gongmin quanli fazhan yanjiu* (Marching Toward the Era of Rights: A Study of the Development of Citizens' Rights in China) (Beijing: Chinese University of Politics and Law Publishing Co., 1995), p. 16.

legal system as a channel to seek recourse to official injustice. When asked what they would do if they were attacked and injured by the police or local bullies, more than 60 percent of the respondents stated that they would take their cases to judicial authorities and demand punishment. Only 5 to 7 percent of the respondents would acquiesce. About 43 percent would take the same action if they were attacked by their bosses or supervisors.[55]

Conclusion

The preliminary evidence presented in this chapter offers some support for Tocqueville's hypothesis that falling repression produces greater resistance mainly as a result of rising rights consciousness among the oppressed. In China's case, a small but resilient dissident resistance movement has been sustained since the late 1970s because of many important changes in the political, economic, social and international context within which the movement operates. These changes sometimes provided dissidents with direct means of resistance (such as access to material, legal and moral support). At other times, the impact of these contextual changes was less direct but no less real, and they created a more favorable political milieu for resistance. Operating within such a milieu, dissidents were likely to gain greater confidence, enjoy more influence and increase the effectiveness of their acts. Of course, as in most cases of resistance waged by relatively small groups, their acts of defiance such as making public declarations, petitioning the government, protesting against personal persecution and attempting to register opposition groups have failed to have an immediate and measurable effect. Rarely have they succeeded in visibly weakening the regime or directly changing public opinion or government policy. Over time, however, sustained dissident resistance, even in its most routine forms, may slowly sap an authoritarian regime's legitimacy, authority and prestige. At the most basic level, such acts reveal most vividly and publicly the vulnerability of the political authority of the regime. They demonstrate that even a government with a considerable repressive capacity may be brought to answer some of the most basic questions about its political legitimacy and governance record: why did it violate its own laws in imprisoning its critics; why did it stop unofficial groups from registering; why did it fail to protect the national interest; why did it fail to protect the environment; why did its own officials commit crimes of corruption?

In short, dissident resistance performs some of the most essential functions of political opposition in political systems where legal opposition does not exist. In the long term, dissident resistance may have important and more direct political consequences. It will likely produce demonstration effects encouraging ordinary resisters to imitate the tactics of dissidents in asserting their rights. Persistent dissident efforts may loosen up parts of the political system (the most likely point of entry is the legal system and the grassroots

electoral process) and create more favorable political conditions for ordinary resisters. Dissident resistance may lead to the emergence of a freer media which will become a voice for ordinary resisters. Despite the government's ban on formal opposition parties such as the China Democracy Party, one should not dismiss the possibility that dissidents may eventually be able to forge direct links with ordinary resisters to develop a stronger and broader social base. Rising levels of social frustration and state–society tensions in China today should provide dissidents with more opportunities for reaching out to groups that have been victimized and neglected by the autocratic political process. Recent press reports indicate that some Chinese dissidents have begun to seek such ties.[56] If the history of dissident resistance over the last thirty years is to be used as a basis for judging its future potential, China's incipient opposition is likely to become more resilient, sophisticated and adept in challenging the regime as the conditions for democratic resistance further improve.

Notes

1 For the most illuminating account of ordinary resistance against domination, see James Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).
2 Alexis de Tocqueville, *The Old Regime and the French Revolution* (New York: Anchor Books, 1955), pp. 176–77.
3 See, for example, Craig Calhoun, *Neither Gods Nor Emperors: Students and the Struggle for Democracy in China* (Berkeley: University of California Press, 1994); Jeffrey N. Wasserstrom and Elizabeth J. Perry (eds), *Popular Protest and Political Culture in Modern China* (Boulder: Westview Press, 1994); Kevin O'Brien, 'Rightful Resistance,' *World Politics*, 49, 1 (October 1996), pp. 31–55.
4 Dissidents are individuals who directly oppose the Communist Party's claim to rule and openly offer a political alternative. They are also referred to as pro-democracy activists because the political alternative they offer embodies democratic ideals and institutions. Their political objective distinguishes them from other protesters who are motivated by non-political issues.
5 Andrew Nathan, 'Sources of Chinese Rights Thinking,' in R. Randle Edwards, Louis Henkin and Andrew Nathan (eds), *Human Rights in Contemporary China* (New York: Columbia University Press, 1986), pp. 125–26.
6 Nathan, 'Sources of Chinese Rights Thinking,' p. 161.
7 *Ibid.*
8 Randall Peerenboom, 'Rights, Interests, and the Interest in Rights in China,' *Stanford Journal of International Law*, 31:2 (Summer 1995), pp. 359–86.
9 Wang Gungwu, 'Power, Rights and Duties in Chinese History,' *The Australian Journal of Chinese Affairs*, 3 (January 1980), pp. 1–26.
10 Lianjiang Li and Kevin O'Brien, 'Villagers and Popular Resistance in Contemporary China,' *Modern China*, 22:1 (January 1996), pp. 28–61.
11 For most ordinary citizens, resistance was expressed through individual and non-public means. One of the most common forms of private resistance during the Cultural Revolution was to keep a secret diary in which the resister wrote what he or she really thought about the Maoist regime. An exception was the long essay on democracy and law jointly written and posted publicly by Li Yizhe in Guangzhou in the mid-1970s.

12 The protest against the Gang of Four in April 1976 was perhaps an exception. But, strictly speaking, that event should not be classified as a pro-democracy act.

13 *Beijing Spring*, 66 (November 1998), p. 3.

14 Ordinary resistance described here is different from "everyday resistance" formulated by James Scott. In this chapter, ordinary resistance primarily targets political authorities, while in Scott's work everyday resistance is directed against non-political forces of domination.

15 Chen Xiwen, a senior government official, revealed that, in rural areas, the most common causes for mass incidents were land requisitions, environmental pollution, resettlement of migrants, and disposition of collectively owned assets. www.china news.com.cn, February 2, 2009; Yu Jianrong, a noted Chinese scholar, argues that 80 percent of such incidents occurred as a result of resistance by citizens who were defending their rights. Yu Jianrong, 'Lizhi duidai butong xinzhe de qunti shijian,' (Rationally handle different types of mass incidents) *Nanfang ribao*, April 9, 2009.

16 USA-based dissident publications such as *Beijing Spring* and *China Spring* contain extensive coverage of such incidents of collective protest in China. Free-wheeling Chinese publications such as *Nanfang zhoumo* (Southern Weekend) and *Banyuetan neibuban* (Semi-Monthly Forum, internal edition) frequently carry similar stories.

17 Macroeconomic Research Institute of the State Planning Commission, 'Zhongguo gumin shehui xintai genzong fengxi' (Tracking Analysis of the Social Opinions of Chinese Residents) in Rui Xin, Lu Xueyi and Li Peilin (eds), *Shehui lanpishu 2002* (Social Blue Book 2002) (Beijing: Shehui kexue wenxian chubanshe, 2002), p. 20.

18 In September 1998, three dissidents in the Chaoyang district in Beijing announced their candidacy for the district's people's congress on a platform of workers' rights and anticorruption. *Agence France-Presse*, September 21, 1998. A member of the banned China Democracy Party in Zhejiang province ran for the chairmanship of his village, although his candidacy was blocked by local authorities. Another Beijing-based dissident, He Depu, was nominated by his fellow workers in late 1998 to run for the local people's congress. *Beijing Spring*, 68 (January 1999), pp. 103–4.

19 *Wall Street Journal*, November 27 1998, A9.

20 *Beijing Spring*, 68 (January 1999), p. 102.

21 Reported in *USA Today*, August 31 1998, p. 4A.

22 Ya Yi, 'Tuijin Zhongguo gongmin quanli yundong' (The Movement to Promote Citizens' Rights in China), *Beijing Spring*, 57 (February 1998), pp. 66–74.

23 Letter reprinted in *Beijing Spring*, 65 (October 1998), pp. 6–7.

24 Guo Ruoji, *Gongchandang weifa an ji shi* (Real Stories of the Communist Party's Violation of Law) (Hong Kong: Minzhu daixue chubanshe, 1997).

25 Wikipedia.org.

26 For an excellent study of how Chinese dissidents have taken advantage of the internet, see Michael Chase and James Mulvenon, *You've Got Dissent* (Santa Monica: Rand, 2002).

27 *Agence France-Presse*, November 18, 1998.

28 *New York Times*, September 30, 1998, p. 3.

29 *Beijing Spring*, 88 (September 2000), p. 101.

30 *Beijing Spring*, 85 (June 2001), p. 100.

31 *Washington Post*, December 5, 1998, A20; *South China Morning Post*, January 11, 1999 (internet edition).

32 See *Washington Post*, July 9, 2002, A 18.

33 Xu Wenli 'Democratic Movement in China,' *China Strategic Institute Issue Papers on China*, 43 (December 3,1998).

34 *China Spring*, 172 (June 1998), pp. 30–34.
35 Wang Youcai, 'Ruhe zhujian quanguoxing gongkai fandui dang' (How to Organize an Open National Opposition Party), *Beijing Spring*, 65 (October 1998), pp. 42–43.
36 *Beijing Spring*, 89 (October 2001), p. 103.
37 See Michael William Dowdle, 'Constructing Citizenship: The NPC as Catalyst for Political Participation,' in Merle Goldman and Elizabeth J. Perry (eds), *Changing Meanings of Citizenship in Modern China* (Cambridge, MA: Harvard University Press, 2002).
38 *Legal Daily*, March 13, 1997, p. 5; the data for 1993–2000 are the author's compilation according to information provided in *Zhongguo falu nianjian*, various years.
39 *Zhongguo falu nianjian* (2001), p. 1272.
40 William Alford, 'Double-edged Swords Cut Both Ways: Law and Legitimacy in the People's Republic of China,' *Daedalus*, 122, 2 (Spring 1993), p. 62.
41 Guo Ruoji, *Gongchandang weifa an ji shi*, p. 27.
42 Ya Yi, 'Tuijin Zhongguo gongmin quanli yundong,' (The Movement to Promote Citizens' Rights in China), *Beijing Spring*, 57 (February 1998), pp. 66–74
43 Alford, 'Double-edged Swords Cut Both Ways,' p. 58.
44 Susan Hirsch and Mindie Lazarus-Black, 'Introduction,' in Mindie Lazarus-Black and Susan Hirsch (eds), *Contested States: Law Hegemony and Resistance* (London: Routledge, 1994), p. 11.
45 Susan Hirsch and Mindie Lazarus-Black, 'Introduction,' *Contested States*, pp. 1–10.
46 Quoted in *Agence France-Presse*, September 28, 1998.
47 Xu Wenli, 'Democratic Movement in China.'
48 *Legal Daily*, February 15, 1997, p. 1; *Zhonghua renmin gongheguo nianjian 2001* (Yearbook of the People's Republic of China 2001) (Beijing: Zhonghua renmin gongheguo nianjian chubanshe, 2001), p. 483.
49 Xia Yong (ed.), *Zou xiang quanli de shidai: Zhongguo gongmin quanli fazhan yanjiu* (Marching Toward the Era of Rights: A Study of the Development of Citizens' Rights in China) (Beijing: Chinese University of Politics and Law Publishing Co., 1995).
50 *Ibid.*, p. 376.
51 *Ibid.*, p. 353.
52 *Ibid.*, p. 383.
53 *Ibid.*, p. 464.
54 *Ibid.*, p. 42.
55 *Ibid.*, p. 37.
56 A member of the China Democracy Party in Hunan, Liao Baohua, spoke at a rally of laid-off workers in Changsha in June 1999. A labor activist and a veteran of the 1989 pro-democracy movement, Liao was credited for organizing another large protest rally at the end of 1998. *Beijing Spring*, 75 (August 1999), p. 100. A lawyer in Shaanxi province, Ma Wenlin, filed suits on behalf of local farmers against government officials over illegal taxes and corruption. After Ma was sentenced to 15 years in prison in November 1999, more than 30,000 farmers signed a joint petition for his release. *Zhongguo shibao* (*China Times*, Taipei), June 6, 2002.

Suggested reading

On dissidents and the democracy movement:

Ian Buruma, *Bad Elements: Chinese Rebels from Los Angeles to Beijing* (New York: Random House, 2001).
Philip Pan, *Out of Mao's Shadow* (New York: Simon and Schuster, 2008)

On legal reform:
Stanley Lubman, *China's Legal Reforms* (Oxford: Clarendon, 1996).
Minxin Pei, 'Citizens v. Mandarins: Administrative Litigation in China,' *China Quarterly*, 152 (December 1997), pp. 832–62.

On rural resistance:
Kevin O'Brien and Lianjiang Li, *Rightful Resistance* (New York: Cambridge University Press, 2006).

On changing state–society relations in urban areas:
Deborah Davis, Richard Kraus, Barry Naughton and Elizabeth Perry (eds), *Urban Spaces in Contemporary China* (New York: Cambridge University Press, 1995).

On the state of reform:
Merle Goldman and Roderick MacFarquhar (eds), *The Paradox of China's Post-Mao Reforms* (Cambridge, MA: Harvard University Press, 1999).
Minxin Pei, *China's Trapped Transition: The Limits of Developmental Autocracy* (Cambridge, Mass.: Harvard University Press, 2006).

On dissidents and the internet:
Michael Chase and James Mulvenon, *You've Got Dissent: Chinese Dissident Use of the Internet and Beijing's Counter-Strategies* (Santa Monica: Rand, 2002)

2   Pathways of labor activism

Ching Kwan Lee

The global economic crisis that surfaced in 2008 portends a turbulent period of social instability and labor unrest, according to top Chinese officials, academics and international observers—"the biggest political test the ruling party has found since the 1989 incident in Tiananmen," some warned in response to reports about plant closures and rising unemployment in export-oriented towns along the Pearl River Delta. This is not the first time in the past three decades that official anxiety about "the specter of labor unrest" has been palpable, even though the expected working class challenge never quite materialized. From the late 1990s to the early 2000s, incidents of worker unrest by a massively unemployed population became so routine that government and party leaders identified labor problems as one of the biggest threats to social stability, along with tax revolts and land disputes by peasants. With hindsight, it seems that the really significant question is not whether or not workers pursue collective mobilization to make claims and express discontents. They have always done so. The question we should ask is whether there are qualitative changes in the scale, strategy, goals and outcomes of labor activism. This chapter probes continuity and change in these aspects of labor politics by reviewing the major pathways of labor activism during a period of expanding marketization and global integration. We can see that while the literature on 1989 has focused on the student movement centered on Tiananmen, it was an extraordinary moment of cross-class mobilization resulting in wide-ranging if ultimately abortive economic and political demands on the central government. In the wake of state crackdown, subsequent worker protests were restricted within a cellular module targeting local officials and employers, with no effective expansion of scope or scale, and no radicalization of worker demands, as a result of a combination of government repression and the fragmentation of interests among workers. If the latest economic downturn is going to trigger a rethinking of development strategy on the part of the Chinese government, it will not be because of the threat of worker unrest but because the global economy may challenge, or even exhaust, the possibilities for China's labor-squeezing growth model.

Looking back at the past thirty years, we can see a proliferation of arenas of labor contestation, many of which have been instituted, revived and

encouraged by the Chinese government. This tendency is most remarkable in the domain of the law and workers' legal rights. However, concomitant with this state attempt to empower workers as rights bearing citizens, there has also been a process of worker disempowerment in the workplace. The secular decline of the position of workers as direct producers at the point of production is most grotesquely illustrated by the rampant problem of wage non-payment, stagnation of wage rates, and spells of high unemployment among the state sector workforce during a period of sustained aggregate economic growth. The gap between the expansion of legal rights and consciousness, and the actual decline in power and working conditions has prompted labor protests outside state sanctioned channels, selectively tolerated by the authorities within the limits of single enterprises. Although workers' collective mobilization has succeeded in extracting some concessions from capital and from the regime, the latter has been unrelenting in crushing certain forms of labor action. Thus, on the one hand, emergency funds have been doled out to localities hardest hit by unemployment and a national re-employment campaign has been emphasized in the 1990s and improvement in migrant workers' rural livelihood throughout the 2000s. The latest evidence of this investment in rural social spending came in the form of a stimulus package in the wake of the global economic downturn in 2008. On the other hand, however, the state has shown its determination to repress any sign of independent unionism or political organizations. It seems that as long as workers' actions are not politically-oriented but self-limiting to purely economic and livelihood demands, the state is open to compromise. However, arrest and imprisonment of labor activists have continued to send a powerful message concerning what the state designates as a forbidden path of resistance—organized political dissent.

Worker rebellion in a worker's state

The remarkable increase in labor action in recent decades has occurred in the context of a sea change in China's socio-economic system. In the Maoist era of state socialism, the working class as a whole made great strides vis-à-vis other social groups, notably the peasants, but also the bourgeoisie, and the intellectuals in terms of political status, wages, welfare and employment security. Thanks to the egalitarian bent of the Maoist road to modernization, which placed dual emphasis on industrialization and public ownership, Chinese workers, including both blue collar and white collar employees in urban China, benefited not only from the "urban bias" in resource allocation commonly found in developing countries in general and socialist countries in particular. Maoist ideology also compelled the enhanced position of workers vis-à-vis the intelligentsia and managerial cadres. The latter groups were required to engage in productive labor periodically, sometimes being sent to the countryside in disgrace for this purpose, and their salaries were capped following the Cultural Revolution at only 10–30 percent above those for the

highest paid skilled workers. On the other hand, manual laborers were involved in managerial work through innovation and design campaigns, group decision-making, group problem solving, and, during the Cultural Revolution, representation on the revolutionary committees running factories. In material terms, despite a low wage system, workers' real wage levels in 1970 represented a 35 percent rise above those of 1952. Periodic setbacks notwithstanding, the revolutionary regime made available unmistakable improvements in worker consumption—food, housing, medical care, education and training opportunities. [1] At the top of the labor hierarchy were the permanent workers employed in state-owned enterprises. In 1981 when reform began, this labor aristocracy accounted for 42 percent of the entire industrial workforce and produced 75 percent of total industrial output. Their employment conditions epitomized all that was superior about socialism: cradle to grave welfare, permanent job tenure, subsidized housing provision, life-long medical and pension benefits, and guaranteed, superior wages. The next group down the industrial rank order consisted of workers in urban collectives, followed by temporary workers in state-owned enterprises and those in rural industries. All these workers were distinguished from those in the state sector by relatively inferior material conditions and political status. [2]

Even in the pre-reform period, when workers were economically dependent on enterprise paternalism, and were politically controlled by well-entrenched party networks extending to each factory shop floor, Chinese labor was not always a docile subject of state power. Both state-inspired factionalism and economic inequalities rooted in the socialist industrial system have periodically propelled different segments of the work force to assert political prowess and economic demands. Thus, post-1949 China can claim a history of proletarian rebellion and activism, notably in the strike wave of 1956–57, factional strife and protests during the Cultural Revolution in 1966–67, and workers' participation in the 1976 April Fifth Movement.

Seizing the opportunity of the Hundred Flowers Campaign, when Chairman Mao encouraged dissent from below to preempt larger scale revolts similar to the Hungarian ones, workers displaced by the socialization of industries staged more than 1,300 strikes in Shanghai alone between the months of March and June in 1957. Launched most fervently by apprentices and temporary workers and those in joint-ownership enterprises, striking workers demanded higher wages, better welfare, permanent worker status and guaranteed promotion. [3] The Cultural Revolution a decade later offered another political opportunity for labor struggles. Turmoil inside Chinese factories across the nation was partially shaped by factional cleavages created by the Party's network inside the factories, distinguishing the royalists (comprising loyal members of the Party's organization, activists, party members, shop-floor leaders, model workers, etc.) from the rebels (including a diverse group of ordinary workers who were either victimized by the royalists or by factory managers prior to the Cultural Revolution, or who had criticized the Party authorities). But labor conflicts during this period were also structured by

deep-rooted occupational grievances and inequalities, with apprentices, the unskilled, irregular workers and younger workers figuring most prominently in making economic demands and joining rebel factions across the country. [4] Then, in the spring of 1976, mass demonstrations and riots with a strong contingent of worker participation broke out in more than 40 places across the country. The backbone of this uprising was made up of young workers, who had been the basis of mobilization during the Cultural Revolution but had been stigmatized for their bourgeois leanings. They used the occasion of commemorating the late Premier Zhou Enlai to express their dissatisfaction with the cultural revolution in the factories, as well as the political persecutions and the injustices they suffered. [5]

Labor's loss in the reform era occurred amidst momentous economic growth. During the 1978–2005 period, China's per capita gross domestic product attained an average annual growth rate of 7 percent, 'the most sustained period of rapid economic growth in human history,' according to the economist Barry Naughton. [6] Industry maintained the same 49 percent share of national output, annual growth rates peaking at 12 percent between 1980–95. [7] Real annual wage increase for urban employees between 1979–96, however averaged just 4.4 percent. [8] The influx of foreign investment and liberalization policies towards the private economy gave rise to a national labor market which enhanced labor mobility and autonomy. Employment in these two sectors which were non-existent at the beginning of reforms had mushroomed to an estimated 80 million, or 15 percent of total employment by 1995. [9] A new class of rural migrant laborers has emerged in response to these employment opportunities and an estimated 130 million migrant laborers have left the countryside to enter towns and cities in search of non-agricultural jobs. Another important source of employment for these rural laborers is the burgeoning township and village enterprises employing some 170 million workers by the late 1990s, with many of these industries subsequently privatized. [10]

Inequalities across regions, ownership sectors, industries and occupations are concealed behind figures of aggregate growth and prosperity. The stark fact remains, however, that relative to most other social groups, the working class as a whole has suffered drastic dislocation and privation. Veteran permanent workers and retirees find their employment security, welfare benefits and workplace status vanishing. While a new generation of young migrant workers benefits from substantially improved income and status in contrast to opportunities in remote villages, those who find urban jobs have to confront ruthless exploitation which harks back to the labor degradation of nineteenth-century industrial capitalism in Europe, or the 1920s in China.

Almost every step along the path of market reform has resulted in a set back for state workers' status and livelihood. First came the reform for enterprise autonomy and director responsibility in 1984, paving the way for the ascendance of manager's dictatorial power over workers, the union and even the Party. Then, the policy of "labor re-optimization", first implemented

in 1988, gave managers the power to render redundant surplus workers in state enterprises. Labor contract reform required that all employees signed contracts of varying duration with employers thereby giving managers a legal mandate to dismiss workers. By 1995, the permanent employment system was officially dismantled, giving rise to two groups of unemployed workers: the off-duty and the registered unemployed. What the state has euphemistically called the "off-duty" (or *xiagang*) workers are those who maintain "employment relations" with the enterprise, potentially re-employable when business improves, and who receive livelihood allowances amounting to a tiny fraction of regular income. The "registered unemployed" workers are those whose employment relations with the enterprise have ended and who are left to their own devices after receiving minimal unemployment allowances. [11] From January 1996 to September 2002, the unemployment rate of urban permanent residents increased from 6.1 percent to 11.1 percent, and that of all urban residents, including temporary residents (e.g., migrants), increased from 4.0 percent to 7.3 percent. [12] At the beginning of 2009, the global recession caused a notable increase in plant closures in export-dependent areas and the government estimated about 20 million rural migrants, or 15.3 percent of all rural workers employed outside their hometowns, have returned home without jobs. [13]

For those who are still employed in state factories, the enterprise welfare system has also been gradually eliminated and the retreat of this old system has outpaced the installation of a new societal insurance system. The pattern of "organized dependence" and paternalism characteristic of state-labor relations under state socialism has given way to a new despotism. State sector workers who are unable to find alternative employment in private or foreign firms, including large numbers of unskilled, older and particularly women workers, are subordinated to a dictatorial management empowered by labor contract and enterprise reforms, and untrammeled by the Party or the union.[14] With more than 40 percent of state-owned enterprises operating in the red by the mid-1990s, workers' paychecks not only dwindled but these reduced wages now have to pay for "commodified" welfare services like nurseries, clinics, and housing that were, until recently, provided free or with substantial subsidies. For the millions of migrant laborers in the private sector where state regulations are rarely enforced, despotism is all the more blatant. [15] Local governments, engaged in fierce competition for foreign investments, collude with foreign capital in undermining state labor regulations regarding contracts, minimum wages, overtime pay, rest days, total working hours and industrial safety. The most diabolical indicators of migrant workers' plight are incidents of "overworked deaths" and the rampant non-payment of wages. [16] The personal crusade of Premier Wen Jiabao to collect wages for migrant workers in 2004 threw into sharp relief the lack of institutional protection for workers' most fundamental right—to get paid. Under these oppressive and deteriorating employment conditions, Chinese workers have pursued a plethora of collective actions.

Labor disputes and arbitration

A "new" form of labor conflict has resulted from Chinese government efforts to institutionalize conflict resolution. In July 1987, the State Council revived the national labor dispute arbitration system, which had been abolished in 1955. By 1997, some 270,000 labor dispute mediation committees at the enterprise level, and 3,159 labor dispute arbitration committees at county, city and provincial levels had been established. These committees are constituted on a "tripartite principle," with representatives from the labor bureau administration, the trade union, and economic administrative organs, representing respectively the state, labor, and the employer. In the past decade, enterprise mediation cases amounted to 820,000, while 450,000 cases of labor arbitration were processed. With the promulgation of the 1993 Regulation on Handling Labor Disputes and the 1995 Labor Law, the scope of arbitration and legal actions has been expanded in terms of actionable claims and coverage of enterprise types. The original dispute resolution process only covered contract disputes or cases involving termination of permanent workers in state enterprises. Since 1993, workers in private and collective enterprises can file grievances concerning wages, fringe benefits, occupational safety and health as well as termination of contract to obtain legal resolution.

This national hierarchy of labor dispute arbitration mechanism attests to the Chinese state's explicit recognition of an inevitable growth in labor conflicts and the need to provide institutional channels for resolution, if social stability is to be maintained. The emphasis is on preemption and mediation at the enterprise level, with arbitration at the local committee level. Submission of labor disputes to the civil court is the last resort. Workers have seized this institutional space to redress grievances and defend their rights as dispute statistics register a staggering and continuous increase in the number of petitions and dispute cases. The explosion in the number of arbitrated labor disputes followed the implementation of labor contract reform and the drastic rise in unemployment (Table 2.1). Also significant has been the increase in both the number of cases and of employees involved in "collective labor disputes". Officially defined as disputes involving more than three employees, collective disputes involved an average of 16.5 workers in 1992; by 1998, the figure averaged 37.1 and ranged as high as 45.1 depending on the type of enterprise." [17]

Beneath this aggregate rise in the volume of arbitrated disputes, certain patterns can be discerned, illustrating the focus and distribution of labor conflicts. First, the most contentious provinces in the 1990s have been Guangdong, Chongqing, Shanghai, Fujian and Jiangsu, regions which experienced most rapid economic growth. Shenzhen, with its huge contingent of migrant workers numbering more than 6 million by 2000, alone accounted for one-tenth of the national total of arbitrated labor disputes by 1999. On the other hand, in terms of increase in arbitration, Sichuan, Inner Mongolia, Tianjin, Gansu, Shanxi, Xinjiang all registered triple digit rates in 1995, reflecting

Table 2.1 National total of arbitrated labor disputes 1994–2007

Year	Arbitrated labor dispute (cases)	Arbitrated collective dispute (cases)	Employees involved
1994	19,098	1,482	77,794
1995	33,030	2,588	122,512
1996	47,951	3,150	189,120
1997	71,524	4,109	221,115
1998	93,649	6,767	358,531
1999	120,191	9,043	473,957
2000	135,206	8,247	422,617
2001	154,621	9,847	467,150
2002	184,116	11,024	608,396
2003	226,391	10,823	801,042
2005	314,000	19,000	740,000
2006	447,000	14,000	680,000
2007	500,000	13,000	650,000

Source: *Labor and Social Security Statistical Yearbooks*, various years (2005–6 are from summary statistics released by the Ministry of Labor and Social Security.)The first column indicates the totals for both individual and collective disputes. Collective disputes are cases involving five or more workers.

perhaps the rapid deterioration in employment conditions among workers in the state-owned sector. Second, in terms of ownership type, and taking the year 1996 as an example, state-owned enterprises account for 34 percent of arbitrated disputes, while foreign invested, collective and private enterprises respectively account for 21 percent, 26 percent, 10 percent of the total of 48,121 cases, involving 189,120 employees. Third, most disputes are economic in nature, with wages, welfare and social insurance payment being the most common (50 percent) causes of conflicts, and another 30 percent or so about contract termination and dismissal. Wage arrears are particularly pronounced in private and foreign-invested firms. [18]

Most of these dispute cases originated in petitions by employees. They succeeded in redressing grievances in 50–80 percent of cases depending on the locality. However, the protection of workers' rights is still wanting, as follow-up studies have revealed many examples of discrimination against the plaintiffs after disputes were formally settled. In one county in Beijing, for instance, of the 441 employees involved in disputes in 1993–94, 66 percent were later dismissed by employers. Moreover, the tripartite principle in the makeup of enterprise mediation committees is often violated. In Hubei for instance, in the enterprise committees studied, management and union repre-sentatives always outnumbered worker representatives, most of whom were appointed rather than elected. Notwithstanding these shortcomings, both the government and the working public have taken this institution seriously and a new Labor Mediation and Arbitration Law was passed in 2007 to streamline the process of arbitration, eliminate arbitration fees and extend the time limit

for aggrieved workers to file for dispute arbitration. In the first three quarters of 2008, China's labor dispute arbitration committees accepted 520,000 new cases, a 50 percent increase over the same period in 2007. The figure is expected to increase sharply in the following years, reflecting the rise in the number of factory closures and mass-layoffs in the southeast coastal region.[19]

Work stoppages and strikes

The entire 30-year period of reform has been punctuated with incidents of work stoppages and strikes of varying duration throughout China. As reform deepened in the 1990s, strikes occurred more frequently, involving more workers, and affecting enterprises in more ownership sectors. Although occasions arose when economic grievances evolved into political critique of regime legitimacy, the demands workers made were predominantly material ones. One enduring feature of worker protests has been its cellular and local scope. Remarkably, even the global economic downturn at the end of 2008 sparked some incidents of angry strikes by migrant workers in export-based cities in Southern China, these cases of unrest did not escalate in scope or scale.

Under the regime of Deng Xiaoping, the first wave of strikes emerged in the autumn of 1980. The ascendance of the Polish Solidarity Movement emboldened Chinese workers, already dissatisfied with years of wage stagnation and inadequate housing, to take action. Some 20 to 30 strikes reportedly occurred in the last quarter of 1980 in the central Chinese industrial cities of Wuhan and Taiyuan. Additional strikes were reported in 1980–81 in Shanghai, Tianjin, Kunming, Manchuria, and cities in Hubei and Shanxi, involving coal miners, steel workers, tool-and-die workers, workers in machinery and electronics factories. One noteworthy incident at the Taiyuan steel mill in December 1980 was sparked by demands for better housing, rights to family reunion for workers living apart from spouses and election of worker representative to sit in management committees. Demands turned more political as more steel workers joined in. The local press reported that, a "'minority of workers' . . . labeling themselves 'the poorest workers in the world,' called for 'breaking down the rusted door of socialism,' the right to decide their own fate, the end to dictatorship, and the overthrow of the system of political bureaucracy."[20] Poland's Solidarity seemed to have the greatest impact on Shanghai where the call for independent unions was a recurrent theme in a number of go-slow and strike incidents in 1981. When such demands proliferated across the country, coming from as far as Xinjiang, the Chinese government, reacted by striking the "freedom to strike" clause from the revised 1982 Constitution. Legal ambiguity notwithstanding, Chinese workers have remained adamant in using strikes to defend their rights and welfare throughout China's reform transition. In recent years, labor and legal scholars in China have reportedly reached a consensus that the law does not legalize or criminalize strike, and that China's membership in the World

Trade Organization (WTO) should soon lead the government to explicitly legalize this labor right recognized by all major international conventions. [21]

The late 1980s was another period of volatile labor relations, as state workers' discontents intensified due to anxiety fueled by rising unemployment, widening income gaps between managers and workers, and corruption. These grievances resulted from reform measures aimed at increasing efficiency and competitiveness of state-owned enterprises. Between 1986 and 1988, labor contract reform, the bankruptcy law and the regulation on labor re-optimization were enacted one after another, threatening workers' employment security and livelihoods. Coupled with record high inflation rates, climbing to 18.5 percent in 1988 and 25.5 percent in 1989, worker frustration reached a zenith. [22] The official ACFTU (AU-China Federation of Trade Unions) counted 97 strikes in 1987, and over 100 in 1988. The largest took place in a cotton mill in Zhejiang Province where 1,500 workers participated. The longest occurred in the Northwest Medical Instruments Plant in Xi'an, lasting more than three months from 1987 to 1988. In the first quarter of 1989 in Shanghai alone, the official union handled 15 strikes, touched off by worker grievances regarding bonus allocation and lay-offs. Thousands of People's Liberation Army soldiers were reportedly sent to occupy the Daqing oil fields to quell a labor stoppage demanding higher wages and better treatment.[23] Then, in May and June 1989, workers in Beijing, Shanghai and other cities left the confines of factory gates and their collective action took such forms as public protests, independent unionism and political mobilization. Despite the deadly crackdown on the Tiananmen movement, with workers receiving the heaviest sentences, strikes became an increasingly routine method of labor resistance. For instance, internal reports compiled by the Department of Public Security recorded a national total of 480 strikes in 1992, 1,870 in 1995, and 1,740 in the first nine months of 1996. [24] Since the mid-1990s, when plant closures, mass layoffs and delays in pension payment occurred, strikes gave way to public protests as unemployed and retired workers could no longer threaten to withdraw their labor.

Besides veteran workers dislocated by restructuring of the state industrial sector, labor militancy in the 1980s and 1990s has also been fueled by a new generation of factory workers who waged their own struggles against exploitation in private and foreign-invested companies. Concentrated mostly in the Special Economic Zones (SEZs) in southern coastal provinces, migrant worker discontents centered on poor working and living conditions, low wages, wage arrears and degrading management practices. [25] As early as 1986–87, Shenzhen (the first SEZ in China) witnessed at least 21 strikes in foreign-funded enterprises and the local trade union received about 1,000 worker complaints. Incidents were triggered by harsh treatment, low wages, wage arrears, extremely long hours of work and unreasonable disciplinary practices involving meal times, toilet breaks and holidays. A typical incident reported by the Chinese press revealed that a Hong Kong-owned toy factory forced young women workers to work up to 18 hours a day seven days a

week without adequate overtime pay and no time off on Sundays. Thirty women went on strike after one pregnant woman collapsed from exhaustion. [26] Even though statistics on work stoppages and strikes are always incomplete under-estimations, the unmistakable trend is one of increased volume. In Shenzhen alone, where 69 strikes and work stoppages were recorded from June 1989 to the end of 1990, there were 250 such cases in 1992. In Guangdong as a whole, between 1994 and 1995, there were 182 cases of strike involving more than 400 people, accounting for 28 percent of all strikes in the province in that period that came to official attention. Chinese labor scholars have noted a trend of contagious strikes among companies in the same locality. [27] For instance in 1993–95, a series of strikes were staged by workers in Japanese-owned plants of Canon, Mitsumi, Sanmei and Panasonic in Shenzhen and Zhuhai SEZs. Run-away inflation reaching as high as 20–27 percent in these cities caused economic distress among migrant workers who demanded wage hikes of 30–35 percent to maintain their livelihood. These work stoppages and strikes varied in duration, from a few hours to several days, and involved up to one to two thousand workers in large factories. A similar specter of contagious action surfaced at the end of 2008 as the global recession hit Chinese factories hard and left some 26 million migrant workers jobless, according to official estimates. Yet, reports of these incidents indicated that these were firm-based incidents where workers demanded back wages after plant closure. Local officials, urged by the central government to prevent any escalation of social unrest, expediently doled out back wages to dissipate tension. [28]

Based on their experience in handling 14 strikes in Xiamen SEZ in Fujian Province, two labor officials summarized the characteristics of these incidents as short-lived, economically motivated episodes. However spontaneous they may be, "very soon organizers and leaders would emerge from among the foremen, line leaders or shop floor heads." They also point to the importance of native-place ties, noting that eight out of the 14 strikes occurred in factories with a high proportion of workers coming from the same locality, forming regional cliques. "As relatives or native-place locals, they share strong exclusionary sentiments and solidarity which can easily lead to collective rebellions." [29] Other reports of similar incidents elsewhere revealed more ambiguous effects of localism in worker resistance. During a go-slow in a Korean-owned factory, workers remarked that regional division among them undermined the unity needed for a strike, saying "if there were no migrant workers, we would be on strike already." [30]

Striking workers demonstrated a certain level of organizational ability, as accounts of these incidents mentioned organizers writing open letters and printing leaflets and flyers to mobilize workers. One commonly used tactic was calling up journalists and news agencies about their actions, in efforts to arouse public attention and sympathy for their struggles.

A notable feature in most of these strikes is the ambiguous and conciliatory role played by the local ACFTU and Labor Bureau officials. Trade union

officials admitted that their double role was one "of supporting the foreign investors, but also monitoring whether the management is abiding by the labor laws." Thus, the Zhuhai ACFTU criticized the 1993 strike at a Canon plant. In a number of cases where striking workers demanded the setting up of enterprise unions, local ACFTU officials urged consultation with management before endorsing their establishment. Union officials were also helpless in defending workers during strikes in foreign-owned enterprises, when public security personnel were often called into the compounds by management to intimidate strikers. Although unionization rates among foreign-invested enterprises allegedly reached 40 percent by the end of 1994 in Guangdong, most of these ACFTU-approved unions were led and staffed by management personnel who were mainly responsible for collecting union fees, organizing birthday parties and recreational events. At the same time, these union leaders were also salaried shop floor supervisors or section heads in the factory administration. [31]

Protests, demonstrations and violence

In the spring of 1989, the mobilization of workers into street protests, many with support and approval from work unit leadership and the official union, raised the specter of labor mobilization against the state. In mid-May 1989, marching workers in Beijing hoisted banners bearing the name of their enterprises including such leading state enterprises as the Capitol Steel Corporation, the main factory of the Beijing Internal Combustion Engines, Beijing Lifting Machinery Factory, etc. At one point before the declaration of martial law, the ACFTU also joined the demonstration with its own banner and even made a 100,000 yuan donation to the student hunger strikers. [32] One observer remarks that this "distinctive Chinese pattern of (work-unit) protest has come to mirror the distinctive Chinese pattern of work-unit control." [33] Labor protests in the post-Tiananmen decade have witnessed a heightened tendency for workers to go beyond the confines of their workplace. Bringing their protests into the public arena, they are often joined by other disgruntled segments of the local community. Labor activism thus not only underlines the erosion of state power at the grass-roots level, and a shift from the enterprise to the state as their target of challenge, it also has the potential to become a rallying point for community-based activism.

In 1995 alone, by official reckoning, protest marches involving more than 20 people rose to a record-high of 1,620, including more than 1.1 million people and occurring in more than 30 cities. [34] One scholar reported a fourfold increase in collective protests (including but not restricted to those by workers) from a total of 8,700 in 1993 to 32,000 in 1999. [35] Grievances that sparked these public protests reflected the predicaments of debt-ridden state enterprises under reform. Worker opposition was directed against wage and pension arrears, inadequate unemployment and medical allowances, embezzlement of funds by factory managers, plant merger, restructuring and

relocation which cause disruption to their lives. Among the first of its kind, the large-scale protest staged by workers in Chongqing Knitting Mill in November 1992 turned out to be representative of similar incidents in the province of Sichuan and other impoverished provinces throughout the 1990s. When this large state enterprise declared bankruptcy and cut back on pension payments to retired workers, workers took to the street, demanding the "right to subsistence." Retirees led the procession and pleaded tearfully to the riot police, arguing that their pension payment was their rightful share of the surplus value they generated for the state over the years, and that the state and the enterprise had no right to withhold their repayment. Workers on the job also demanded state guarantee of their basic right to live. After five days of confrontation, the authorities conceded to workers' demands: pension payment would not be cut while workers on the job were retrained or assigned to new jobs by the enterprise.[36]

Subsistence rights occupied top priorities in the slogans found in many other demonstrations, revealing workers' desperation and outrage.[37] "We Want To Work," "Our Children Want to Go To School" (in a Chengdu Shoe Factory protest in July 1997), "We Want Jobs" and "We Want Food" (in a textile mill protest in Baicheng, Jilin in October 1995), "We Don't Demand Fish Or Meat, Just Some Porridge," and "Not A Yuan In Six Months, We Want Rice to Eat" (a protest in Changsha in November 1998). Corruption was also a major complaint as there were slogans targeting the cadres: "Down With the Newly Emerging Nobility" and "Eradicate the New Bureaucratic Bourgeoisie" (a petition rally by chemical workers in Shenyang in March 1994). Or, in a protest in Ningxia, banners read "We Need to Eat, We Need to Exist" and "Save the Factory, Save the People." Most notable among these slogans were those heard at a 5,000-strong protest march in April 1994 in Anshan, the capital of China's iron and steel industry: "Workers As the Masters of the State," "Down With the New Born Bourgeoisie," "Yes to Socialism, No to Capitalism" and "Long Live the Working Class." Reappropriating what used to be ideological statements from the Party-state to launch their political critique, workers' demands have gone beyond strictly economic ones to directly challenge the legitimacy of a self-proclaimed socialist state.

In an illustrative incident, the city of Nanchong in Sichuan was the scene of a massive spontaneous labor uprising. Certain features of the incident could be found in numerous other labor protests, which resembled milder versions of this one. State-run Jialihua silk factory used to support 10,000 workers, who suffered pay cuts and lay offs as company revenue plunged from the early 1990s. Disgruntled by management's extravagance in hard times, workers held the general manager hostage as he prepared for an official "inspection tour" in Thailand with his wife.

> They loaded Huang (the manager) into the back of a flatbed truck and
> forced him into the painful and demeaning 'airplane position'—bent at

the waist, arms straight out at the sides. Then they marched 10 kilometers through the rain to downtown Nanchong and paraded him through the street . . . just like the Cultural Revolution . . . Workers from other factories joined the spontaneous demonstration . . . 20,000 people took part . . . The day-long parade ended at the city government building . . . Workers blocked the government gates, refusing to let officials leave. They took turns making speeches. The stand-off lasted 30 hours, and ended peacefully with the promise of pay . . . The government ordered the local branch of the state-run Industrial and Commerce Bank of China to lend enough money to Jialihua to cover back wages.[38]

Acts of vengeance like those in the Nanchong incident, and even violence, have characterized many labor actions as furious laid-off workers and retirees blamed managers for corruption, profiteering, abuse of power and plundering of state assets. Physical assaults and kidnapping of managers by angry workers were reported in various provinces. In Liaoning, from January to July 1988, there were 276 reported incidents in which managers were beaten up and a total of 297 managers injured. In the provincial capital Shenyang, a study revealed that 54 percent of managers had been threatened by force or blackmailed.[39] Cases of suicides and attempted murder were also reported: in Fujian, an unemployed worker poured gasoline over himself and ignited a fire after grabbing two officials responsible for imposing fines on his peddling business. The worker was dead and the officials seriously burnt. In many other sit-ins and demonstrations, workers broke through police blockades and occupied main roads and rails, bringing local and inter-provincial traffic to a standstill. Officials have also been alarmed by the rise in violent crime committed by laid-off workers and migrant workers, especially in provinces where unemployment rates are high. Public security officials have found that laid-off workers were ganging up to commit armed robberies and other violent crimes like murder, explosion and theft. Large-scale factories, steel mills and mines are particularly hit by upsurges in crime. Some 1,900 illegal purchasing centers for steel and metal products, involving more than 300 gangs were found to be buying steel and metal products and raw materials workers had stolen from factories.

By the end of the 1990s and into the early 2000s, many workers came to see ineffective state policies and ill-enforced laws and regulations as the cause of their plight. Increasing assertiveness of state sector workers was marked by an emergent discourse of legal rights which appealed to the regime's own promotion of "ruling the country by law."[40] Irregularities in the handling of enterprise bankruptcy perpetrated by rampant corruption of officials at the local level left many workers without the legal severance payment or pension. The wave of protests in old industrial bases in the spring of 2002 was workers' reaction to central government policies intended to tackle the severe unemployment condition. Re-employment centers were set up nationwide in 1998 to provide laid-off workers with allowances for

an "in-center" term of three years. When this policy expired at the end of 2001, as many as 22.3 million workers were "released into society" without much prospect of finding jobs. Then, starting in November 2001, Premier Zhu Rongji designated Liaoning as the testing ground for a new social security reform. The most controversial part of the scheme was to allow enterprises to give a one-off payment to workers deemed redundant. Enterprises would no longer be financially responsible for workers' welfare and pension. Many disgruntled workers were infuriated by the low rate of compensation or the lack of any compensation at all.

Available accounts indicate that most protests originated in enterprises. The prevalence of work-unit mobilization is due to workers' perception of firm-specific interests and possible resolution, the ease of communication among workers in the same enterprise sharing the same enterprise residential quarters, and workers' fear of official retaliation against cross-unit organization. [41] Importantly, there have been occasions when single factory agitation spread to other factories and disgruntled employees in the same locality, and even sympathy protests in the same industry in different parts of the country. The series of worker protests in the north-east and the petrochemical industry in the spring of 2002 illustrated the potential for localized and dispersed activism to develop into more coordinated unrest. The Liaoyang incident began with one factory, the Liaoyang Ferro-Alloy Factory, which had gone bankrupt in November 2001 and where workers assailed the management and the local city officials of corruption, illegal handling of bankruptcy procedures and two years of default wage payment. Thanks to city-wide unemployment, which residents claimed to have reached a staggering 70 percent, workers from different factories with similar grievances came to know each other in their petitions to the city government. In early March, 2002, when their commonly held culprit, the former mayor and current head of the local legislature, went on television to proclaim that "there were no unemployed" in the city, furious workers first from six factories and then from as many as 20, marched on the streets, shouting "Hooligan government," "Remove Gong Shangwu" (the former mayor), and "We Want to Eat". After four worker representatives were arrested and charged with "illegal gathering and demonstrating," they added the demand to release their co-workers. [42] The scale, the cross-factory mobilization and the political demands of the Liaoyang protests were a sober and alarming reminder to the authorities that market reform and corruption can together produce structurally disadvantaged groups holding the government politically responsible for mass economic dislocation. Protests subsided after the arrests of labor leaders and after the government paid 50 percent of the back salary and an installment on the severance pay owed to workers. This "carrot and stick" or "divide and conquer" technique has become a common strategy deployed by the regime in dealing with worker unrest. In the same month, as many as 50,000 laid-off workers in the Daqing Oilfield in another northeastern province, staged three weeks of street protests against managers cheating workers with "unfair

severance packages." Thousands of armed security forces sealed off part of the city, while workers reportedly sustained their protests for two months. Most significantly, in April, hundreds of oil workers in Lanzhou, in Gansu in northwest China, blockaded roads to protest a low severance pay offer of about 1,000 yuan per each year worked. They were reportedly inspired and emboldened by the unrest in Daqing and overseas activists suggested that workers in the oil industry had their own personal and family ties across the country due to government-organized transfers across oil fields. Smaller protests in this old industry in eastern Hebei and Shandong reportedly broke out after the one in Daqing but they quickly collapsed under government pressure. [43]

Even though workers may not have formal and lateral organization to coordinate their actions, their shared grievances and the geographical concentration of unemployment and plant closure provided a social and geographical unity for mass rebellion. Local officials, who were the target of many protests, became supporters and even organizers of collective action. When a Sichuan munitions factory failed to pay wages, managers led 300–400 elderly retired workers to march to downtown, forcing authorities to pay pension arrears. Leaders and cadres of the impoverished inner and northeastern provinces allegedly tried to hold Beijing hostage over the proliferation of labor unrest, in an attempt to demand more central funding for economic development and social insurance payment. In 1998, an extra 3,000 million yuan was allocated to these provinces as emergency funds. [44] In most cases, public security looked on and cordoned off the protest areas, but arrests were not widespread. One reason for official toleration may have been the central authorities' intention of establishing "safety valves" whereby protesters could let off steam without targeting the top leadership. Subsequently, government concession became so common that workers entered into a rather "ritualized" exchange with local officials: demonstrations, especially those taking place before important holidays, e.g. National Day or Chinese New Year, becoming occasions for pressuring the government to dole out emergency pay-out.

Geographical variation in the volume of protest dovetails with the uneven regional consequences of reform on Chinese workers. One writer has remarked that the provinces that experienced the most turmoil were interior provinces in central China, including Sichuan, Hunan, Shaanxi, and Henan. These provinces have a high concentration of strategic and heavy industries as a result of the Third Front industrialization and relocation inland of enterprises in the '60s and '70s, when heavy industries were moved to the interior to avoid possible attacks by the US and Soviet Union. Now, "of the provinces occupying the top thirteen ranks in turmoil, eleven . . . have more heavy than light industrial firms . . . These firms share some common characteristics: producer-goods industry, obsolete equipment, excessive consumption of energy, autarky and an underemployed and poorly-educated work force." Besides, the three northeastern provinces—Liaoning, Jilin and Heilongjiang—

are also prone to worker unrest due to heavy reliance of local economies on state firms, coal mining and steel production, sectors which suffer most from economic liberalization.

Although worker protests have concentrated in coal mining, steel and textile industries, laborers in other economic sectors are also poised to engage in collective and public actions. Sanitation workers in Beijing, hawkers in Shenzhen, taxi drivers in Beijing, Luzhou (in Sichuan), Changsha, Zhuhai, Shenzhen and Shaoguan (in Guangdong) have protested against low wages, unreasonable hikes in fine and license fees, and arbitrary punishment meted out by police. Many of these service workers were formerly laid-off workers from state-owned enterprises or migrant workers from poverty-stricken rural areas. The most serious turmoil occurred in April 1998, when direct sales agents across the country rioted after a government ban on direct sales firms. At least ten people were killed and more than 100 injured when these agents demanded refunds. Many of the 10 million sales personnel involved in direct marketing were laid-off workers who had to use their savings to pay for training and deposits before joining the companies. Likewise, in November 1998, when the government closed down a number of financial services firms for fraudulent practices, hundreds of workers marched through the streets of Beijing, Zhengzhou and Xinhui. These worker-investors, some of them unemployed, were lured by the promise of interest payment as high as 30 percent a month and some had invested their life savings with these firms.

Only some of these collective protests, demonstrations and strikes have been effective in bringing concrete improvements in workers' livelihood and few if any have resulted in structural improvements. As mentioned previously, central and local authorities occasionally responded to workers' demands by providing emergency relief funds, or by postponing and occasionally revising plant closure or relocation decisions. So far, it seems that localized economic demands by retirees and unemployed workers in the state sector have been most successful in soliciting sympathetic government responses. [45] Yet, once political demands were made, international media exposure spread the news and cross-factory mobilization occurred, as in the spate of protests in 2002, the regime responded with a swift and decisive crackdown, arresting and jailing organizers. The course of enterprise restructuring and market reforms, coupled with China's huge reserve of surplus labor, will likely see a significant segment of the working class continue to suffer from a wholesale commodification of their labor power, well before a societal system of insurance and labor regulation is effectively in place to protect their rights.

Independent Unionism

The beleaguered official union, ACFTU, is still a weak bureaucracy for protecting worker rights under the combined onslaught of economic reform and government decisions to privatize large segments of remaining state

enterprise. There are serious obstacles to breaking out of its institutional subordination, even as some of its more progressive cadres see the urgent need for reform. The 1992 Union Law may have boosted ACFTU's legal status, and was indicative of top union leaders' striving for a more autonomous role from the party-state. But numerous surveys undertaken by the ACFTU indicate widespread disillusionment among rank-and-file workers: over 64 percent of workers in the state sector, the bastion of ACFTU, turn not to ACFTU but to informal networks for support when their rights are encroached upon. More often than not, official unions are controlled directly by management. Moreover, transmission of funds from lower level unions to ACFTU has frequently been blocked due to financial difficulty or estrangement of grassroots enterprise unions. In 1993, for instance, the national ACFTU was able to collect only 38 percent of expected contributions. [46] Finally, the laying off of tens of millions of state workers means the loss of the core of ACFTU membership.

However, some grassroots unions have been compelled to respond to the wretched conditions associated with subjugation of labor to innovate, even before the financial crisis of 2008. There are indications that some enterprise-level trade union chairs are beginning to engage in active, if still highly legalistic, defense of their members' interests. Of particular note has been the serious effort of union leaders in Wal-Mart stores in both Nanchang and Shenzhen to press management in collective bargaining. ACFTU and Party leadership have called on unions to implement collective bargaining in the hope of forestalling more radical forms of activism. However, both the Wal-Mart case and other examples demonstrate that higher levels of the trade union are supportive of grassroots level activism only up to a point; enterprise chairs that push management too hard are not seen as "harmonious" and will cease to receive necessary backing from the state.

The emergence of autonomous trade unions and their alliance with intellectual and human rights dissidents are most politically unsettling to a regime which still proclaims itself the embodiment of the dictatorship of the proletariat. The reform era has marked a period of unprecedented ferment in organized labor dissent in the history of post-1949 China. Political challenge climaxed in the 1989 Democracy Movement, although mobilization for independent unions and cross-class political coalitions has been found both before and since. Demands for forming independent unions like the Polish Solidarity first emerged in 1981 in Shanghai, Hangzhou, Tianjin, Wuhan, Xinjiang, Anshan, Nanchong, and Zhengzhou. In Chongqing, a mimeographed pamphlet entitled "The Chongqing Democratic Trade Union" accused the provincial ACFTU of being "a docile instrument of the Party." In response, the Chinese government decided to allow more workplace democracy by setting up worker's congresses in Chinese state enterprises.[47] The next round of struggle for autonomous unions took place in April 1989. Taking advantage of student and citizen agitation and a rebellious social climate, several dozen young workers who gathered to talk politics in Tiananmen Square gave birth

to the Beijing Workers' Autonomous Federation (BWAF), or *gongzilian*. Claiming a registered membership of 20,000 workers before the military crackdown, the BWAF became a model for 15 other independent unions set up in other major cities. WAFs were organized in Tianjin, Harbin, Shenyang, Huhhot, Xi'an, Wuhan, Nanjing, Shanghai, Jinan, Hangzhou, Suzhou, Changsha, Shaoyang, Fuzhou and Guangzhou during the two months between April and June 1989.[48] Of lasting significance may be the political consciousness of WAF leaders and the tradition of democratic movements they draw on and keep alive. Walder and Gong have stressed a strong strain of "working-class populism" in the rhetoric and collective mentality of the Beijing WAF—disrespectful of intellectual authority, doggedly independent, inclusive of and open to all ordinary citizens, capable of linking the idea of working class struggle with the language of democratic opposition to political oligarchy. Thus, not only did this independent union movement demand price stabilization, the right to change jobs, an end to discrimination against women workers, investigation of official incomes and privileges, but it also consciously engaged in a "fight for democracy," a struggle for the right to "supervise the Communist Party," and the right to supervise the legal representatives of the company in state and collective enterprises.[49] Elsewhere, Elizabeth Perry has observed a tradition of democratic movement, fueled by worker-student nationalism, which began with the May Fourth Movement in 1919 and continued throughout the Civil War years of 1945–49. In 1989, it was the students' exclusionist and elitist attitude towards ordinary workers which set limits on the potential for an urban coalition of citizens.[50] After the bloody crackdown in June, workers were treated more ruthlessly than any other group and several were swiftly executed or sentenced to life imprisonment for "counter-revolutionary sabotage".[51]

Relentless suppression by the Chinese state of autonomous unionism has since been met with an equally persistent resolve on the part of some labor activists to keep alive the tradition of the 1989 uprising. In 1991, there were reports of government crackdown on some 14 underground labor organizations with membership ranging from 20 to 300 in the capital alone. In the post-Tiananmen decade, several underground unions and initiatives have surfaced, building in part on a strategy of maintaining international connections and communication: the Free Trade Unions of China, the League for the Protection of the Rights of Working People, the Hired-hands Workers' Federation, China Development Union, among others. Although workers are represented among the core members of these groups, dissident intellectuals, mainly students and university lecturers, account for the majority of organizers. Many of them had participated in the 1979 Democracy Wall Movement and the 1989 Movement, and shared the goal of incorporating an independent union movement into a broad-based political opposition to the CCP regime.[52] In 1997, seizing the opportunity of China's signing the United Nation's Convention of Economic, Social and Cultural Rights, dissidents wrote open letters urging Chinese workers to exercise their right to free association and

to unite against massive layoffs. They also published and distributed bulletins to workers, released petitions for workers' rights, set up nation-wide networks of activists, and even attempted to register their organizations with the Ministry of Civil Affairs. Appealing to unemployed and migrant workers (and peasants in some cases), and supported by Chinese dissident communities living overseas, activists of these nascent associations increasingly frame labor interests in terms of human rights concerns. As the volume of protests has increased, there have been reports of underground networks of labor activists working as "consultants" to protesting workers, in some cases succeeding in delaying factory closures imposed by local governments. During the course of the Liaoyang and Daqing protests, workers formed their own temporary unions to represent their interests. [53] But to date all these efforts have proved to be ephemeral and their actual impact on workers' lives pales in comparison to legal mobilization.

New challenges: law and informalization

Many workers participating in strikes and protests also file lawsuits, leveraging their new-found legal rights enshrined in major labor legislations, especially the National Labor Law (1995) and the Labor Contract Law (2007). The combined effect of the promulgation of these laws and the massive shutdown of export factories in the wake of the latest global financial crisis in 2009 was a dramatic 95 percent increase in labor-related suits from 2007 to 2008, as China's Supreme People's Court recorded the biggest year-on-year increase of any type of suit. [54] The channeling of labor conflicts into the legal system is part of the Chinese government's strategy of regulating a market society. Law-based government becomes the basis for legitimation of a Chinese Communist regime staunchly clinging to one-party rule after the bankruptcy of official Communist ideology at odds with the reform agenda pressed by the Party. Outside China, and developing apace throughout the last several decades, globalization of legal norms and practices may have reinforced the practical need for and the legitimating functions of Chinese law reform in the eyes of the international community. Yet, legal reform runs against the other strategy of the Chinese state—decentralized accumulation, entailing the devolution of both fiscal authority and welfare responsibility, and this has created problems of local implementation of the law. Enjoying unbridled power in economic affairs and standing to benefit personally and collectively from bringing in investment and economic growth, most local officials see their abiding interest in accumulation and scorn labor protection and welfare reforms as unfunded mandates thrust upon the localities by the center. Poor enforcement of the law is also a function of the courts' lack of institutional autonomy vis à vis local government.

For all their shortcomings, aggrieved Chinese workers are prompted to use the courts for various reasons. First, even if decentralized courts deliver justice only in a minority of cases, as in many other countries, citizens are

enticed to file lawsuits out of a lack of alternative. Second, the rapid growth of the legal profession in the past thirty years and the economic interest of lawyers have encouraged citizens' use of legal recourse in dealing with labor disputes. Denounced as rightists in the Mao era, and numbering only about 3,000 at the beginning of the reform period, the Chinese bar has unhooked from the state and has grown by leaps and bound in the past two decades. Now, the bar is an almost fully private profession of 150,000, with another 100,000 strong "barefoot lawyers" serving the economically disadvantaged without formal certification. Less competitive lawyers, younger and newly minted lawyers without an established clientele, and "barefoot" lawyers without official registration, tap the market of labor lawsuits exactly because they are shunned by bigger firms and more established lawyers who focus on more lucrative economic and criminal lawsuits. Finally, the small but growing sector of labor NGOs also contributes to promoting a culture of rights. Under the influence of transnational advocacy groups, Chinese labor NGOs adopt standard features resembling NGOs in other countries: legal counseling sessions, hot-line, and labor law classes. International investors and sponsors often require them as a condition of funding. The protocols of internationally funded projects often entail annual quotas of labor lawsuits for which these organizations have to provide legal representation. They usually choose cases with "paradigmatic" significance and wide demonstrative effects either for the court or for workers. Media reports on some of their successful lawsuits can create social impacts disproportionate to the size of this NGO sector. [55]

Can legal empowerment, in the forms of state channeling and facilitation of labor dispute arbitration and labor lawsuits, contribute to improvement in working conditions and labor rights given the disempowerment tendencies that continue to occur in the workplace? The answer to this question will hinge in part on whether judicial independence can be achieved, and how the pernicious effects of a relentless informalization of the economy and of employment, in China as well as the rest of the world, can be contained by the law and by popular movements. Much hope is now pinned on the Labor Contract Law to deliver the last line of worker protection against capital's worldwide search for "flexible" labor. [56] Regardless of its uncertain effects, the law has become the pivotal terrain of labor politics.

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3 Conflict, resistance and the transformation of the *hukou* system

Fei-ling Wang

A major source of sociopolitical control and governance in the People's Republic of China (PRC) has been the *hukou* (household registration) system. Since the early days of the PRC, the *hukou* system has functioned in crucial ways to organize and control society through creating and policing divisions, exclusion, and discrimination. It has played a key role in directing and allocating resources internally and shaping the socioeconomic landscape, creating an environment in which rapid but highly uneven economic growth has occurred under the aegis of a strong authoritarian state. Key institutional and social features such as the rural–urban dichotomy and large regional gaps and the related social tensions and conflicts, for example, are a product of the *hukou* system.

Over the years, countless examples of social injustice and grievances generated by the *hukou* system have been the target of criticisms and reform efforts. The voracious demand for labor and population mobility and the thriving market economy have placed a premium on reshaping the system over the past three decades, especially in the last decade. Decrees from Beijing and spontaneous actions and reactions by local governments have combined with the protests and pressures from victims of the system to lead to many adaptations and some relaxation of the system. It nevertheless continues to preside over deep divisions in Chinese society. Indeed, we may think of the challenges of reforming, and ultimately eliminating the *hukou* system as illustrative of the enormity of reforming China and the complexity confronting today's Chinese society. Opposed by powerful and extensive resistance and distraction from several directions, the reform has remained, so far, repeatedly delayed, heavily cosmetic, extensively commercialized, and increasingly localized and twisted. In fact, some reform measures have actually exacerbated social divisions and conflicts by creating even more internal brain drains and capital drains. Local barriers in the form of "entry conditions," for example, may have actually made "permanent migration of the peasants to the cities harder than before."[1] Beijing clearly retains tight control over words and acts involving *hukou* reforms. In the absence of tectonic shifts of political power inside the CCP (Chinese Communist Party) and real political reforms that may empower the excluded and the discriminated against, even a reformed *hukou*

system will continue to structure China's peculiar political stability, uneven but rapid economic growth, and staggering social and spatial stratifications.[2]

This chapter first outlines the basics of the *hukou* system and its crucial role both in social control and as a major source of conflicts and tensions, followed by a discussion of the evolution of the system over the past three decades. Five cases will be examined to illustrate changes, conflicts, and resistance surrounding the reform of the *hukou* system that has been incomplete and heavily localized and commercialized:

1   the "deep reform" and "great leap forward" urbanization in Zhengzhou and other places since 2001
2   the growing intellectual criticisms of the *hukou* system
3   the 2003 reform of the repatriation policy
4   the 2006 reform to grant "same life, same value" to all; and
5   the 2008–9 debate over the sale of local *hukou* to outsiders who purchase homes, an approach favored by local officials as a way to stimulate the economy of China's politically favored urban centers, and in some cases to line their own pockets.

The *hukou* system as a source of control and conflict [3]

China's *hukou* system has historical roots in imperial China that can be traced back to the fifth century BCE, during the Warring States period. It was institutionalized and adopted with varied degrees of effectiveness and extensiveness as an important part of the Chinese imperial political system by the dynasties from the Qin (third century BCE) to the Qing (1644–1911). The Republic of China (ROC, 1911–49) established a national *hukou* system that paved the way for the PRC *hukou* system. Created under a central planning economy of the 1950s, the far-reaching PRC *hukou* system achieved unprecedented uniformity, rural–urban duality, and state control.

The legal foundation of the *hukou* system rests on just two regulations: *The Regulation on Hukou Registration of the People's Republic of China* promulgated on January 9, 1958, which formally created the system, and the *Regulation on Residents' Personal Identification Cards in the People's Republic of China* adopted on September 6, 1985 (amended as *The Law on Residents' Personal Identification Card in the People's Republic of China* on June 29, 2003). The PRC State Council and its ministries have, however, issued hundreds of documents that have substantiated and fine-tuned the *hukou* system with its ever-changing criteria and mechanisms of control of internal migration, especially *qianyi* (permanent migration with *hukou* relocation). The Ministry of Public Security (MPS) and the local public security bureaus and police stations (*paichusuo*) administers the *hukou* system. Specialized *hukou* police officers take charge of *hukou* matters in each *hukou* zone: a neighborhood, street, *danwei* (work unit), or township. With the authorization of the central government, provincial and municipal

governments make marginal changes and experimental modifications of the *hukou* system in their respective jurisdictions.

The *hukou* system requires every Chinese citizen to be registered with the *hukou* authority (the *hukou* police) from birth. Registration is the legal basis for personal identification. The categories of non-agricultural (urban) or agricultural (rural), legal address and location, unit affiliation (employment), and a host of other personal and family information, including religious belief and physical features, are incorporated into each person's permanent record. A person's *hukou* location and categorization or type were determined by his/her mother's *hukou* location and type rather than by birthplace until 1998, when a child was allowed to inherit either the father's *or* mother's *hukou* location and categorization. (The police only started to enforce this reform, however, in 2003 and only in 2006, in Beijing.)

Legal permanent residency and numerous community-based rights, opportunities, benefits, and privileges are limited to the location specified in one's *hukou*. Government authorization is required to permanently change *hukou* location and *hukou* category especially from rural to urban. Since the 1950s, travelers, visitors, and temporary migrants must register with the *hukou* police for a stay longer than three days in a locality. For longer than a one-month stay, especially when seeking local employment, one must apply and be approved for a temporary residential permit that can be renewed numerous times. Violators, if caught, are subject to fines, detention, forced repatriation, and criminal prosecution and even jail sentences. [4] *Hukou* files are routinely used by the police for investigation, social control, and fighting crime.

This pervasive system serves four sociopolitical control and economic development functions, which together constitute a uniquely Chinese sociopolitical order. [5] First, it registers residents, collects and stores information about the populace, provides personal identification and certifies relations and residence. This is a function of government found in many other countries.

Second, *hukou* is the basis for resource allocation and subsidization for selected groups of the population (mainly urban *hukou* holders, a minority). This function has shaped much of Chinese economic development over the past half-century by structuring the movement of capital, goods, and human resources, heavily favoring urban centers with investment and subsidies. In 1959–62, among the tens of millions who died in the great famine caused by the disastrous "Great Leap Forward," almost all were rural residents excluded from urban-*hukou* based food rations.[6]

Third, through the *hukou* system, the government regulates internal migration, especially rural-to-urban migration. The basic principles of PRC migration control have been to restrict rural-to-urban and small city-to-large city migration while encouraging migration in the reverse direction. China's urbanization, as a consequence, particularly prior to the 2000s, has been relatively slow compared to its economic development level. China's urban slums are also relatively small compared to those in many other developing nations, such as Brazil or India.

Fourth, the *hukou* system has a little known but powerful social control function involving the management of targeted people (*zhongdian renkou*). Based on *hukou* files, the police maintain a confidential list of targeted people in each community (usually about five percent of the community's total population, including ex-convicts and political dissidents) to be specially monitored. Such focused monitoring has contributed significantly to the state's ability to maintain control.

The *hukou* system has shaped a puzzling coexistence of a rapidly developing market economy and the remarkable stability of the one-party political monopoly. It makes available a steady supply of cheap and controlled laborers who are largely excluded from the benefits enjoyed by urban residents, and secures a population that is easily exploited, deprived, and can be discarded when necessary as in periods of economic contraction. In the wake of the 2008–9 economic downturn, for example, some 27 million migrant workers not only lost their jobs but were sent back to their villages to live on their small family plots of land.

Adaptation, legalization, and modernization

During the past three decades of economic reform, the *hukou* system has been transformed,[7] yet critical control functions remain intact, reflecting ongoing struggle among the market-based economic forces, CCP political priorities, and social demands and resistance. The system's resource allocation and subsidization to urbanites has been reduced in favor of reliance on market forces, as urban rations of food and many other supplies have disappeared or contracted. Urban *hukou* holders in major cities still, however, enjoy significant (even increased) state subsidies in housing, healthcare, employment, and especially education. A Beijing resident, for example, can get into college with an admission score significantly (a quarter or more) lower than a resident of nearby Shandong Province. In April 2009, Beijing announced a comprehensive and ambitious reform of the health care program, calling for creating four different medical insurance and health care systems based on the *hukou* system ("basic medical insurance for urban workers, basic medical insurance for the urban population, new medical cooperatives for the rural population, and new medical assistance"). While expanding coverage for rural residents, many of whom are without health insurance of any kind, the system provided sharply differentiated benefits and coverage for "the urban employed, urban residents, rural residents, and the poor".[8]

The administration of the function of internal migration control has been reformed and localized, permitting increased mobility for rural laborers in particular, while preserving the enforcement mechanisms of internal migration.

The localization of the *hukou* system is exemplified by the "blue stamp" *hukou* (transitional local urban *hukou*) with its various qualifications, "entry conditions," and implementation procedures in different localities defining the rights of selected groups.[9] For instance, in April of 2002, Shanghai

stopped granting the blue-stamp *hukou* to those who purchased a "commercial" housing unit in the city, citing "too many new residents." But neighboring cities like Nanjing continue to lure the rich to buy apartments by offering blue-stamp *hukou* quotas. Some other cities have simply replaced the blue-stamp *hukou* with entry condition-based permanent *hukou*.

The less known but crucial function of managing targeted people, remains centralized, rigid, and pervasive. In the 2000s, it has been supplemented through the creation of a secret police force or "domestic security protection force" to control targeted people. In 2006, major cities like Shanghai and Shenzhen adopted a new *juzhuzheng* (residential permit) to replace the previously used *zanzhuzheng* (temporary residential permit) as the required ID card for any migrant staying longer than one month. The new credit card sized ID card now stores in its chip much more extensive information, including the holder's "job status, credit history, criminal record, and birth-planning record." [10]

While every Chinese citizen is aware of the ubiquity and power of the *hukou* system, it is nowhere mentioned in *The PRC Constitution* or *The PRC Civil Code*. In the spirit of developing a rule of law (or more appropriately, rule by law), there have been many discussions of a PRC *Hukou* Law to ground the system in "modern legal language." Yet, as of 2009, there is little to show for the effort. [11]

Since 1986, the MPS has maintained an electronic *hukou* database. By 2002, almost every one of the more than 30 thousand police stations nation-wide had computerized *hukou* management. Some 1,180 cities and counties joined regional computer networks for file-sharing of the *hukou* records of a total of 1.07 billion people (about 83 percent of the total population), and 250 cities had joined a single national *hukou* computer network to provide instantaneous verification of *hukou* information covering 650 million people. [12] In 2002, the MPS further required all hotels with 50 beds or more to establish computer links to instantaneously transmit the photos of all guests to local police. In February 2005, some major cities like Xiamen (Amoy) completed the computerization of all of their *hukou* files as far back as to 1957, when cities first created city-wide *hukou* databases. [13]

"Deep reform" since 2001

The ebbs and flows of *hukou* reform provide a good indicator of both the nature and the capacity of the PRC state in the early twenty-first century. On March 30, 2001, Beijing decreed a "deep reform" of the *hukou* system based on the 1997 reform proposal from the MPS. The goal is a general relaxation of internal migration restrictions for selected groups such as elderly parents, children, "talents" (those with a college degree) and employable workers. Private employers, whether Chinese or foreign firms, can hire workers with little concern for their *hukou* status or types. But they are required to make sure that their employees all had either a local permanent *hukou* or a

valid temporary residential permit. Some cities like Shanghai started in 2005 to allow non-local residents with legitimate stable local employment to participate in some local insurance programs, health-care schemes, and even pension plans.

The decades-old rural-to-urban migration quota in all small cities and towns was simplified. This reform was quickly nicknamed "*hukou* in exchange for talent and investment."[14] In major cities like Beijing, the price tag was so high that among the capital's 2.37 million temporary *hukou* holders in 1999, only 715 families acquired local urban *hukou* through housing purchases. Many local governments further elevated the "*hukou* for house purchasing" scheme to serve as a "stimulus" for the slowing economy in 2008–9.[15] Reformers sought to absorb most urban-bound peasants into the small cities and towns—to assure that urbanization would not burden the major cities. The government planned to use five years, until 2006, to complete this reform to "establish an integrated labor market for urban and rural residents in Eastern China . . . in order to eliminate market segmentation." However, this plan seems to have been postponed significantly nationwide and put on hold indefinitely in almost all major urban centers.

To address domestic criticisms and for a better international image, officials have tried to "erase" the unsightly rural/urban distinction in the *hukou* system. A common method is to replace the names of rural (agricultural) versus urban (non-agricultural) *hukou* with a uniform "residential *hukou*" that still has the distinction between "permanent *hukou*" and "temporary *hukou*," so as to lay claim to having "abolished agricultural *hukou*." But the various local "entry conditions" still serve as legal walls to control and direct internal migration and urbanization.

A saga of resistance: twists and turns of *hukou* reform

Just eight months into the "deep reform" of 2001, in mid-2002, the national wave to rename the rural/urban distinction was ordered stopped by Beijing pending "further instructions." The "deep" reform was put on hold nationally to ensure a smooth CCP leadership change in 2002–4. Officially, the suspension became necessary because of the government's inability to accommodate the massive number of new urban residents.[16] Zhengzhou, a large, interior city, illustrates this quite well. On August 20, 2004, the *hukou* police in the capital of Henan Province (with one of the largest rural populations in China), suspended the "new deal on *hukou*" (started in 2001) that made it easier for outsiders to become Zhengzhou *hukou*-holders. The reason for the abrupt suspension was:

> Rapid increase of (urban) population has caused traffic jams and acute drain of educational resources, led to depletion of social welfare provision, exerted great pressure on medical facilities, and greatly increased criminal cases, threatening public security.[17]

Zhengzhou, with 2.5 million residents, took 250,000 new residents under the 3-year reform. This 10 percent increase was decried by old residents and was vividly reported by local media as straining the city's absorption ability. Due to the inflow of too many "ordinary migrants" with school-age children (as opposed to desired investors and "talents" or skilled workers) who now have access to the city's schools as they were given the city's urban *hukou*, the schools in the privileged provincial capital city could no longer exclude migrant children and were suddenly packed, resulting in 80–90 pupils per classroom, and the streets were jammed with no relief in sight. The city quickly halted its ambitious plan of becoming a city of five million permanent residents and went back to its old "entry-permission" policy that was designed to trade local *hukou* "for talents and investment." Many other cities did the same. The Zhengzhou-style *hukou* reform, dubbed by some critics as a "Great-Leap Forward of urbanization" failed quickly.

The central issue was one of vested interest and priorities rather than a simple issue of resource shortage. While Zhengzhou had no money to improve its appalling deficiencies in transportation, education, and environmental protection, the government of a relatively poor district of the city, Huiji District, spent massive amounts (more than 700 million RMB or $87 million) in 2003–4 to build an office and residential complex that rivals the White House in size and appearance. [18]

More fundamentally, hasty opening of the floodgate, as in the Zhengzhou style leap forward, threatens the stability of the system. Granting local *hukou* status easily and "automatically" to those who qualify (such as those joining urban relatives) could negate the "temporary residential permit" system and the compulsory registration of visitors, important tools for monitoring, controlling, and periodically expelling the mobile population in politically sensitive urban centers. The change of repatriation policy and the limit of random ID checks further reduced incentives for migrants, especially those yet to qualify for local "entry conditions," to register and hence submit to control by local police. The management of targeted people and the overall task of keeping urban order thus became difficult. [19]

Following abrupt suspension of the reform, many cities reinstituted and strengthened the temporary residential permit system that was abolished only a year or two earlier. Such a required permit restored the basis for control, supposedly for the purpose of fighting rising crime caused by the surge of migrants. Two years after Zhengzhou's termination of the reform, in the fall of 2006, the city restored temporary residential permits and resumed random checks of suspected outsiders. Many other major cities, such as Wuhan, Shanghai, and Guangzhou, had similar rollbacks even earlier, in 2004 and 2005.

But the rising tide behind the *hukou* floodgate continued to generate new forces to bend the system. Increased sociopolitical pressure caused by decaying rural communities and the large rural–urban income gap, [20] resulted in mass riots and protests, the number of protests growing from 8,700 in 1993 to

84,000 in 2005, [21] and reportedly over 100,000 in 2008. Beijing responded with efforts to address accumulating grievances among rural residents—especially the politically potent migrant laborers, many of whom are young, restless, and relatively well educated. *Hukou* reform thus picked up momentum again.

In October 2005, the MPS announced a new "grand and deep *hukou* reform." The objective was to create a "nationally uniform *hukou* system" and a uniform *hukou* category that erases the distinctive rural–urban divide and further relaxes migration control in medium and major cities. [22] The growing income gap between the rural and urban populations was designated as a major political liability threatening the "harmonious society." The localities reacted with a cosmetic removal of the rural–urban duality of the *hukou* system, replacing it with a permanent versus temporary duality under a uniform category of "residential *hukou*." Active resumption of the reform was reported in 11 provincial regions (out of 31). [23] As before, however, various locally set "entry conditions" were still in place everywhere for the now re-categorized outsiders to acquire a local permanent *hukou*.

The largely cosmetic and marginal reform remains essentially empty for the majority of the rural population. In fact, rural residents may actually be worse-off after the nominal change of their *hukou* category. Elimination of the "agricultural" *hukou* meant that many villagers near expanding cities lost their use rights (or "collective ownership") of land to local governments, who simply declared completion of urbanization and nationalized the land (*shougui guoyou*). With often grossly inadequate compensation, villagers (now nominally urban residents) lost land rights. The land was then auctioned off, often with hundred- even a thousand- fold profit for local officials and well connected developers. Former peasants stand also to lose a host of land-associated rural subsidies dispensed by the Central Government since 2003; yet they have no prospect of securing scarce non-agricultural jobs with the massive numbers of unemployed and underemployed laborers already in the cities. Moreover, they have basically no access to the social welfare benefits that are earmarked exclusively for original permanent local *hukou* holders. As a result, as one influential critic pointed out in 2007, the real consequence of such a cosmetic reform of the *hukou* system was to increase numbers of peasants with "three-nos"—no land, no jobs, and no social welfare protection. [24] Such "three-no" former peasants may have totaled as many as 40 million by the end of 2005. [25]

Perhaps seeing through the emptiness of the new "uniform" *hukou* or deeply distrusting government officials, many peasants have refused to give up their agricultural *hukou* and their land. Some have started to take the matter into their own hands. In 2007, a wave of "land rights" movements emerged in several provinces, featuring self-organized peasants to claim land-ownership in resistance to the land grabbing by developers in association with local officials. One such peasant group, claiming to represent 40,000 peasants from 72 villages in Heilongjiang Province, openly asserted that land ownership

rights are their "human right." The leaders of such movements quickly vanished inside police compounds; Beijing proceeded to issue more decrees to restrict local government's land grabbing activities and raised the monetary compensation for land, in addition to *hukou* re-categorization, for now landless peasants. Such attacks on land-use rights coupled with *hukou* discrimination have led villagers to attempt desperate protests to protect their land and other rights.

Within days of the MPS announcement in October 2005 of its reform plans, the official Xinhua New Agency itself reported that the MPS "has clearly changed its attitude" and decided that it would no longer talk about major overhauls. It is interesting to notice that the MPS, the chief enforcer of the *hukou* system, since 2001 has called for further relaxing the system's role of regulating internal migration, erasing the rural–urban dual categories, and reducing the associated social discrimination and conflicts, while "other" ministries and local governments continue to resist such "deep" reforms. Local officials in Guangdong believe that even controlled rural to urban migration in 2006–10 would force a 10 percent annual increase in local welfare spending, way beyond the financial ability of even this rich province. [26]

Therefore, not only have major cities like Zhengzhou, Guangzhou, and Nanjing repeatedly watered down and even halted *hukou* reforms, but smaller interior cities like Hohhot and other cities in Inner Mongolia, daringly defied the order to eliminate the dual rural–urban categorization. They refused to even grant local urban *hukou* to "qualified" rural migrants as instructed by Beijing and the provincial government and openly declared so with "little repercussion."

In late 2008, the official media reported that *hukou* reforms were once again "stuck in deep water" due to the widespread resistance from vested interest groups and local governments that oppose the reallocation of resources. The 11 provinces that experimented with various measures of *hukou* reform, "are all experiencing difficulties and local resistance." In the localities where the "uniform" *hukou* was put into place to replace the agricultural and non-agricultural *hukou*, "many real barriers have emerged to keep the rural and urban populations apart." Chief among those long existing, real but now more apparent, barriers are the distinctions and discrimination against former "outsiders" in employment, social status, education, medical care, wage levels, social security, and job-training. Deputy Minister of the MPS Bai Jingfu openly admitted that *hukou* reform would continue only in a localized, piecemeal fashion. [27] The Xinhua News Agency concluded at the end of 2008 that the "main obstacles to *hukou* reform are from vested-interest groups" and various agencies of the central government; hence *hukou* reform has become a major test of CCP governing capacity. [28]

By 2009, three years after the planned completion of the reform, the *hukou* system had changed little in its role of separating the rural from the urban and regulating internal migration. Beijing's temporary permit system continued.[29] Reports, stories, and comments in the Chinese media about the

"unfairness," "irrationality" and lack of "genuine" reform of the *hukou* system, mainly its rural–urban dichotomy, were much the same as those that appeared 7–8 years earlier. Even on the East coast, in some of the most open areas such as the Pearl River Delta, *hukou*-based local versus outsider and rural versus urban distinctions and separations held firm.

To Reform or to Abolish? Criticisms by the Intellectuals

In the last decade, especially in recent years, Chinese intellectuals have vocally criticized the *hukou* system, arguing for fundamental changes. Critics concentrated on the limited nature of the proposed official reform. A demographer concluded that the reform of simply "unifying" the rural and urban *hukou* is likely to fail. Many Chinese readers, taking advantage of the anonymity of the internet, have skewered and ridiculed the official media hype.

Wang Taiyuan, a leading PRC *hukou* authority and formerly a senior *hukou* officer of the MPS (now a professor at the Chinese Public Security University), commented in late 2005 that the "new" ideas and actions of the so-called "fourth reform" were "nothing more than repeating" those already proposed first in 1998 and then pronounced again in 2001. Wang concluded his observation of *hukou* reform in the past five years this way:

> The declared [reform measure] may not be really implemented; the implemented [measures] may not be really completed; the completed may not be really well accompanied [with necessary changes to give the new local/urban residents equal rights and benefits].[30]

As a senior cadre/scholar, a top *hukou* specialist, and a former senior *hukou* officer of the MPS, Wang is a Beijing *hukou*-holder. His father is an urban *hukou*-holder, but of a small county-seat town in Sichuan Province. Illustrative of the workings of the system, when the elder Wang had a stroke, he could not get medical treatment in the "better, large" hospitals in Beijing because his medical insurance only covers treatment where his *hukou* is located.

Some critics go further. One is the outspoken Beijing-based professor Hu Xingdou. Hu has labeled the *hukou* system "unconstitutional" and openly appealed for its abolition. He also criticized the so-called "deep" reform since 2001 as meaningless and even counterproductive. Echoing many others, Hu believes the cosmetic reform has actually hurt the rural population by giving local officials a pretext to take land from rural residents in an "urbanization by recategorization "that offers ruralites little more than an empty title of "urban resident," and next to nothing for their land.[31]

Yu Jianrong, an influential expert on the Chinese rural economy and China's system for appealing to higher levels, has been equally outspoken. Yu has long argued that the key to addressing the rural–urban gap and the rising tide of social tensions and conflicts in general and rural unrest in particular

is to allow people, especially peasants, to organize themselves for local self-governance and to develop an independent and effective judiciary. Like many Chinese intellectuals, however, he favors reform rather than abolition. Yu bluntly calls the reform to date exploitation of the peasants through taking away their land for an empty title of "urban residents." Contrary to calls for abolishing the *hukou* system, Yu insists that the rural–urban duality of the *hukou* system should be maintained to protect villagers from corrupt and out-of-control local officials and developers. He calls for expanded political rights and power to organize independent trade unions and farmer's associations and better access to an independent judicial system and to more state financial subsidies. [32]

Other noted experts and influential scholars like Ge Jianxiong, He Weifang, and Qin Hui seem to share Yu's views to various degrees. It is increasingly common for critics to view the necessity for *hukou* reform from the perspective of human rights and citizen rights, in contrast to the late 1990s when most critiques centered on the system's economic irrationalities. A less scholarly but extensive critique of the *hukou* system filled with anecdotes is titled "China's Biggest Human Rights Case: The Current *Hukou* System." In March 2008, more than 30 leading dissident intellectuals wrote an open letter to the PRC National People's Congress, calling for "immediate abolition of the rural–urban dual *hukou* system." In 2008 and 2009, web-posted essays called the *hukou* system China's "caste system," and China "a great country of discrimination (*qishi daguo*)." [33]

Humane but limited moves: the reform of forced repatriation

A more significant development is the reform of the enforcement system in 2003 and subsequent reversals of that reform. Random police checks of residential papers and the forced repatriation of unapproved and undocumented migrants have always been the major mechanism for regulating rural-to-urban migration. The often brutal process of forced repatriation was halted after a well-publicized tragedy in 2003. On March 17, a young migrant from Wuhan named Sun Zhigang was arrested for having no identification papers by the police in Guangzhou, where he was actually lawfully employed. He was beaten to death three days later by police and fellow inmates. The case was un-newsworthy except that Sun was a college graduate with an urban *hukou* (albeit not a local Guangzhou *hukou*). His fellow migrants who were educated urban (but non-local) residents publicized the story via the internet and cell phone messaging. The case was eventually picked up by an influential local newspaper, *Nanfang Dushi Bao* (Southern Urban News). The story led to a public outcry against the irrationality and injustice generated by the *hukou* system, especially the practice of forced repatriation that had evidently victimized a migrant who was actually a privileged urban resident with a college education, a "talent" rather than a simple "floater."

Reacting to try to maintain sociopolitical stability and create "social harmony," Beijing ordered a dozen perpetrators, including several police officers, executed or jailed. The State Council canceled the 1982 "Measures of Detaining and Repatriating Floating and Begging People in the Cities." In its place they issued "Measures on Repatriation of Urban Homeless Beggars" on June 18 and "Measures for Managing and Assisting Urban Homeless Beggars without Income" on June 20, establishing new rules governing the handling of destitute migrants. Many cities, including Beijing, began treating migrants without *hukou* with more care. They are no longer automatically subject to detention and forced repatriation, unless they have become homeless, paupers, or criminals.

This change of repatriation policy has been widely praised as a humane move by the Hu Jintao–Wen Jiabao leadership. However, in an intriguing twist that vividly reveals political and institutional reality, the three editors and reporters who broke the Sun Zhigang story were fired, arrested, and sentenced under trumped up charges of bribery and corruption in 2004. One was released after eight months in prison and another was paroled in February 2007, while the third was still serving his eight-year sentence in 2009.

Under the revised law on personal identification cards, also adopted in June 2003, the random check of personal identification cards and residential papers without due cause was restricted somewhat in the face of complaints and criticisms. On January 18, 2003, a young businesswoman, Hao Yanhong, an urban resident of another major city, Shenyang, was detained in Shanghai's Xuhui District by police just four days after her arrival in the city on a business trip. After spending 24 days in a repatriation center as a suspected permitless migrant, Hao was released on bail for the astronomical amount of 1.5 million RMB (about $183,000). Some 11 months after her release, she was "surprisingly" granted an apology, returned the bond money, and awarded compensation of 1,187 RMB (about $144) from the Shanghai police, who made a special gesture of paying her a visit in Shenyang, more than 1,000 miles away.

About the same time in the same district of Shanghai, Dr. Jia Fangjun (a post-doctoral fellow employed by a state-owned elite biology and cell research institute studying the reproduction of seahorses), was randomly checked on the street while biking home at 11 PM on February 17, detained overnight, and roughed up by the police for not carrying proper identification cards. His "outsider" appearance (non-local accent and casual clothing) made the police mistake a much lured "talent" for an unwanted permitless migrant. Jia futilely argued with the police, resisting police enforcement of the *hukou*-based discrimination against non-locals: "Why does a Chinese citizen need a permit to live in his own country?" Dr. Jia was luckier than Mr. Sun. He was released the next day when his employer went to the police to report him "missing." He went to court repeatedly to clear his name and record. After 11 months, an injunction from the Xuhui Court exonerated him and fined the police 100 RMB ($12). He was reported later to be pleased

and "undaunted," but remembered to "go home earlier and carry IDs all the time."

The few cases reported by the media in which the police were forced to apologize or were fined because of heavy-handed checks and detentions, however, all involved outside but urban *hukou* holders. The many more cases involving rural migrants only rarely generated web postings. The relaxation of random ID checks of suspected migrants proved short-lived. After just a few months, by the end of 2004, the police quietly restored and even enhanced random checks, deemed useful in fighting crime and maintaining social control. Furthermore, the relaxation of repatriation policy has suddenly increased the population of street people, beggars, and other "undesirables" in places like Shanghai's Nanjing Road and Beijing's Tiananmen Square, prompting renewed repatriation by 2006 in many places and open calls for tougher restrictions against migrants from outside, especially from rural areas. Discussion of the danger of "Latin-Americanization" and concern about decay of the Chinese urban business environment in general soon emerged. [34] The infamous detention and repatriation centers and stations (*shourong zhan*) have been renamed "assistance stations" (*jiuzhu zhan*), and the police are instructed to enforce the *hukou* system with "voluntary repatriation first" before using force. This is at best a moderation, not an elimination, of a much-cursed enforcement mechanism of the *hukou* system.

In major urban centers, the police continue to stop "suspicious looking" people and randomly check ID papers, especially in or near train or bus stations. The police also launch surprise checks by storming migrant housing units after midnight and forcing repatriation of the permitless in major cities like Beijing, Guangzhou, Shanghai, Wuhan, and even in small cities in the Pearl River Delta. To polish up China's image for the 2008 Olympic Games in Beijing, the city government sent home at least one million migrant workers and small business owners and prohibited outsiders from visiting the city without the written approval of the government "above the county level." [35] It seems that the use of force is still required to maintain the *hukou* system in the major urban centers, yet the central government's reaction to popular outcry and resistance has smoothed the rough edges of this notorious process.

"Same life, same value:" change of insurance compensation policy

In 2006, one discriminatory legal use of the *hukou* system was curbed. Until then, victims with different *hukou* types suffering the same wrongful injury or death were compensated very differently, regardless of how long they might have lived and worked together. The cap on accidental death benefits was legally set as the equivalent of 20 years' per capita net income in the victim's *hukou* zone.[36] The vast economic gap between urban and rural areas created a legal double standard for the worth of human life: in death, the family of a victim with a rural *hukou* generally brought about half to one-

third of that awarded to a victim with an urban *hukou*. It was a vivid example of *hukou*-based discrimination.

Since the early 2000s, criticism of this blatant inequality increased in local media and on the internet. In October 2001, one essay posted on a major national news portal angrily lashed out at the injustice inflicted on those excluded in life and even in death. The case involved a bus accident in Shaanxi Province which killed 32 passengers from Gansu. A local paper reported that the victims' families got damage compensation based on "the standard of 50 thousand RMB per urban *hukou* victim and 30 thousand RMB per rural *hukou* victim, based on relevant official regulations.")

> "Wow, what kind of regulation is that? What sort of rationale is that? . . . Is there a different price of life for the same passengers on the same bus? Is it true that the lives of urban *hukou* holders are more valuable than those of rural *hukou* holders?"
>
> "I will never understand why the peasants who painstakingly produce grain, vegetables and fruit for us have to face outrageous discrimination at every turn. We are all taxpayers, all citizens of the Republic, but who has ever offered the peasants any welfare, living subsidies or pension plans?"
>
> "Our peasant friends leave home to work in the cities to make a living and earn some money for their kids' school tuition. Such a reasonable and rational move only brings upon them groundless discriminations by city dwellers. . . . Even when they encounter misfortune and die far from home, their identities are categorized and the value of their lives is measured by their 'rural *hukou*.' How brutal and sad is that?!" [37]

After many such outcries calling for "same life, same value," the government finally addressed this blatant discrimination. In March 2006, the Supreme Court hinted at willingness to modify the rules it had reaffirmed only a year earlier. In June, the central government issued a new state-compensation law and a new regulation governing air transportation-related compensation. The two new decrees ruled for the first time that all Chinese victims of airline-related or government-caused wrongful injuries or deaths would be compensated at the same rate based on the average annual wages of urban state employees. The widespread criticisms against the discriminatory use of the *hukou* system and the powerful inroad of foreign norms and values regarding citizenship and equal rights, accompanied by China's entry into the WTO (World Trade Organization) seem to have played a powerful role in facilitating such reform measures.

Subsequently, in July 2006 in Chengdu the first-ever PRC court injunction ordered private parties to pay compensation at the urban rate to the family of a wrongfully-killed wealthy rural *hukou* holder who had lived in the city for more than a decade. At about the same time governments in Chongqing, Henan, and Shandong adopted similar new policies setting compensation

rates based on the average income of the place where the victim was employed, rather than where his/her *hukou* was located. In July 2008, Shenzhen Municipal Court issued a new guideline requiring insurance companies to compensate victims of traffic accidents who are rural *hukou* holders at the same rate as local urban *hukou* holders. But a rural victim still must have lived in Shenzhen for at least one year and have "a stable income" at the time of the accident to be treated "equally." Ever gingerly, in this instance, the reform of the *hukou* system nonetheless seemed to have responded to social resistance and moved to ease a long-time social injustice.

Hukou for money: the debate and practice of commercialization in 2008–9

Local resistance and noncooperation have not only slowed down the *hukou* reform launched by the party center; they have also contributed to the increasing commercialization of *hukou* reform in the name of economic growth for urban centers whose local *hukou* is coveted by "outsiders". "*Hukou* for talent and investment" thus complemented "*hukou* for control" as a powerful reason to reform the system in many urban centers, with consequences for regional gaps and social conflicts. An ongoing debate shows this point well.

In 2008–9, facing world financial crisis and economic recession, many local governments again resorted to offering "*goufang ruhu*" (acquisition of local *hukou* through purchasing a housing unit)—the "*hukou* for investment" policy mentioned earlier—to revitalize real estate values and boost local government coffers. Dozens of major cities like Chengdu, Dalian, Chongqing, Hangzhou, Wuhan, and Xiamen either expanded old *hukou* selling practices or began to openly put local *hukou* on sale to purchasers of over priced and often empty new residential apartments to "stimulate" the local economy. Some "experts" in the most tightly controlled cities of Beijing and Shanghai began to openly call for similar "stimulus" moves with a higher price tag. [38] A new wave of "*hukou* for money" appeared as an anti-recession measure, revealing the considerable "value" of urban *hukou* status. In Guangzhou, real estate developers put together a petition to local government to push for such policy stressing the need to grant equal "civil rights" and freedom of internal migration to potential out-of-town purchasers.[39]

However, almost immediately, resistance and counter arguments emerged, even in official media outlets such as the CCTV (Chinese Central Television) and the Xinhua News Network. Citing "unfairness" to original local residents and the poor, critics suspected that this policy would mainly benefit the greedy and overbuilding real estate developers and their equally greedy and ambitious buddies in the local government at the expense of the local population, local environment and living standards, and economic rationality. Some called the scheme illegal since it openly "sells *hukou*," something that was banned by law. [40] To respond to the Guangzhou real estate developers' petition mentioned

above, the official newspaper in Guangdong Province carried an article asserting the provincial government "is unlikely to grant *hukou* to housing purchasers" in Guangzhou city and asked real estate developers to lower their prices to attract buyers without being granted the precious local *hukou*. [41] A Beijing local newspaper quickly published a commentary calling such a policy "a bad example of using public policy for selfish interest" of the real estate developers, the rich, and the local officials, which will hurt the Chinese economy. [42]

Of course, such criticisms resisting commercialized "use" of *hukou* are not new. And the local governments' selling of *hukou* has been widespread for more than a decade, with periodic intervals and suspensions. [43] But the 2009 openly critical reaction by so many local media outlets in major urban centers suggests support from the official media and the intellectuals (who are almost all urban *hukou* holders). Judging from Shanghai and Beijing's more publicized moves of "reforming" the *hukou* system in 2009, it appears that *hukou* for talents and big investment rather than for housing purchasers still constitutes the main component of the "entry conditions" for outsiders who want to live as equal citizens in the privileged metropolises.[44]

The commercialization of China's *hukou* system has proceeded since the 1980s. [45] As a direct result, the rural–urban distinction and the social separation under the system are now routinely bridged with monetary transactions, even in the most tightly controlled urban centers like Beijing and Shanghai. Other than the officially sanctioned sale of local *hukou* in the form of "trading *hukou* for investment and talents" and for political loyalty,[46] there has been a widespread black-market in individual transactions for *hukou* of desired location and type. Expedient arrangements like the temporary residential permit and its evolved version of "green card" style quasi-permanent *hukou* have also effectively neutralized the most potent opponents of the *hukou* system: educated youth and the rich. The great floodgate of the *hukou* system hence also functions as a giant pump, facilitating a massive internal brain drain and capital drain to the major urban centers, which enlarges China's rural–urban gap and regional disparities.

To see how money has helped both to compromise and perpetuate the *hukou* system as a floodgate and a water pump, consider Beijing. The national capital has the tightest migration control of any city and is severely short of space, water, and clean air. But political decisions to shower the city with resources, opportunity, and prestige have made it a top destination for educated and ambitious Chinese. In 2006, for example, over 40,000 "talents" with Master or Doctorate degrees jammed a job fair that offered 4,000 jobs with Beijing *hukou*. By 2005, Beijing city already had 15 million residents (11 million were local permanent *hukou* holders), far more than the state-planned population size of 12.5 million for the city by 2010. Some local officials openly called for tighter control. [47] But money still allows many to effectively penetrate this forbidden city, including the sale of *hukou* quotas to "qualified" talents.

Every year, hundreds of thousands of college graduates with non-Beijing *hukou* (some originally from rural areas) must decide whether to go back to their home city/town as an urban *hukou* holder there; or become *jingpiao yizu* (floating people in Beijing) under a Beijing temporary residential permit for an unknown, often indefinite period of time if they can secure qualified local employment and local housing, enduring *de facto* second class citizen status. Some might be able to buy some of the very limited (15,000 per year) Beijing *hukou* quotas that are allocated to politically favored employers and *danwei* (units), who in turn sell them for cash. "Ninety percent of the (qualified) students say that they would purchase a quota if the price is right." Indeed, the illegal but "very reliable" market for *hukou* quota has been very active, with the going price of 25,000 RMB in 2005, roughly a one-year salary for a white-collar worker just out of college.[48] In 2009, one such "*hukou* sale" case was reported in Beijing, involving fake documents, big profits, and a famous movie director, Wang Xiaoshuai (a holder of urban *hukou* from the neighboring Hebei Province) who had lived and worked in Beijing for nearly two decades on a temporary permit and bought a Beijing *hukou* from crooks who falsified government approvals. This celebrity's Beijing *hukou* was annulled by the Beijing police after the case went to trial and the sellers (four government employees) went to jail.[49]

In order to pacify outsiders who bring in much needed capital, talent, and labor, the Beijing city government issued new ethics textbooks in 2005 to K-12 students that taught students how "not to discriminate against outsiders (*waidi ren*)" in addition to how to count money and eat Western food. Meanwhile, many well-educated migrants with good local jobs simply ignore the required registration for a temporary residential permit for as long as they can. Reform talks loudly but money works quietly and effectively. As long as the Chinese economy, especially in the major urban centers, hums along, the great floodgate of the *hukou* system is likely to keep the massive numbers of the unorganized, uneducated, and unwanted rural population at bay.

Conclusions

From its inception, the *hukou* system has been a major source of sociopolitical control and conflict. With its secretive administration and tight government control of the media, social reaction to the system has been rarely reported publicly; but resistance has always been a companion, often leading to "corruption" and other violations of the system, involving people desiring *hukou* change and justice and the *hukou* police officers and officials who control their fate.[50]

The effects of the *hukou* system are multiple and contradictory. It creates and perpetuates sociopolitical and economic patterns of discrimination and injustice by administratively excluding or restricting the majority from enjoying important benefits associated with prosperous urban centers.[51] It

also has shaped rapid and uneven economic growth while circumscribing the development of urban slums. The *hukou* system brews social tensions and political grievances and significantly exacerbates problems of inequality and inequity for a Chinese state that aspires to create a "harmonious society" and achieve a "peaceful rise," while defining the regime's approach to political stability and social control. Reinforcing rural–urban and interregional gaps across generations, the *hukou* system has been a bulwark of China's vast rural–urban gap.

In the past three decades, the *hukou* system generated inequalities, tensions, conflicts, and grievances as well as economic irrationality. However, the system proved to China's leaders its effectiveness for sociopolitical control. When the turbulent economic growth of the reform era required greater mobility, the system would be reformed, not abolished, its control functions refined.[52]

The reform strategy aimed at renovation to maintain the system's control features. Instead of a national Great Wall dividing city from countryside, the *hukou* system has evolved into many legal walls separating regions and cities by creating locally determined "entry conditions" for migrants. The various "*hukou* for money and talent" schemes addressed the mobility needs for the rich and well placed, while presiding over large rural–urban and regional gaps in a China with new internal brain and capital drains.

Even such limited, localized, and slow reforms of the *hukou* system have encountered considerable resistance from vested interests such as local officials and some government agencies backed by the privileged residents of major urban centers, over the reallocation of resources. The struggle between *hukou* reformists and opponents is the story of the logic and limits of China's political development.

The *hukou* system, far from being abolished, is being commercialized, localized and differentiated. It continues to function as a multitude of floodgates while developing new flood-discharging channels with spontaneous cracks and leaks. Without some tectonic shift of political power, the system is likely to remain a major source of both control and conflict in the PRC.

Notes

1 Kam Wing Chan and Will Buckingham, 'Is China Abolishing the *Hukou* System?' *The China Quarterly*, no. 195 (2008).
2 Kam Wing Chan, 'The Chinese *Hukou* System at 50,' *Eurasian Geography and Economics*, 2009, 50–52: 197–221. For a comprehensive study of the system, see Fei-ling Wang, *Organizing through Division and Exclusion: China's Hukou System* (Stanford, CA: Stanford University Press, 2005). For earlier works, see Dorothy J. Solinger, *Contesting Citizenship in Urban China: Peasant Migrants, the State, and the Logic of the Market* (Berkeley, CA: University of California Press, 1999); Delia Davin, *Internal Migration in Contemporary China* (New York: Palgrave, 1999); Tiejun Cheng and Mark Selden, 'The Origins and Social Consequences of China's *Hukou* System,' *The China Quarterly*, no. 139 (1994): 646–68.

3 See the discussion in chapter 15 of Martin King Whyte ed., O*ne Country, Two Societies: Rural–Urban Inequality in Contemporary China*, Cambridge MA: Harvard University Press, forthcoming 2010.

4 The police have been enforcing this key aspect of the *hukou* administration ever since the 1950s. In the past decade, however, unregistered migrants have had increasingly better chances of avoiding being caught if they do not seek local 'good' jobs and manage to evade the authorities.

5 For official but 'internal' statements of the missions of the *hukou* system, see Jiang Xianjin and Luo Feng eds, *Complete Guide of Police Works,* Beijing, Qunzhong Press, 1996, pp. 213 and 220; Bureau of Personnel and Training Ministry of Public Security, *Text Book on Hukou Management*, Beijing: Qunzhong Press, 2000, pp. 3 and 161–73. For an analysis of those functions, see Fei-ling Wang *Organizing through Division and Exclusion*.

6 Yang Jisheng, *Tombstone: Report on the Chinese Famine in the 1960s* (Hong Kong: Tiandi Books, 2008.

7 Hein Mallee, 'China's Household Registration System under Reform,' *Development and Change*, vol. 26 (1995); Fei-ling Wang, 'Reformed Migration Control and New List of the Targeted People: China's *Hukou* System in the 2000s,' *The China Quarterly*, no. 177 (2004): 115–32.

8 CCP Central Commission and State Council, 'Opinions on deepening the reform of medical and health care system', Beijing, April 6, 2009.

9 Kam Wing Chan and Li Zhang, 'The *Hukou* System and Rural–Urban Migration in China: Processes and Changes,' *The China Quarterly*, no. 160 (1999): 831–40 Kam Wing Chan, 'The Chinese *Hukou* System at 50,' *Eurasian Geography and Economics*, 2009, 50–52: 197–221.

10 *Beijing Youth Daily*, Beijing, September 7, 2006.

11 As of 2009, none of the proposed *hukou* laws has been included as part of the PRC legislative agenda.

12 Department of Politics-Ministry of Public Security, *Basic Knowledge of Public Security Works*, Beijing: Qunzhong Press, 1999, pp. 75–76; *Chinese Youth Daily*, Beijing, January 5, 2002; *Jinghua Times*, Beijing, August 30, 2005.

13 Xinhua News Dispatch, Fuzhou, February 17, 2005.

14 Chinese Central TV, 'Half hour on the economy,' Beijing, August 9, 2001.

15 *Chinese Economic Weekly*, Beijing, February 9, 2009.

16 *China News Weekly*, Beijing, September 5, 2002.

17 *Chinese Youth Daily*, Beijing, September 15, 2004.

18 Xinhua News Net, Beijing, posted on June 26, 2006. On January 30, 2007, the party chief of the district who supervised the construction of the complex was sentenced to jail for life on corruption charges. Xinhua News Net, January 30, 2007.

19 There has been no open discussion (other than indirect hints) about this in the PRC media, as the political role of the *hukou* system in the management of targeted people is strictly a taboo issue. Internally, however, the police have openly admitted such for a long time (Fei-ling Wang 2005, *Organizing through Division and Exclusion,* pp. 106–11).

20 The stubbornly persistent and ever enlarging rural–urban income gap, which was openly admitted by Qiu Xiaohua, chief of the PRC Statistical Bureau, to be at the staggering ratio of 1:6 (rather than the 'official' figure of 1:3 or even 1:2), shortly before he was abruptly arrested on corruption charges in late 2006.

21 Thomas Lum, *Social Unrest in China*, a CRS Report for Congress, Washington DC, June 12, 2006. Albert Keidel, *China's Social Unrest: The Story Behind the Stories*, a policy brief by the Carnegie Endowment for International Peace, Washington DC, September, 2006.

22 Deputy Minister of MPS, Liu Jinguo, report to the CCP's Central Commission on Comprehensive Management of Public Security, October 25, 2005, Xinhua News Agency in *Outlook weekly*, Beijing, November 21, 2005.

23 Xinhua News Dispatch, Hohhot, January 9, 2007.
24 Lu Dadao, member of the Chinese Science Academy and member of the advisory committee to the PRC 11th Five-Year Plan, 'China's urbanization shows a trend of "Great Leap Forward", *Xian Evening News*, Xian, January 14, 2007.
25 *Beijing S&T Daily*, Beijing, March 17, 2008.
26 Cheng Honggen, '*Hukou* reform cannot be just a relocation,' China News Net, Beijing, January 8, 2007.
27 *Beijing Times*, Beijing, March 6, 2008.
28 Xinhua, Beijing, October 20, 2008.
29 *Jinghua Times,* Beijing, January 12, 2009.
30 *Outlook Weekly*, Beijing, November 22, 2005.
31 Hu's similar arguments and new criticisms, fairly harsh at times, were sporadically but continuously reported by various PRC websites and can still be seen in 2009.
32 Yu Jianrong, 'We cannot simply abolish the *hukou* system,' *Social Science Daily*, Shanghai, December 1, 2006.
33 www.tianya.cn/publicforum/content/free/1/1479484.shtml, December 20, 2008. http://free.21cn.com/forum/bbsMessageList.act?currentPage-1&bbsThreadId-2498490, February 21, 2009.
34 George Gilboy and Eric Heginbotham, 'The Latin Americanization of China?' *Current Affairs*, 103(2004): 256–61.
35 *Huaxia Times & Beijing Morning News*, Beijing, September 15, 2006.
36 The PRC Supreme People's Court, *Legal Opinion on Compensation for Bodily Injuries*, Beijing, No. 2003–20, issued on December 28, 2003.
37 'Same citizens, why the urban dweller gets 50 thousand RMB compensation and rural resident only 30 thousand RMB?' http://news.china.com/zh_cn/social/1007/20011008/10121091.html, October 8, 2001, Last accessed on March 12, 2009.
38 *Chinese Economic Weekly*, Beijing, February 9, 2009.
39 Song Guifang, 'Purchasing housing to get *hukou* is a just return to civil right,' Guangzhou, February 10, 2009. By March 3, 2009, the following-up online comments posted by generally anonymous readers showed a somewhat equal division between supporters and critics of such a petition.
40 'TV Debate: Is acquiring *hukou* through purchasing housing feasible?' CCTV, Beijing, February 10 2009. Individuals who are caught 'selling' *hukou* papers or even just *hukou* quota were still sentenced to jail, as the trail of a 'representative' case in 2009 involving 92 'sold *hukou* papers' shown. Xinhua News Agency, February 13, 2009.
41 *Southern Daily*, Guangzhou, February 10, 2009.
42 *New Beijing Daily*, Beijing, February 13, 2009. Similar criticisms can be also found in many other local newspapers, February-March, 2009.
43 For example, on January 1, 2008, Dongguan, a prosperous city in Guangdong, suddenly scrapped a 12-year old policy of *hukou* for housing purchasers after complaints about the deterioration of the city's environment and the overheating of housing market. *Yangchen Evening News*, Guangzhou, December 13, 2007.
44 *Beijing Youth Daily*, Beijing, December 13, 2008. *Dongfang Net,* Shanghai, February 12 and 13, 2009.
45 Wang, 'Reformed Migration Control and New List of the Targeted People;' Wang, *Organizing through Division and Exclusion*, pp. 198–203.
46 In 2006 as a reform measure and a creative use of the *hukou* system, the government started to offer much craved Beijing *hukou* to those selected non-local college graduates who responded to the call of the CCP to work as assistant village heads in rural areas for at least two years with a good record. *Beijing Entertainment News*, Beijing, January 26, 2006.
47 Similar calls and acts are also reported in other places. Jim Yardley, 'Guangzhou Journal: In City Ban, a Sign of Wealth and Its Discontents,' *New York Times*, January 15, 2007.

48   *Beijing Evening News*, Beijing, May 10, 2005.
49   'Sale of 92 fake *hukou* netted over a million RMB,' Xinhua News Agency, Beijing, February 13, 2009.
50   Wang, 2005 *Organizing through Division and Exclusion,* pp. 65 and 82.
51   It is a major source of the stubborn social and spatial inequality that has characterized the PRC since the late 1950s. Ching Kwan Lee and Mark Selden, 'China's Durable Inequality: Legacies of Revolution and Pitfalls of Reform,' *The Asia-Pacific Journal*, http://japanfocus.org/-C_K—Lee/2329, accessed March 16, 2009.
52   Influential Chinese scholar Qin Hui has concluded that the 'secret' of the PRC economic boom is the deprivation of human rights, civil rights and fair pay for the millions of laborers, in which the *hukou* system clearly plays a key role. 'The puzzle of "Chinese miracle",' www.tecn.cn/data/detail.php?id = 24324. Beijing, January 16, 2009.

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4   Contesting rural spaces

Land disputes, customary tenure and the state[1]

Peter Ho

The explosiveness of rural land ownership

> 'The reckless occupation of agricultural land creates large numbers of landless farmers and presents a grave problem that threatens the sustainable development of the countryside, as well as our economy and society.'[2]
>
> (Premier Wen Jiabao, speech given on 29 December, 2005)

One may wonder why the land question is such a critical issue in China's development. The reason is simple: development is all about the basic means of production—land, labor and capital—and the ways we change and use them. When Mao Zedong rose to power in China in 1949, land reform, class struggle and nationalization of the means of production were the order of the day. Six decades later, however, China has restructured its centrally planned economy, privatized ownership of many sectors, and created a competitive, market economy. However, in contrast to capital and labor, both of which have largely been privatized, land is still firmly under state control. It is therefore not surprising that it is at the core of the policy debates and social struggles that will shape the nation's future.

Lack of clarity over property rights is one important source of environmental degradation and conflict. Each year, North China is hit by serious dust storms caused by a combination of overgrazing, deforestation and desertification. Desertified land covers an area of 3.3 million km^2, accounting for 34 percent of the total territory in China.[3] Chinese desertification has also taken on international dimensions, as desert sand is blown as far away as Korea, Japan and the United States.[4] Furthermore, the weak protection of land rights frequently gives way to illegal expropriation. Entire villages and urban neighborhoods are torn down for urban development,[5] while an old social problem, vanished since the founding of the People's Republic, flies in like a bat from hell to confront displaced villagers: landlessness.[6] Scandals of land corruption and conflicts regularly hit the international headlines: ING Bank has been involved in the forced demolition of a Beijing neighborhood; peasants resisting their forced eviction were beaten up by property developers.[7] When China's Minister of Land Resources was arrested for involvement in

clandestine land deals, [8] the central authorities realized that social instability was reaching critical levels.

In the fall of 2008, the Chinese Communist Party (CCP) announced a new liberalization of rural land markets. This was greeted with great enthusiasm by the media and foreign observers. Finally, after so many years China would privatize the last means of production that remained in state and collective hands. *The Economist* wrote: "Some believe that, at long last, the Party has recognized that the key to agricultural improvement is land ownership. [. . .] A proper land market would protect farmers from indiscriminate land grabs by local officials who often take collective ownership to mean control by themselves."[9]

However, the privatization of land ownership in itself is not a panacea for resolving rural conflict and stimulating economic growth. For one thing, the vast majority of land ownership disputes that have caught the media and politicians' attention is geographically concentrated in the peri-urban zone, and is mainly caused by the urban sprawl. [10] Moreover, the structure of China's land ownership is the result of a complex amalgam of historical and cultural factors. This historical-cultural path dependency of land-based institutions necessitates a cautious and incremental approach in the change of institutions. In this regard, the privatization of land ownership would likely have a destabilizing rather than a beneficial impact on overall rural development.

China is fearful of precipitous privatization of land ownership because of the danger of further land fragmentation and rising landlessness, a problem that has troubled land reform programs all around the world. [11] In this regard, the most viable direction of institutional change is towards the clarification of collective land ownership rights, rather than privatizing land by granting ownership to individual users. Strengthening collective ownership will allow the village (be it the administrative or the natural village) to better represent the rights and interests over land by its members, the farmers. China's collective land ownership[12] remains shrouded in vagueness. Delving into the past, we see that land ownership—after several years of intense debate in the central leadership—was eventually vested in the lowest collective level: the production team, a unit typically of 20–30 households.[13] While the locus of ownership during the collective period (1956–78) was clear and land rarely changed hands, it has subsequently been vague at a time when land ownership rights have been subject to rapid and often contested change. The implications of this fact for social stability, social justice, and economic development are the focus of this chapter.

Contested ownership

For tax purposes, both the Republican (1911–49) and Communist governments attempted to delimit village communities, resulting in frequent redrawing of boundaries, renaming of villages and merging of hamlets into larger territorial

units. Collectivization with a three-tier system of basic administration—the people's commune, the production brigade and the production team—and subsequent decollectivization in the mid-1980s have complicated the situation. With exceptions,[14] we can state that the commune has become the present township/town (*xiang/zhen*), the brigade the administrative village (*xingzhengcun*), and the team the natural village (*zirancun*), also called the villagers' group (*cunmin xiaozu*). Note that the brigade or administrative village are administrative units controlling natural villages, yet may also simultaneously be natural villages themselves. As such, they claim ownership to land within village borders (see Figure 4.1).[15] While the brigade or administrative village in many regions is comprised of multiple natural villages, in some instances it coincides with the natural village. Although the natural village—in its capacity as the production team—held formal land ownership rights, it possessed no real power over land. For example, the power to transfer ownership to another community or to the state, or even to determine what crops were grown, rested with the commune and higher administrative levels (the county and above). In short, the natural village was unable to safeguard the interests to the land that its inhabitants tilled and lived on. During the collective period, land was frequently requisitioned from the natural village in the name of economic development. If the commune decided to build a pig farm, or the brigade wanted to establish a small industrial enterprise, village land was simply expropriated. As formal requisitioning procedures were seldom followed and appropriate financial compensation even less seldom provided, this was the origin of many land disputes. During the National People's Congress debates over the draft for the 1998 Revised Land Administration Law, some delegates explicitly called for the clarification of collective rural land ownership rights.[16] Yet, when the revised law was finally promulgated, this issue was intentionally evaded by leaving the term "collective" undefined. For this reason, I introduce the term "deliberate institutional ambiguity" to describe China's land rights system.[17]

It should be noted that deliberate institutional ambiguity does not necessarily have a negative impact on society. A majority of farmers supports the status quo,[18] and, despite a legal system bound by conflicting and unclear rules, conflicts that fundamentally challenge the present ownership structure are infrequent. No widespread claims for private, common or other forms of rural land ownership have arisen from the ranks of villagers since decollectivization in the early 1980s. In addition, the ambiguity of collective rural land ownership has provided leeway for wide regional experimentation with property rights.[19] Above all, there is no evidence that the hybrid and ambiguous property rights structure has hampered agricultural development. In this respect, institutional indeterminacy is the "lubricant" which allows the system to run: the ambiguity of legal rules allows the land tenure system to function at the current stage of economic reforms.
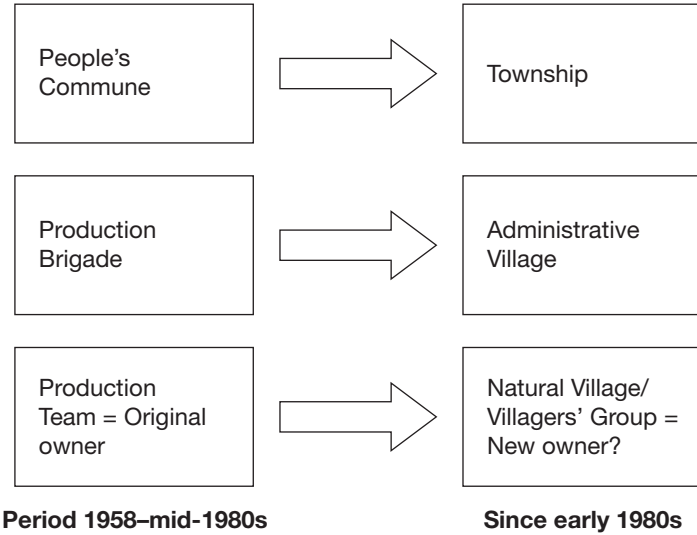
Figure 4.1 Changes in administrative categories defining rural collective land
Source: Drawn by Zhao Heng.

The vague land ownership structure has, however, created ample opportunity for the trampling of villagers' and collectives' legitimate rights by the local and central state. Scholars have documented many instances of "territorial theft" from villages to construct office and apartment buildings for ever-expanding cities (see Chapter 5); imposed land leases, sometimes without the knowledge of the farmer, with contracts issued for several households at once; and erratic land policy changes resulting in the victimization of farmers.[20] Indeed, leaving ownership deliberately ambiguous could give rise to large-scale social conflict, a risk the Chinese government can ill afford. I highlight three legacies of the collectivist past that may give rise to land disputes. First, the incoherent legal framework and lack of the rule of law. Second, the absence of a national land registry. And finally, the state's failure to recognize customary claims over the control and ownership of land. These legacies plague current land administration and lie at the heart of many contemporary land ownership disputes.

This chapter examines the sources of conflict and assesses the implications for future land tenure reforms. It does so by reviewing legal cases over land ownership conflicts. The cases are drawn from the two-volume *Encyclopedia of the New Land Administration Law*, and the compilation of administrative cases released by the Supreme People's Court.[21] The cases summarized here date from the 1990s, a critical period in China's reform as urbanization quickly gained momentum causing an increasingly serious problem of the

urban sprawl. Since then, several important developments have taken place in land legislation: 1) the proclamation of the 2007 Property Law, which strengthened urban property rights, yet largely left aside the rural land market for future laws; and 2) the 2002 Rural Contracting Law, which reinforced farmers' individual land use rights (not ownership).[22] Despite these changes, the root cause of many land disputes—the vague definition of collective ownership and therefore, the collective's inability to protect and represent its members—remains intact.

Land theft or requisition? Sources of conflict

Although land ownership was formally given to the lowest collective level (the team) by party decree after 1962, in cases where higher collective levels or the local state took land from the village, the seeds were sown for protracted disputes. During the collective period, these disputes were often suppressed. However, they returned with a vengeance after the start of economic reforms. With growing commercialization and galloping urbanization since 1978, the value of land in the vicinity of cities has risen steeply and a semi-clandestine land market has emerged. In the years 1997–98 alone, revenues from transferred land increased 78.1 percent over the preceding year to 13.2 billion yuan.[23] The higher economic stakes brought conflicts over land to the fore.

In the drive for economic development since the 1950s, land was frequently requisitioned from teams and brigades without formal procedures and without proper compensation. In many cases, the word of higher-level cadres was law: once their approval was secured—including oral commitments— economic projects, such as the construction of a silk farm, reservoir or factory, could proceed. Under collectivism the legal framework was weak and inconsistent. Until 1982 there were no formal rules pertaining to land requisition by or from the collectives. Moreover, from the establishment of the collectives in 1955, the state failed to register collective land holdings. Two events decisively affected the land holdings of the natural village in the early years of the People's Republic: Land Reform in the years 1947–53 and the Four Fixes Movement (*si guding*) in 1962, which enshrined the team as the basic unit of accounting. The term 'Four Fixes' refers to the granting of permanent ownership of labor, land, animals and tools to the production team. To date, the Supreme Court and the Ministry of Land Resources consider these two events the basis for the assessment of land title.[24] However, Land Reform and the Four Fixes were not accompanied by a national cadastre. During Land Reform some villagers were issued land titles, but this was never done systematically. Moreover, many titles were lost or destroyed in subsequent decades of collectivization and political and social upheaval when ownership of land in fact passed from households to collective units.[25]

The final explosive issue giving rise to land conflicts is the question of customary land rights. Like other developing countries, Chinese rural

communities face great difficulty in having customary land rights, which are largely unwritten, recognized by the state.[26] On a different level, the problem of state recognition pertains to a cultural clash between a rapidly industrializing society and an agrarian society based on a tradition of "rule by man."[27] The controversy over the term "customary law" reflects the intangibility and fluidity of tenure by custom. Motion defined customary law as "unwritten law established by long usage,"[28] but what is long? In England, custom only has legal force if it has existed for so long that "the memory of man runneth not to the contrary." Curiously, the limit of human memory was fixed at the date of the accession of Richard I in 1189.[29] In examining the sources of conflict over the ownership and control of land, several essential features of Chinese current legal culture must be borne in mind: the fragmentation of law, the dependency of the courts on local government and the subordination of law to policy; in short, the blurred distinction between judicial and administrative powers. Chinese courts have to perform a complex juggling act with conflicting and often unverifiable claims, intervention by local government and faint hope of rectifying the wrongs of the past. On the one hand, villages have repeatedly fallen victim to land theft from higher administrative levels, which calls for justice. On the other hand, over time considerable investments have been made in the stolen land while new customary land rights have emerged. This makes it all the more difficult "simply" to return the land to the original owner, and is a clear testimony to the path-dependency inherent in China's land-based institutions. The court cases described below highlight this dilemma.

See you in court: legal cases on land disputes

Economic development[30]

The cases in this subsection illustrate two points. First, under collectivism the "theft of land" was possible because the legal and institutional framework was incomplete and inconsistent. Second, during the collective period land requisition from the village was effected by administrative rather than legal measures.

Shiqiao Commune in Hubei Province built a small reservoir in 1959, which was expanded one year later. In 1963, the party branch of the Hubei Provincial Water Conservancy Bureau issued a directive that ordered the transfer of the reservoir's ownership and capital assets to the county. The reservoir and its land thereby became state property. In 1965, the Bureau of Water Conservancy planned another expansion of the reservoir and requested land from the county. The Xiangyang county magistrate orally conveyed to the bureau his decision to requisition 210 *mu* of land from the Third Villagers' Group of Hongdao Administrative Village for the purpose. No formalities for land requisition were ever completed, and no payment was made to the village which was deprived of its land.

Decades later, conflict erupted between the villagers' group and the state water reservoir. In March 1993, the county government issued a document which marked the land as 'disputed area'. This encouraged the villagers to petition the authorities. A month later, however, the county bluntly ruled that the land was state owned according to the 1989 Suggestions. In response, the villagers' group filed a lawsuit challenging the county ruling. The county asked that the plaintiff's claim be dismissed "to safeguard the correct enforcement of the state's laws." [31] Of specific interest is the county's claim that the villagers' group could not legally enjoy collective ownership, and thus was not entitled to act as a legal person. Instead, ownership should have rested with the administrative village under which jurisdiction the villagers' group falls.

The court, however, ruled that the villagers' group was entitled to own land. This decision was based on the former State Land Administration's (now the Ministry of Land and Resources) interpretation of article eight on collective ownership of the 1986 Land Administration Law: "The land originally owned by the team belongs to the farmers' collective of the agricultural collective economic organization of the corresponding villagers' group." The court read this interpretation as meaning that "there are two kinds of collective land ownership: ownership by the villagers' committee *and* ownership by the villagers' group or production team" (emphasis added).[32] In addition, as there was only an oral commitment by the county head, while no requisition procedures had been followed, the court ordered the land returned to the villagers' group.

A second case, related to the first, concerns a dispute between a commune and three brigades. In 1975, Shifo Commune in Shandong expropriated 170 *mu* of land from Xulou, Weihai and Qianchenhai Brigades to set up a pig farm. Typically, no land requisition procedures had been followed, nor had any compensation been paid. Since 1978 the three brigades have petitioned the commune authorities to return the land and compensate them for financial losses. An agreement was signed between the commune and the brigades in 1980. The agreement stipulated the amount of land requisitioned. It determined that the land belonged to the pig farm, but would be sold back to the brigades at the purchase price in the event that the farm was to be disbanded. The brigades were partly paid in cash and partly in kind. With the demise of Shifo Commune and subsequent change to a township in 1983, the pig farm was disbanded. From then on, the land was used for forestry. In 1990, the trees were felled and one-third of the land was leased for agriculture to farmers from Hanzhuang village for a period of thirty-five years. At that point, disputes between the township and the three administrative villages erupted. The county government intervened on several occasions. In 1988 and 1991 directives were issued stating that the land was owned by the township (*gui xiang suoyou*). In the end, the villages filed suit against the township and county governments.

The villages claimed that the land was theirs because the commune had requisitioned it without their consent and the land use had been changed in violation of the 1980 agreement which stipulated that ownership was to be sold back to the village if the farm was disbanded. The county invoked the 1989 Suggestions to prove that the land belonged to the township. According to these regulations, a change in the level of collective land ownership is possible for the establishment of enterprises. For land in use between 1962 and 1982 this is effective if an agreement has been signed, if approval from the county, township and village authorities has been obtained, or if the ownership structure of the user has changed.[33] As an agreement had been signed and compensation paid, the land belonged to the township, the county claimed. The township authorities added that land use had not changed: its former forestry activities were geared to animal husbandry and the farm had not been dissolved. The director, the buildings and pigsties were still there. The lease for agriculture was permitted, the township stated, as it owned the land.

The county court ruled that the disputed land belonged to the township. The villages appealed to the intermediate court of Liucheng Prefecture, which annulled the verdict of the lower court and decided that ownership of the disputed land should be allocated to the three villages. This decision was taken on three grounds:

1   The three villages' land had been appropriated without formal approval and appropriate procedures.
2   Land use had been changed with the demise of the pig farm and the lease for agriculture.
3   The law had been inappropriately applied to sustain the 1988 and 1991 county directives which vested land ownership in the township.

The legal miasma of the past has created the courts' dilemmas of the present. A major problem is the nature of collective ownership. As explained in the introduction to this chapter, collective ownership was intentionally left undefined in law because of the central government's fear of large-scale social conflict. The land ownership of the team (natural village) has remained ambiguous since the start of the economic reforms. In particular, in the urbanized, coastal regions where land prices have soared, legal indeterminacy has been used to deny land ownership by the natural village. During the revision of the 1998 Land Administration Law, Zhejiang Province went so far as to suggest altering the land tenure structure stipulated in the Sixty Articles to abolish the natural village's land ownership rights.[34] Zhejiang officials reasoned that collective ownership by a higher level would facilitate urban and spatial planning. However, the village would thereby be robbed of the possibility of fighting against forced land requisitions. With the current boom in land prices and the frenzy for real-estate development, the natural village and its inhabitants will be stripped of their legal rights if they lose the authority to represent collective ownership.

Against this backdrop, the first case is no less than a landmark. Xiangyang county used the ambiguity of the law to delegitimize the Third Villagers' Group as the legal owner of land. Significantly, the court read the law as saying that the villagers' group *can* enjoy ownership of land and not merely the right to use and manage it. If, through higher appeals, Xiangyang county were to bring the case to the Supreme People's Court, it could become a crucial test of the legal and political limits of China's land tenure. There is a paucity of laws and regulations covering areas other than ownership. As a result, courts have no recourse but to rely on administrative measures of uncertain legal status. This problem is illustrated in the second case. The main question here is whether land appropriation from three villages by Shifo Commune constituted a legitimate act of land requisition. According to Chinese law, land requisition is carried out for purposes of state construction only, in which case ownership is transferred from the collective to the state. Under the past and current legal framework this is the sole condition under which collective ownership can change; there are no legal rules under which various collective levels can transfer the ownership of land among themselves.[35] For this reason, the "land requisition" by the commune was illegal. Furthermore, the 1980 agreement, which arranged to sell land ownership back to the original owners in the event that the enterprise was disbanded, was also unlawful as it stipulated a sale of encumbered land ownership rights.[36] Since the 1988 revision of the Constitution, only the non-commercial transfer of the use right to rural land is allowed. This issue is still heatedly debated and there is no reference to it in the latest amendment to the Land Administration Law.

Yet the appropriation of land for township and village enterprises is widespread throughout rural China. Therefore the silence of the Land Administration Law on this issue is problematic. The court cannot but resort to the interpretation of administrative regulations issued by the executive branch of the state—the 1989 Suggestions. However, as these have not been reviewed, debated and passed as law by the National People's Congress (NPC), nor issued by the State Council as binding rules for implementation (*shishi tiaoli*), their exact legal implications remain unclear. In fact, the rules applied here do not even have the status of an administrative regulation (*guizhang*) but are merely "suggestions."

No cadastre, a disaster!

The cases in this section illustrate the consequences of China's lack of a cadastre. They also concern customary tenure.

In 1992, X Village filed a lawsuit against Y Village for a dispute over 257 *mu* of land located on the Daozhai Mountains between the two villages. In Republican times, this land housed a Nationalist Army military depot. Before collectivization X Village used this land for sideline activities, but it became the common property of both villages during the 1950s. In 1966,

the prefecture wished to construct a silk farm on the common land. A requisition certificate was signed between Y Village and the silk farm, but not with X Village because no agreement could be reached. Some time later, X Village consented to the expropriation for which it received a financial compensation of 1,000 yuan—a pittance.

In 1980, the county government planned a new county capital and requisitioned land including that of the silk farm. The county informed the two villages of the upcoming expropriation, which they understood as a renewed requisition—in other words, the county assumed that it was the owner of the tract. The villages appealed to the county to recognize their ownership and grant appropriate compensation. The county, however, ignored the requests and proceeded with the construction. In reaction, 30 farmers from Y Village demolished the new buildings. After two years of conflict, the county appointed an investigation team, which concluded that the land had been requisitioned in 1966 with the agreement of both villages. Therefore, they were entitled neither to claim ownership nor to demand compensation.

But Y Village kept appealing to the authorities. In 1985, the county stated that the land rights of the disputed plot had always been unclear. Therefore, the land should be equally divided between the two villages and once more requisitioned with compensation. The conflict between the villages and the county then changed into a boundary dispute between the two villages. In court, X Village claimed ownership to the land on the basis of the texts of two stone stelae (one from the Kangxi period in the seventeenth century and another engraved in 1922). Y Village responded that even before liberation it had used the land for animal husbandry, agriculture and brick production.

The court adopted the county's verdict and ruled that the land was commonly owned by X and Y Villages, because written land titles were lacking. This meant that the land had to be equally divided between the two villages and re-requisitioned. X Village appealed to the prefectural court, which ruled that the county had violated the law. By recognizing the villages' dual ownership to the disputed land, the county had illegally returned the land to the original owners, while it was actually state-owned. According to the 1986 Land Administration Law, "collective land that is requisitioned by the state for construction is owned by the state; the unit that uses the land [in this case: the silk farm] only enjoys the right to use."[37] Therefore, the county's land appropriation from the silk farm was not a matter of changing ownership but of changing use rights. The villages' claims for ownership and compensation were declared unfounded.

The following case concerns the struggle over rights to newly formed land. The case is especially interesting because—to my knowledge—it is the first documented case on riparian rights in China. What are riparian rights? Suppose a tract of land borders a river or lake and the title mentions the water body as part of the boundary, then the owner may claim what are called riparian rights. These usually include the use of the water for boating, fishing and swimming. As Frank Emerson Clark wrote in his authoritative

1939 *Fundamentals of Law for Surveyors*, "water bodies [can] make especially troublesome boundaries" because they "shift as streams meander, lake levels fluctuate, and coasts erode."[38]

Bolin and Xiaqu are two villages located on the northern bank of the Weihe River which extends from Shaanxi Province south to the Shanghai-Lanzhou railroad in Gansu Province. Along the river there was a stretch of common land that was jointly cultivated by farmers from the two villages. After a large flood in 1954,[39] this land was lost to the water. During the Four Fixes Movement in 1962 Bolin and Xiaqu exchanged two equal plots of land situated north of the railway track. The boundary between the plots was the 305 landmark east of the Jiashigou Canal. As the land as far south as the railroad had been washed away by the flood, nothing was agreed on its boundaries. In 1972, Xiaqu built a dam upstream. The dam diverted the Weihe River southwards and a stretch of wasteland surfaced at the northern bank. Xiaqu claimed that the boundary for this land should follow the boundary north of the railroad: the 305 landmark east of the Jiashigou Canal. Bolin maintained that the boundary should be the 1,384 kilometer stone of the railroad. Neither village could furnish any written evidence to support its claims.

In 1990, Xiaqu Village filed administrative litigation with the Beidao county government. A year later, the county pronounced:

> Through examination of maps of land requisition for the Shanghai-Lanzhou railroad before the founding of the People's Republic and through on-site investigation, it is confirmed that the boundary between the two villages at the time of the Four Fixes Movement ran from Jiashigou to the north of the railroad.[40]

On this basis, the county decided that the boundary north of the railroad would also apply to the new land south of the railway (see grey area in Figure 4.2). The land east of the 305 landmark would be allocated to Bolin, the land west of it to Xiaqu. Bolin did not agree and took the case to the county court. Bolin responded that the boundary laid down in documents from the Republican period was not a fair standard for demarcation. In their words:

> The Weihe River is not a stream that can be fixed to its riverbed. Some years it flows southwards, some years northwards, flooding and damaging arable land. As early as Land Reform, cooperativization and collectivization, this tract was forestland, yet it became riverbed during floods . . . [U]sing maps . . . that date from before the founding of the People's Republic of China cannot explain the natural changes of 30 years.[41]

The court confirmed the evidence put forward by Bolin Village that "before 1954 there was land south to the railroad and east of the 1,384 kilometer

marker stone of the Shanghai-Lanzhou railroad, which was commonly tilled by Xiaqu and Bolin Villages." But the court also stated that "the title to this disputed land has not been determined since either Land Reform or the Four Fixes Movement in 1962."[42] The verdict of the Beidao government, which determined that both villages held title to the land, was annulled and the county was ordered to pay legal costs.

In both cases, local government attempted to resolve land disputes that derive from long-term use without clear ownership. In the first case, the county proposed to reverse the problematic requisition of the past through renewed requisition with equal financial compensation for each village. However, this action only led to a new dispute over boundaries between the villages. There are several issues at stake. First, as the prefectural court also noted, the silk farm was by law not entitled to act as a claimant because it enjoyed only the use right to land and not ownership. Instead, the requisition should have been handled by the prefecture as the representative of the state. Second, after requisition the change in land titles from collective to state ownership should have been registered with the county as the then current regulations stipulated.[43] Lastly, in a case in which the plaintiff's evidence is limited to stone stelae without detailed boundary descriptions and maps, while the defendant merely relies on oral history, the county's ruling is probably the best option.
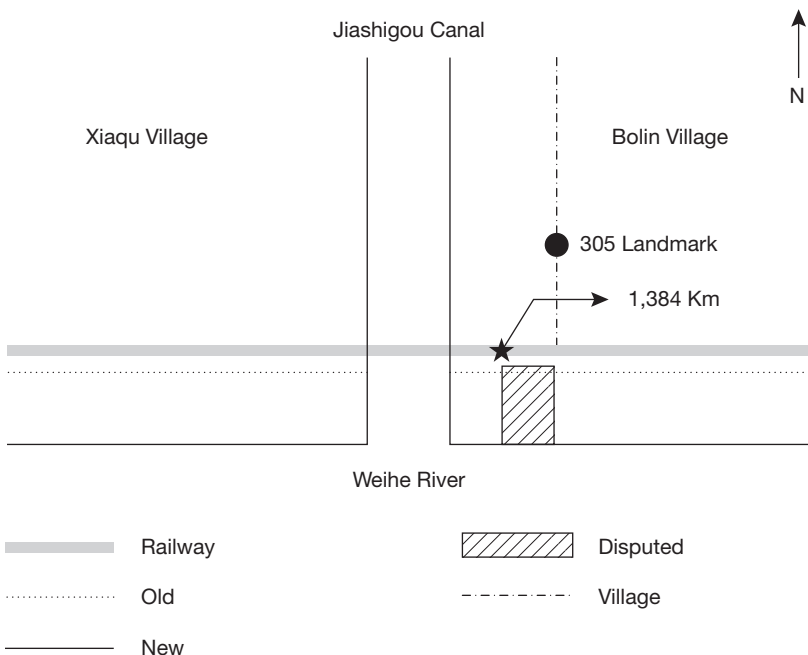
Figure 4.2 Schematic map of a dispute over riparian rights

In the second case, the local government sought a Solomonic judgement. This conflict is far more complex than the first: the disputed land alternatively submerged and resurfaced, and the land was tilled by two villages, neither of which could establish ownership. It is also a legal test case; its complexity exposes the legal shortcomings in adjudicating ownership issues pertaining to newly formed land that must be addressed to safeguard the interests of the state, the collective and the individual.

Who owns land that accrues from shifting river flows? The tract disputed by Bolin and Xiaqu is land that was naturally formed through a change in the river's course. This is a typical case of riparian rights: a void area in China's legal system today. The second fundamental problem is the lack of written evidence that could be used as a standard in adjudication. For its judgement Beidao county could rely only on maps of the Republican era. However, the use of historical documents to prove title is not uncontested. As the commentary on this case stated: "The Beidao government used land material of the old system [society] as evidence to arbitrate in a land dispute forty years after liberation. We feel that a verdict on such basis is wrong."[44] According to law, the basis for the assessment of land titles is Land Reform and the Four Fixes Movement, as "all land deeds before Land Reform are invalid."

There are great difficulties in taking land deeds issued during Land Reform and the Four Fixes Movement as the basis for collective ownership today. The registration of land titles during Land Reform was fragmentary at best, and many of these titles were lost over time. Moreover, during Land Reform, the land was generally distributed to individual households and not the village as a whole. All privately owned rural land was transferred to the collective with the establishment of the Higher Agricultural Production Cooperatives in 1956.[45] The Four Fixes Movement should have led to the registration of the production team as the basic owner of land as the Sixty Articles stipulated.

However, as the recorded cases demonstrate, systematic land registration was the exception rather than the rule. The illegal requisition of village land by higher administrative levels led to further ambiguity over ownership of collective land. For these reasons, the state called for the first nationwide registration of collective land in 1984. Due to the minefield it uncovered, however, it was halted at the level that mattered most: the natural village. It is certain that in the event of a national cadastre, China could not avoid taking into account the historical claims that predate Land Reform and the Four Fixes Movement. In the case of claims based on customary tenure, the situation is even more complicated.

Customary rights, silent rights[46]

The terms "customary rights" or "traditional land tenure" have the ring of a dim and distant past—something that has existed for so long that, as

defined in one instance noted above, "the memory of man runneth not to the contrary". From the two cases reviewed here, we see that entitlements do not necessarily have to date back centuries to be marked as "customary." Moreover, customary entitlements are—in China's context—often associated with the rights of ethnic minorities, such as the forest rights of mountain tribes in Yunnan, or the grazing arrangements of Mongols and Kazakhs in Inner Mongolia and Xinjiang, which are framed in terms of community rather than individual ownership rights. In the near future, with growing pressures from capital, including international capital, China will encounter great difficulties in assessing customary land titles, not least because of their unwritten character. The challenge to the Chinese state is to grant fair recognition of such claims that can satisfy both state and collective interests, rather than simply to suppress differences.

The following case was not decided in court, but arbitrated by the Shaanxi Provincial Bureau of Land Administration. In 1984, Beiying Village occupied 361 *mu* of steppe from a farm of the Air Force Telecommunication College. The village claimed this land was ancestral steppe (*zuyi tandi*).[47] According to the village authorities, farmers had long tilled and afforested the land on the basis of a land permit issued during Land Reform. In addition, the village furnished land tax statistics and a clarifying map drafted in 1951 by the Goutai Administrative Region (which administered Beiying Village at the time). The material demonstrated that Beiying Village paid tax on over 500 *mu* of steppe, which included the disputed land. Lastly, the village cited a map of the Yellow River Water Conservancy Committee that showed the disputed plot falling outside the jurisdiction of Xi'an City, to which the air force's farm belonged. The farm, on the other hand, claimed that the disputed tract had always been public land (*gongdi*) and was commonly used by the Shaanxi Province financial, forestry and educational departments. In 1951— with consent of the Shaanxi Provincial Bureau of Agriculture—the land was transferred to the farm. The transfer of use right was formally approved by the Shaanxi and Xi'an Party Committees in 1965. Party decisions generally took precedence over government decisions, an outcome that was particularly common during the collective period. The Shaanxi Bureau of Land Administration ruled that the disputed land is state owned and that the air force farm holds the use right. For its illegal occupation of land, Beiying Village had to be penalized. But in light of the substantial village investments in afforestation, no redress was imposed. Instead, the air force farm was ordered to pay 20,000 yuan for the fruit trees which then would belong to the farm. The verdict was based on the following considerations:

1   The land permit issued during Land Reform, which the Beiying Village authorities alluded to but did not present, was not found in archives.
2   The land tax statistics and accompanying map do not indicate whether the disputed tract was part of the land for which tax was due—neither is it clear whether the village paid taxes on land owned or leased.

3 The map of the Yellow River Water Conservancy Committee was drafted for the construction of the Sanmen Gorge Reservoir and not for the assessment of administrative boundaries, and therefore could not be admitted as evidence.

4 The farm's claim that the use rights were formally transferred in 1965 could not be corroborated.

The second case, too, concerns a land dispute between a village and a state institution. On Zechongqiao Mountain in Liuzhou City (Guangxi Province) lies a forest of around 550 *mu* that is contested by the Sanmenjiang State Forest Farm and Niucheping Village of Liudong Township. Since Land Reform no land title has been issued. In 1953, villagers sowed pine seeds on the mountain, followed by the planting of saplings the next year. In 1955, part of the land was used by villagers for shifting cultivation. In that year, workers of the state forest farm planted fir trees on the land. The trees were carefully maintained and protected by villagers and foresters. In 1960, the East-is-Red Commune (later Liudong Township) carried out a general survey of the afforested land and had it registered as property of Niucheping Brigade. Three years later, after the proclamation of the Sixty Articles, Niucheping Brigade granted the forest's ownership to the fourth, sixth and seventh production teams (*huafen gei xiaodui suoyou*).[48] During the same period, the state forest farm strengthened its claims to the land. In line with regulations of the provincial forest bureau, the disputed plot was included in the farm's regional planning of 1954 and 1963. In addition, the Forest Mapping and Survey Institute drew maps of the area in 1973 and 1984.

By the late 1970s, the trees had matured and conflicts erupted over the mountain forest. For years, the conflict simmered despite repeated mediation by the Liuzhou City government. In 1991, the city authorities issued a verdict that assigned ownership of half of the tract to Niucheping Village and the other half to the state, while the use rights were granted to the state forest farm. The Sanmenjiang State Forest Farm did not submit to the verdict and filed suit against the city government. The farm claimed that peasants from Niucheping had illegally felled trees on the land since the late 1970s. Not only was the plot included in the farm's regional planning, but the farm was still formally responsible for forest protection on the Zechongqiao Mountain. The defendant, the Liuzhou City government, retorted that title to the forest had never been issued, although the land was used and managed by both claimants. Because the claimants could not furnish any evidence to prove title, the city government requested the court to sustain its verdict to "prevent a continuation and worsening of the conflict".[49]

The court ruled that both the 1960 land title registration of Niucheping and the forest farm's 1954 and 1963 regional planning were illegal, because they had not been approved by the county government and relevant departments. For this reason, the Liuzhou City verdict was sustained by the court and deemed "factually clear, and a correct use of the laws and legal

procedures."[50] A later appeal to the higher court by the village and state forest farm was dismissed.

Land resources claimed by customary right include forest, grassland and wasteland—which does not imply that there are no customary claims on agricultural land. Most such claims are in the frontier zones inhabited by ethnic minorities that use these resources in common under customary regulations. Moreover, in those areas even land long occupied or colonized by Han peasants, forest, grassland and wasteland is generally common property—owned and used by the village community.[51] With the proclamation of the 1954 Constitution, forest, grassland and wasteland were formally nationalized, unless collective ownership could be proven, which implies that the burden of proof lies with the collective. The reverse situation applies to rural land, which is considered collective unless state ownership can be proven. This principle forms the legal basis for state and collective ownership and has been enshrined in the 1954 Constitution and the respective amendments to date.[52] The administrative measures proclaimed by the Ministry of Land and Resources take the Constitution's basic principle of legal proof for state and collective ownership one step further. The 1989 Suggestions and the 1995 Regulations stipulate that "land that has not been *legally* (i.e. according to the 1950 Land Reform Law and the Sixty Articles) allocated to farmers during Land Reform and the Four Fixes Movement is state-owned."[53] The problem is that the common property aspect of customary entitlements is frequently regarded as 'nobody's property' by the state. It was therefore rare during Land Reform and the Four Fixes Movement for titles to forest, grassland and wasteland to be issued to farmers and collectives, still rarer where the (local) state considered these natural resources to have been national property since 1954. In other words, in the eyes of the state, forest, grassland and wasteland are state owned unless proven otherwise. In the eyes of Chinese villagers, this land is owned by the community, which faces the impossible task of proving that decades-long use of land is sufficient to claim "customary right." The two cases in this subsection painfully highlight this issue.

Both Beiying and Niucheping Villages claim wasteland on the basis of land use before Land Reform. The steppe and forest farms—as state representatives responsible for the management and development of national resources—counter the villages' claims and maintain that the disputed areas are state owned. Exactly how the land became state owned is unclear, because no official land requisition was carried out. Certain, however, is that state institutions invested considerable human and financial resources in land development. So simply reinstating the village's oral history claim to ownership is unacceptable to the state and the legal authorities. By again looking at the 1989 Suggestions and 1995 Regulations we can see how potentially explosive the situation is. The stipulation that land is state owned unless registered as collective during Land Reform or the Four Fixes Movement provides the state with a powerful instrument to brush away all

customary land claims. If this rule were to be rigorously applied it would set off a firestorm of social conflict, putting the state on a collision course with the residents of virtually all minority areas. This issue is discussed in more detail in Chapter 10. It is no surprise that the newly Revised Land Administration Law has shrouded this issue in vagueness rather than adopting the stipulations of the 1995 Regulations.

In dealing with customary entitlements, the judiciary and executive powers walk a thin line between safeguarding the state's interests and social justice. The solutions adopted by the courts and local governments in the two cases described above refrain from implementing the extreme measures possible under the 1989 Suggestions and 1995 Regulations. Instead, the formal verdicts are a veiled recognition of villages' customary claims. In the first case, the local government attempts to effect some sort of retroactive land requisition by demanding financial compensation from the state farm. However, whether this compensation comes anywhere near the real value of the requisitioned land can be questioned. In the second case, the local government and court steer a middle course through an equal division of the disputed land between the village and the state farm.

Conclusion: caught between history, cultural legacy and social justice

How can (local) communities, government and courts strike an equitable balance between unclear historical, customary land claims and the imperatives of social justice? This requires scrupulous passage through a minefield of irreconcilable interests: villages' land has been "stolen" as a result of a weak legal culture, while those that profited have in some instances invested substantial resources in the "stolen good." The root problem, however, is that for decades it has been possible for governments *and* villages to use and develop land precisely because ownership has been unclear. For the People's Republic there will be no easy resolution to this complex matter. In this respect, the Chinese state is in the same boat as other governments struggling with indigenous and pre-colonial land claims.

For the Chinese state there are several critical issues. Local governments have frequently sought to deny the land ownership rights of the natural village altogether. At a time when land prices are booming and land ownership can neither be verified beyond doubt nor dealt with in transparently equitable ways, the highest responsibility of the central state must be to safeguard the legal interests of the weakest: the villages, farmers, herders and minority nationalities. Yet such a stance, while consistent with state goals of stability and unity, flies in the face of developmentalist priorities and the powerful business and state interests that see the opportunity to reap large profits and presently appear dominant in the Chinese polity. By one estimate, during the past decade over 66 million Chinese farmers have lost their land due to evictions.[54] The economic stakes are high. For instance, when the Beijing

government requisitioned land from Liuquan Village near the southern section of Beijing's Fourth Ring Road, farmers received only 177 RMB per square meter. The same land was sold two years later for 6,750 RMB per square meter.[55]

From the legal cases discussed here we can see how the courts can play a crucial role in establishing jurisprudence that confirms the natural village as the basic legal owner of land—as stipulated in the Sixty Articles. To date, however, procedures for the establishment and the status of case law to support this position are still fragmentary and weak. Another problem that derives from unclear land laws and regulations is related to the level of collective ownership and changes therein. Under the past and present legal frameworks, the level of collective ownership cannot be changed. But during the collective period, team land was often requisitioned for the establishment of commune or brigade enterprises. Many current township and village enterprises were established in this way. Over time it became increasingly unclear what collective level could claim ownership to the land on which an enterprise was built. The heart of the problem is that the National People's Congress has not addressed critical issues clarifying the nature, and the level, of collective ownership.

In the absence of a national land cadastre, and there is no indication that the Chinese state is contemplating so vast, costly and controversial an undertaking, assessment of title must be adjudicated on the basis of historical claims. According to current laws, the validity of claims is limited to land deeds issued during Land Reform and the Four Fixes Movement. However, because land was never systematically registered, claims that predate Land Reform will continue to be contested. This question is intertwined with the state's willingness to take seriously villages' and minority nationalities' territorial claims under customary tenure.

The present legal principle that forest, grassland and wasteland are state owned unless proven collective property, with its grave implications for depriving minority peoples of customary rights, is surely untenable in the process of title recognition and registration in areas with a significant minority presence. However, the common ownership of natural resources—not necessarily limited to a single village community—and the unwritten character of customary rights make them difficult to authenticate within the evolving legal framework. Laying the burden of proof on the collective is a strong legal instrument with which customary claims can be brushed aside. The attempts by the Ministry of Land and Resources to strengthen the principle of "state-owned unless proven collective" have created a potentially explosive situation. The local government and courts walk a thin line between the protection of the state's interests and meeting citizen and community demands for social justice. Yet, the cases reviewed here reveal that local governments and courts are capable of making independent judgments. Their verdicts may be regarded as implicit recognition of customary claims without sacrificing economic interests.

Into the present, the central government has maintained a rather passive stance by intentionally leaving land ownership issues fuzzy. By upholding such "deliberate institutional ambiguity" it hopes to allow sufficient leeway for local experimentation with new property arrangements conducive to development, while simultaneously avoiding large-scale social conflict. If local practices prove feasible they can subsequently be institutionalized, a method utilized by the state in the early years of land reform and decollectivization in the 1970s and early 1980s. As reforms and commercialization advance, the number of land claims will rise substantially. These will pose a formidable challenge to the Chinese judiciary and executive authorities.

Notes

1 I would like to thank Shi Wenzheng, Eduard B. Vermeer, Mark Selden and the land rights jurists Ellen-Roos Kambel and Herman Slaats for their helpful comments on various versions of this chapter. This research was funded by the European Union–China Academic Network (ECAN).

2 Speech given at the Chinese Communist Party Central Rural Work Meeting on 29 December 2005, and released for the public on January 20, 2006. Available at Xinhuanet.com.

3 Ho, Peter (2001), 'Rangeland Degradation in North China. A Statistical Analysis to Validate Non-Equilibrium Range Ecology' *Journal of Development Studies*, Vol. 37, No. 3, 2001, pp. 99–132.

4 Royston, Reggie (2001), 'China's Dust Storms Raise Fears of Impending Catastrophe', *National Geographic News*, June 1, at http://news.national geographic.com/news/2001/06/0601_chinadust, accessed on 20 August 2007.

5 You-tien Hsing (2006), 'Land and Territorial Politics in Urban China' *The China Quarterly*, No. 187, September, pp. 575–591.

6 Research has demonstrated that the weak, women and the poor have become victims of the Chinese land craze. Li, Zongmin and John Bruce (2005), 'Gender, Landlessness and Equity in Rural China' in Peter Ho (ed.), *Developmental Dilemmas: Land Reform and Institutional Change in China*, London and New York, Routledge.

7 NRC correspondent (2006), 'ING betrokken bij illegale Sloop in China' (ING involved in illegal demolition in China), *NRC Handelsblad*, 24 June, p. 23.

8 Minister Tian Fengshan was arrested in 2005, and convicted in early 2006. His crimes were committed during his term as provincial governonr of Heilongjiang.

9 *The Economist* of 16 October quoted in WW4 (ed.), 'China Land Reform: Great Leap Backward?' 19 October 2008, at http://www.ww4report.com/node/6183, accessed on 12 December 2008.

10 See Ho, Peter, 'Land Markets, Property and Disputes in China' in Max Spoor (ed.), *The Political Economy of Rural Livelihoods in Transition Economies: Land, Peasants and Rural Poverty in Transition* (London: Routledge, 2008).

11 An FAO report rightly noted: "Liberalizing the land market will nmost likely lead to a concentration of land assets. There is, for instance, evidence of worsening land distribution (. . .) as a consequence of the operation of land markets. In the presence of market imperfections, especially in the credit market, land could become concentrated in the hands of producers who are not necessarily the most efficient, even from a provate standpoint" (de Janvry et al., 1997: 10). Another UN study stated that one should think of ways "for making the land market approach workable and socially acceptable, bearning in mind the alarming statistics of increasing numbers of rural poor, landless workers and undernourished children, especially in the Middle East and sub-Saharan Africa" (El-Ghonemy, 1999: 15).

12 For an excellent introduction on land ownership in China from the 1950s until the early 1990s, see Mark Selden and Aiguo Lu, 'The Reform of Landownership and the Political Economy of Contemporary China,' in Mark Selden (ed.), *The Political Economy of Chinese Development* (Armonk: M.E. Sharpe, 1993).

13 The team was identified as the primary accounting unit. Article 21 of the Sixty Articles stipulated that 'all land within the limits of the production team is owned by the production team. [. . .] Collective forest, water resources, and grassland, are all owned by the production team.' See C.S. Chen (ed.), *Rural People's Communes in Lien-chiang* (Stanford: The Hoover Institute, 1969) or the excerpts in M. Selden, *The People's Republic of China. A Documentary History of Revolutionary Change* (New York: Monthly Review, 1978), pp. 521–26). For a detailed description of the leadership's discussion on the level of collective land ownership, see Peter Ho, 'The Clash over State and Collective Property: The Making of the Rangeland Law,' *The China Quarterly*, 161 (March 2000), pp. 247–49.

14 For example, such exceptions occurred if the former commune consisted of two levels instead of three. As also written in Article 2 of the Sixty Articles: 'The organisation of the commune can consist of two levels: the commune and the team; but it can also consist of three levels: the commune, the production brigade and the production team.' See Chinese Communist Republic, 'Nongcun Renmin Gongshe Gongzuo Tiaoli Xiuzheng Cao'an.' (Revised Draft of the Work Regulations of the Rural People's Communes), 27/9/1962, in Zhongguo Renmin Jiefangjun Guofang Daxue Dangshi Yanjiushi (ed.), *Reference Material on the CCP*, p. 137.

15 There is to date no evidence that administrative villages also claim ownership of the larger territory under their jurisdiction, which includes several natural villages.

16 See Boyong Li, 'Quanguo Renda Falü Weiyuanhui guanyu "Zhonghua Renmin Gongheguo Tudi Guanlifa (Xiuding Cao'an)' Shenyi Jieguo de Baogao" (Report on the Results of the Review of the 'Land Administration Law of the People's Republic (Revised Draft)' by the Law Committee of the National People's Congress), Speech at the 4th Session of the Standing Committee of the 9th National People's Congress, August 24, 1998, p. 3.

17 See Peter Ho, 'Who Owns China's Land? Property Rights and Deliberate Institutional Ambiguity,' *The China Quarterly*, 166 (2001), pp. 402–7.

18 Many studies have provided empirical evidence for this. See, for example, James Kaising Kung and Shouying Liu, 'Farmers' Preferences regarding Ownership and Land Tenure in Post-Mao China: Unexpected Evidence from Eight Counties,' *The China Journal*, 38 (July 1997), pp. 33–64.

19 Guangming Huang, 'Xin Tudi Geming' (The New Land Revolution), *Nanfang Zhoumo*, June 14, 2001, p. 1.

20 Peter Ho, 'China's Rangelands under Stress: A Comparative Study of Pasture Commons in the Ningxia Hui Autonomous Region,' *Development and Change*, 31, 2 (March 2000), p. 394; and Peter Ho, 'The Four Wastelands Auction Policy: Removing the Rural–Urban Divide or Another Commandist Mass Campaign?', *China Information*, 14, 1 (2000), pp. 1–37.

21 Xinhua Liu (ed.), *Xin Tudi Guanlifa Quanshu* (Encyclopedia of the New Land Administration Law) (Beijing: Zhongguo Wujia Chubanshe, 1998), vols 1 and 2; Zuigao Renmin Fayuan (ed.), *Renmin Fayuan Anli Xuan—Xingzheng Juan: 1992–1996* (A Selection of Cases from the People's Courts—Volume for Administrative [Cases]: 1992–96) (Beijing: Renmin Fayuan Chubanshe, 1997). Legal terms have been translated according to: Shutong Yu and Jia Wen (eds), *Xin Han-Ying Faxue Cidian* (A New Chinese-English Law Dictionary) (Beijing: Falu Chubanshe, 1998).

22 Hu Kangsheng (ed.), *Zhonghua Renmin Gongheguo Nongcun Tudi Chengbaofa Shiyi* [Legal Interpretation of the Rural Land Contracting Law of the People's

Republic of China] (Beijing: Falu Chubanshe, 2002), and Property Rights Law of the People's Republic of China, March 16, 2007, Order of the President of the People's Republic of China (No. 62), English text also available at http://www.lawinfochina.com.

23 State Statistical Bureau, *China Statistical Yearbook* (Beijing: China Statistical Press, 1999), p. 233.

24 See, for example, the review of the Supreme People's Court on 'The Use of Policies and Laws for the Land Dispute between the Villagers' Committee and the Villagers' Group,' in Hongyi Xiang (ed.), *Tudi Quequan Shiyong Shouce* (A Practical Manual for the Assessment of Land Title) (Beijing: Zhongguo Dadi Chubanshe, 1996), p. 293.

25 The original idea of the Four Fixes was to transfer from the larger brigade or commune to the production team permanent use rather than ownership of labor, land, animals and tools. The formal basis for the Four Fixes Movement was the Sixty Articles.

26 A large literature is available on this issue, captured under key words such as 'common property resource management,' 'common pool resources' and 'legal pluralism'. See, for example, Daniel W. Bromley, *Making the Commons Work: Theory, Practice and Policy* (San Francisco: Institute for Contemporary Studies Press, 1992).

27 The Chinese discussion of 'rule by man' is described in Ronald C. Keith, *China's Struggle for the Rule of Law* (New York: St. Martin's Press, 1994), p. 12.

28 A.W. Motion cited in R. Rowton Simpson, *Land Law and Registration* (Cambridge: Cambridge University Press, 1976), p. 220.

29 *Ibid.*, pp. 220–21.

30 Case drawn from Zuigao Renmin Fayuan (ed.), *Renmin Fayuan Anli Xuan— Xingzheng Juan: 1992–1996* (A Selection of Cases from the People's Courts—Volume for Administrative [Cases]: 1992–96) (Beijing: Renmin Fayuan Chubanshe, 1997), pp. 334–40 (second case) and pp. 341–47 (first case).

31 *Ibid.*, p. 343.

32 *Ibid.*, p. 344.

33 See 'Suggestions on the Question of the Assessment of Land Titles,' in ZTGZBW (ed.), *Zhongguo Tudi Guanli Zonglan*, pp. 69–70.

34 'Remarks on the "Land Administration Law (Revised Draft)" by Relevant Units and Personnel of Zhejiang Province', in Renda Fazhi Gongzuo Weiyuanhui (ed.), *Zhonghua Renmin Gongheguo Tudi Guanlifa Shiyi* (An Interpretation of the Land Administration Law of the People's Republic of China) (Beijing: Falü Chubanshe, 1998), p. 366.

35 See '1958 Measures on Land Requisition for State Construction;' '1982 Administrative Regulations for Land used for Building Construction in Villages and Towns;' and the '1982 Regulations on Land Requisition for State Construction,' in Xiang (ed.), *Manual for the Assessment of Land Title*, pp. 108–28.

36 About this, a Chinese jurist remarked that at the time of the transfer, the Sixty Articles were still valid and stipulated: 'The land owned by the production team . . . can by no means be rented or sold' (article 21). See Xinhua Liu (ed.), *Xin Tudi Guanlifa Quanshu*, vol. 1, p. 900, in which this case is also described.

37 Article 24 of the 1986 Land Administration Law in: Nongyebu Zhengce Tigai Faguisi (ed.), *Nongyefa Quanshu* (Encyclopedia of Agricultural Laws) (Beijing: Zhongguo Nongye Chubanshe, 1994), p. 557.

38 Frank Emerson Clark cited in Mark Monmonnier, *Drawing the Line: Tales of Maps and Cartocontroversy* (New York: Henry Holt and Company, 1996), p. 123.

39 The original text states 1984. However, the text is corrupt, as it later talks about 1954. From the context it is also clear that the year 1954 is meant here.

40 Xinhua Liu (ed.), *Xin Tudi Guanlifa Quanshu*, vol. 1, p. 910.

41 *Ibid.*, p. 911.

42 *Ibid.*, p. 912.
43 Article 14 of the 1958 Regulations on Land Requisition for State Construction, in Xiang (ed.), *Manual for the Assessment of Land Title*, p. 111.
44 Xinhua Liu (ed.), *Xin Tudi Guanlifa Quanshu*, vol. 1, p. 913.
45 Article 13, Exemplary Regulations on the Higher Agricultural Production Cooperatives, in *ibid.*, p. 131.
46 First case drawn from Xinhua Liu (ed.), *Xin Tudi Guanlifa Quanshu*, vol. 1, pp. 1039–41. Second case drawn from Zuigao Renmin Fayuan (ed.), *Cases from the People's Courts*, pp. 450–54.
47 Literally 'sandy land inherited from the ancestors.' The term *tandi* literally means 'sandy land' but is best translated as 'steppe' or 'sandy waste'.
48 Zuigao Renmin Fayuan (ed.), *Cases from the People's Courts*, p. 452.
49 *Ibid.*
50 *Ibid.*, p. 454.
51 One need only think of the colonization of state forest reserves in former Manchuria by rural collectives. An instance of a more recently developed common property of forest is described by Emily T. Yeh, 'Forest Claims, Conflicts and Commodification: The Political Ecology of Tibetan Mushroom-Harvesting Villages in Yunnan Province,' *The China Quarterly*, 161 (March 2000), pp. 264–78.
52 A chronological listing of the Constitution's stipulations on natural resources is given in Wenzheng Shi, *Caoyuan yu Caoye de Fazhi Jianshe Yanjiu* (Research of the Construction of a Judicial System for Rangeland and Pastoralism) (Hohhot: Neimenggu Daxue Chubanshe, 1996), pp. 37–38.
53 Article 1 of the State Land Administration's 1989 Suggestions on the Assessment of Land Titles and the State Land Administration's 1995 Regulations on the Assessment of Land Ownership and Use Rights, Xiang (ed.), *Manual for the Assessment of Land Title*, pp. 312 and 351.
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5 To the courts or to the barricades?

Can new political institutions manage rural conflict?

David Zweig

Introduction[1]

Rapid economic development is highly destabilizing, and in China, accelerated economic growth accompanied by far-reaching social change, is generating widespread protests. Intensified commercialization and commodification of land, labor and agricultural products, rapid urbanization, enormous capital construction and public works projects, and rural industrialization, are all occurring within the context of a poorly regulated market, a weak legal and tax regime, a pliant environmental monitoring system, and a political system that favors powerful officials and the *nouveaux riches* and usually ignores or suppresses, rather than responds sympathetically to, social grievances. Breakneck economic growth has facilitated environmental degradation and health problems, excessive or illegal taxes imposed by local cadres, widespread official corruption, failures to fulfill contract obligations, and the all-too-frequent confiscation of collective rural land which is sold by local governments to developers at astronomical profits.

As a result, large numbers of citizens have engaged in collective action, and these widespread demands for justice and conflict resolution challenge the capacity of state institutions that remain rather ill equipped to manage (rather than simply suppress) high levels of political participation. As the late Samuel Huntington warned, if political demands overwhelm weak political institutions, political participation can trigger 'political decay.'[2] But why have protests become so frequent? Can China's still weak political institutions manage this burgeoning demand for political and legal action and gain political legitimacy? What strategies do rural citizens employ to promote their interests, and are these strategies likely to promote stability or decay? In essence, will economic development lead to political modernization or political decay?

The emergence of new political institutions

Since 1978, a new set of political and legal institutions have emerged to manage some of this burgeoning demand for responsiveness and political involvement. Elections for director of the village committee, an increased

role for the courts in adjudicating conflicts under the Administrative Litigation Law, petitions to higher level officials, as well as a more aggressive investigatory role for journalists and television, help villagers express their grievances, influence local economic decisions and seek redress for unfair cadre behavior. Some of these institutions emerged from society and were borrowed by the state, while others were introduced by a state deeply concerned that rural demands for change and the rapaciousness of local cadres could trigger massive rebellions.

By 1988, following several years of heated debate, leaders of the Chinese Communist Party (CCP) became convinced that direct elections for Villagers' Committees and particularly for the director of these committees, as well as the shift of economic authority to those committees, would strengthen the state's political power, placate villagers' concerns that local taxes were being misappropriated and stabilize rural society. The leadership still saw the local CCP secretary and the CCP branch as the core controlling village politics, but by allowing the villagers' own elected representatives —other than the party secretary—to manage village finances, it hoped to increase legitimacy in the countryside.[3] However, by the early 2000s, conflict between the party secretary and the village director, reflecting two competing power centers in villages, led the CCP to accept the idea that one person should hold both posts, thereby fusing local power in one person's hands.[4] In fact, in July 2002, the Central Committee and State Council jointly issued a circular that endorsed "concurrent office-holding by village chiefs and Party secretaries" (yijiantiao) and "merging the Party branch and the village committee" (*liangwei heyi*).

"Public petitioning" emerged as a widely used norm, supported by central elites and the media, through which citizens challenge local bureaucratic decisions and cadre corruption.[5] Under this procedure, citizens inform higher levels about misbehavior by local officials so that festering issues can be resolved independently of the courts, preserving rural legitimacy. Such actions conform to cultural preferences for mediation over litigation, preferences reinforced by the fact that rural litigants live in close proximity to each other and a final, clear-cut legal decision in favor of one claimant can have long-term influence on intra-village relationships.

Since the mid-1980s, the Chinese government has had some success introducing "rule *by* law", if not the "rule *of* law", encouraging Chinese citizens to take grievances against cadres to court. In the early days of reform, as many rural goods and services previously allocated by administrative fiat moved onto the market, villagers and cadres often broke their contracts. To prevent social unrest within villages, the state introduced rural contract law and offered citizens the chance to take their disputes to court for mediation or resolution.[6] In 1990, the state introduced the Administrative Litigation Law, allowing individuals and collectivities to seek legal redress for abuses by public officials.[7] But courts usually reject such cases, making the courts themselves the target of complaints.[8]

China's media has joined the fray of important institutions that can channel and support local grievances. Commercialization of the media means spicy journalistic reports that help sell papers. Central leaders see the press as a tool for shining light on local cadre malfeasance, though state leaders use media reports as "public display of the central leadership's paternalistic commitment to the people," rather than truly letting the media restrain local officials. And while villagers see attracting media attention as an important arrow in their quiver of weapons for successful protests, the state in 2005 imposed serious restrictions on the ability of media to report on local cadre misbehavior.[9]

Public participation and political demands in changing times can tax any political regime. Pressure on China's system is all the greater since local cadres see the emergence of new legal and political institutions as a challenge to their ability to manipulate the system to their advantage. Thus whether these institutions serve society or the state remains dependent on the context. As we will see, the courts are kind to officials, while petitioning to higher level administrators may increase the success rate of villagers. Similarly, the utility of local elections as a mechanism to advance villagers' interests has waned over the last five years.

Still, what mechanisms do villagers employ in their efforts to resolve grievances? A survey carried out by this author in 1999, in 120 villages in two counties in Anhui Province and two in Heilongjiang Province, provides some answers to this question. These localities were quite rural, with only limited levels of industrialization. First, we asked villagers if they had tried to solve a problem in their village; approximately 16.5 percent had done so. We then asked them to select from a list the strategies they had employed. Table 5.1 presents those findings. In 26.6 percent of the cases, the villagers took the issue directly to higher levels (categories 5 and 6), while another 4.6 percent tried to find an influential villager to do so for them. But the majority tried to solve the issue locally, through the Communist Party's local committee (27.4 percent, category 2 and 3), through their locally elected representatives (20.6 percent, category 10 and 11), or the local Economic Management Committee (1.9 percent), for a total of 49.9 percent. These findings are similar to those of Michelson, who, employing survey data supplied by Renmin University, found that the majority of villagers try to solve problems locally. Also, 5.5 percent had tried to take the issue to the mass media, suggesting that villagers understand the importance of media attention. However, our findings show that few peasants go to the court— Michelson found that 9 percent went to the legal system while only 1.6 percent had joined some type of public protest or assembly.

So, how effective are these new institutions? Do they resolve villager–cadre problems and mitigate social unrest and the need for collective action? Or, to get justice, must villagers adopt extra-legal forms of collective action, what Xi Chen calls 'trouble making tactics?'[12]

This chapter uses two sources of data to examine the relationship between economic development and political and legal change. First, it analyzes a

Table 5.1 Strategies employed by villagers to solve problems in four counties in rural China, 1999

	Number	Percent
1. Report to Mass Media	41	5.5
2. Contact the Village Party Secretary	107	14.5
3. Contact members of the Village Party Committee	95	12.9
4. Contact the local Economic Management Committee	14	1.9
5. Report to higher level officials	153	20.7
6. Go to the government ministry and make an accusation	42	5.9
7. Join in a public assembly	6	0.8
8. Participate in a public protest	6	0.8
9. Find an influential to take the case to higher level officials	34	4.6
10. Contact members of Village Committee	79	10.7
11. Contact the leaders of the Village Committee	73	9.9
12. Take the case to court	8	1.1
13. Talk about the problem with others but not do anything	56	7.6
14. Others	25	3.4
Total*	739	100.0

Source: Survey in rural China, summer 1999.
Note: * villagers could select more than one activity or strategy.

series of articles about rural petitioning and protests that appeared in *Minzhu yu Fazhi* (Democracy and Law; hereafter, *MZYFZ*), between 1988 and 2007.[13] Second, it presents two related case studies of villager resistance in a city in coastal China. The articles in *MZYFZ* reflect the types of legal problems that result from unregulated economic development in rural China, while the suburban cases, although taking place in 1997–98, illustrate the land expropriation crisis that is gripping suburban China today as it undergoes rapid urbanization.

Data from *Minzhu yu Fazhi*

Lacking systematic survey data on protest activity across rural China, I collected all examples of political or legal action by rural individuals and collectivities reported in *MZYFZ* between 1989 and 2007. Of the 134 cases, 29 appeared in the first nine years, while 105 appeared in the latter nine.[14]

A legal magazine, run by the China Law Association (*Zhongguo Faxuehui*), *MZYFZ* seeks to bring to light the legal problems China faces as it tries to establish the rule of law.[15] These cases reflect both the strengths and weaknesses of the formal legal and petitioning system. Of the 134 cases, 30 percent made it to court (40/134)—while 48 percent (64/134) involved petitions to officials at various levels that are not also directed to court— suggesting that handling petitions effectively is as important to the editors of the journal as is the idea of moving cases to court (see Table 5.2). Also, 42 percent of the cases have not been resolved or their final resolution remains

Table 5.2 Cases of rural protests, 1989–2007

Year	Nature of action		(2) petition only	(3) court only	(4) petition and court	(5) resolved by court	(6) resolved by admin	(7) pro-villager court verdict	(8) pro-official court verdict	(9) unresolved cases	(10) Media involved	(11) lawyers involved
	Collective	Individual										
1989–1997	22	7	21	9	3	9	11	7	2	10	14	6
1998	2	5	1	0	5	4	0	4	0	2	2	2
1999	8	1	6	0	3	1	5	1	0	3	2	4
2000	16	8	10	4	9	7	3	3	4	14	7	5
2001	14	6	7	7	5	9	3	8	1	8	5	3
2002	4	2	0	1	5	6	0	2	4	0	1	3
2003	4	1	2	0	3	1	0	1	0	4	1	0
2004	5	5	3	6	1	4	2	4	0	4	3	3
2005	8	2	7	0	3	1	3	1	0	6	1	0
2006	4	1	3	1	0	1	3	0	1	1	2	0
2007	6	3	4	2	3	3	2	3	0	4	3	3
1989–2007	93	41	64	30	40	46	32	34	12	56	41	29

Source: Cases reported in Minzhu yu Fazhi, 1989–2007.

Note:
1 Nature of political action: collective versus individual;
2 Number of cases with petitions to higher-level officials alone;
3 Number of cases that went to court alone;
4 Number of cases that appealed to both higher-level officials and the court;
5 Number of cases already resolved by the court as of 2007;
6 Number of cases resolved by higher administrative units (shang ji xing zheng dan wei) as of 2007;
7 Number of court verdicts that support villagers;
8 Number of court verdicts that support government cadres;
9 Number of unresolved cases or cases with unclear outcome.
10 Number of cases involving public media;
11 Number of cases involving lawyers;.

unclear, reflecting the intractable nature of disputes that move outside the village and therefore make it into the pages of this magazine.[16] The cases also demonstrate the strong "rights consciousness" that has emerged in the countryside, as villagers use law to their own advantage. In several cases, villagers researched national laws before presenting their cases, reflecting what Li and O'Brien call "policy based resistance."[17] Yet one villager who studied rural contract law lost his case in court, even though a Nanjing University professor who was interviewed by *MZYFZ* believed that the plaintiff's legal argument was clearly correct and the court's judgment was flawed.[18] Still, *MZYFZ* overstates the role of courts as a mode of conflict resolution as numerous surveys suggest that most villagers do not see going to court as a preferred means of resolving their conflicts with officialdom.[19]

Dividing the cases into discrete categories proved difficult, as some articles described more than one offense. For example, a cadre who steals land may be prone to impose unfair taxes. Nevertheless, we divided the cases into eight categories: land related cases (including housing problems), illegal taxation (*luan shou fei*), property contracting or loss (other than land), personal injury, misappropriation of public funds, business fraud, electoral problems, and others.

The largest number of cases, 39 or 29 percent, relate to land issues (see Chapter 4), which between 2005 and 2007 comprised half the total number of cases, reflecting the current severity of the problem. The soaring value of suburban land to incredible levels is also apparent; cadres who illegally sold 1,738 *mu* (one *mu* is one-sixth of an acre or one-fifteenth of a hectare) of land to developers earned 40 million RMB (*renminbi* also known as *yuan*).[20] Given such high stakes, cadres threaten violence against villagers (and their allies) who bring illegal cadre behavior to light. In a typical case from Shantou, Guangdong Province, cadres earned over 24 million RMB through land sales, so villagers petitioned over 1,000 times but higher level

Table 5.3 Dispute type and cadre violence, *MZYFZ*, 1987–2007

Dispute Type	Cadre violence		Total
	Yes	No	
1. Land Disputes	6	32	38
2. Illegal Taxation	8	8	16
3. Business Fraud (including coal mines)	6	8	14
4. Election Problems	4	11	15
5. Property Contracting	5	9	14
6. Personal Injury	3	11	14
7. Misappropriation of Public funds	1	8	9
8. Other	0	13	13
Total	33	100	133

Source: *Minzhu yu Fazhi*, 1987–2007.
Notes: p < .03.

officials protected the local cadres. After letters to the provincial government bore no results, villagers went to Beijing. This case involved many new institutions: lawyers were hired but beaten by thugs in the employ of cadres; elections were held but after village cadres manipulated them to protect their positions, villagers petitioned over the electoral fraud; finally, villagers contacted the media—in this case, *Minzhu yu Fazhi*—whose investigating journalist was physically threatened.

The second most common source of protests—illegal or excessive local taxes (*luan shou fei*)—involved 28 cases (23 percent). In the late 1990s, excessive taxation was the key source of rural unrest;[21] in one case, the burden reached over 20 percent of per capita income.[22] Such high taxes were often imposed when cadres, pressured by the state to develop the local economy, build a road, a power plant or some other modern facility—lacked the tax base for costly public works.[23] But of the 28 articles involving illegal taxation, 21 predated 2002, suggesting that after 2001, the severity of this problem decreased.

Contract problems emerge during incipient market development.[24] Such cases included the selling of fraudulent products or the mistreatment of migrant workers. In one instance, villagers were compelled to raise seeds for the township seed company but when China's economy slowed dramatically in 1990, cadres tried to avoid paying for them.[25] The villagers sued the township company, its parent at the county, and the village government that had made them grow the seeds.

Several cases (15/134 or 11 percent) also involved travesties of the electoral process. Ironically, while elections were a new institution that could help peasants deal with unpopular officials, the elections themselves often became a source of dispute that led to petitions and court cases.

So, who won the cases and through what channel? Table 5.4 shows that villagers won many more cases than the cadres—46 percent versus only 11.2 percent, though almost as many cases (42 percent) were unresolved at the time the story was published. But, are the courts kind to villagers? Absolutely. Villagers won 55.6 percent of all court cases, significantly more than their margin of victory of 46 percent in all of the 134 cases. But officials also improved their chances when the cases went to court, largely because once a case gets to court, the court is generally able to make a decision. Moreover, if the villagers can get a case directly into the court and get a decision without the case going anywhere else, they win 73 percent of such cases. Villagers also did remarkably well when cases went to the people's congress system, where officials simply struck out entirely. Clearly these people's assemblies do not look kindly on state officials. But villagers do far poorer when the petition goes to the government administration. Still, winning in the courts is not always the best solution as cadre revenge may negate a victory in court.[26] One article quoted family members as saying that: 'No matter whether you win or lose, you lose. You still have to live here and the township government won"t forgive you."

Table 5.4 Margins of victory, by channel, 1989–2007

Victor		Channel where decision taken			
	Overall	*Court*	*Government adminstration*	*People's Congress*	*Other*
Villager	62 (46)	15 (55.6)	19 (34.5)	17 (60.7)	11
Official	15 (11)	6 (22.2)	4 (7.3)	0 (0.0)	5
Unresolved	57 (43)	6 (22.2)	32 (58.2)	11 (39.3)	8
Total	134	27 (100)	55 (100)	28 (100)	24 (100)

Source: *Minzhu Yu Fazhi,* 1987–2007
Note: Percentages in parenthesis are always column percentages. p < .01
"Other" refers to cases where two channels—usually the court and the government—
were involved in the decision.

And what of the significant number of unresolved cases (43 percent)? These are cases where villagers are the plaintiffs, so if they are not put to rest, the case can fester within the society and polity. Seven of the eight times *MZYFZ* reported that villagers resorted to civil disobedience or violence, the cases were unresolved, reflecting frustration and anger.

Moreover, since no judgment is forthcoming, an unresolved outcome favors the defendant. Thus cadres, who are the defendants in over 90 percent of our cases, *if they cannot win, no solution is the best solution*, as no judgment means that they are not prosecuted and may even be able to continue their misdeeds. Not surprisingly, cases that did not get into court but were brought only to the government were more likely to remain unresolved; while 42 percent of all cases were unresolved, 58 percent of those that went only to the government were unresolved, while the likelihood of villagers winning decreased from 46.3 percent to 35 percent. When villagers approach officials or administrative channels, much back-scratching ensues, as officials help each other by avoiding a decision—a typical bureaucratic maneuver.

Which type of cases was hardest to resolve? Land disputes stand out as particularly difficult to resolve—43 percent of all cases were unresolved, but 50 percent of land cases found no solution. Michelson, too, found land disputes most contentious.[27] And, as with Michelson, we found that "justice from below" is best; if cases are decided by the local government—i.e. at the village level—villagers do much better than if the case goes up the political ladder. Contrary to the idea that peasants get "justice from above," our villagers do poorer if their entreaties go to the township and even worse if the case goes to the county. Officials win more when the case is passed up to the county government.

Other new institutions also played a role. The media participated in 29 cases (22 percent), and while it was involved in 19 percent of the cases whose outcome favored the villagers, it was involved in 25 percent (14/57) of the unresolved cases. Thus engaging the media does not ensure a positive

outcome, but villagers probably approached the media precisely because the case was not being resolved. Still, journalists put their lives at risk when they take on such cases as cadres hire thugs to warn them off. Lawyers were consulted in 20 percent of the cases and went to court in two-thirds of those cases. However, their participation helped cadres more than villagers, as lawyers were involved in 33 percent of cadre victories, while participating in only 20 percent of the overall cases. As for other political institutions, 21 percent of cases were discussed by people's congresses, but in only three of the *MZYFZ* cases did villagers approach the village committee or its director, their elected representatives. This finding probably reflects a data bias, because cases resolved in the village would rarely gain the attention of *MZYFZ*. In real life, Chinese villagers take many problems to the Village Director (see Table 5.1).

The most striking finding relates to the use of extra-legal measures (violence or civil disobedience). Villagers often report that creating what Cai calls "disruptive collective action," helps win cases.[28] As Cai notes, "a combination of many participants and the use of disruptive tactics generates serious pressure on local officials because it tends to (or threatens to) trigger intervention from above."[29] Thus Cai sees disruption playing a larger role in agenda setting than other modes of collective action, such as petitions or lawsuits. However, villagers in the *MZYFZ* reports resort to civil disobedience or violence in only 6 percent of the cases. Perhaps the magazine wanted to discourage such activity. Still, in seven of the eight cases when villagers did make trouble, they won.

What is most remarkable about the *MZYFZ* articles is the frequency with which officials resort to violence or some type of extra-legal activity—25 percent (33/134) of the cases! In eight of 14 cases (57 percent) of illegal taxation, cadres responded to villager action with violence; in six of 26 cases (22 percent) involving land, cadres met protests with force; and four of 15 electoral cases (27 percent) provoked cadre violence. In fact, the relationship between case type and the use of cadre violence is statistically significant at the .03 level (Table 5.3). Violence apparently helps cadres, as 28 percent of unresolved cases —an outcome beneficial to officials—involved cadre violence.

Urbanization, land markets and the politics of protest

Urbanization and the commercialization of suburban land have generated enormous levels of conflict over the past decade. Modernizing cities devour suburban land, and since the mid-1980s, cities have expanded at a furious pace. After the 1998 housing reform under Zhu Rongji encouraged widespread privatization of previously public housing, city mayors rapidly turned suburban land owned by rural collectives into bedroom communities. Commercialization of suburban land is one of the most incendiary issues in Chinese society today. Among 236 cases filed under the Administrative Litigation Law

collected by Pei in 1996, 21 percent (50) were over land use, urban zoning and real estate.[30] Why?

Urbanization mirrors the reforms in general, as commercialization and economic changes ensue before the state establishes strong legal institutions that can regulate new market opportunities. The formal legal framework needed to manage a land and suburban housing market, as well as the informal norms that can moderate political and economic confrontations, are slow to develop. Land laws are easily ignored by cadres and business interests, and much of the confiscated land is simply used as collateral for bank loans.[31] Because the market has outpaced the consolidation of legal institutions— such as land and real estate laws —enormous problems emerge, as political institutions constantly strive to catch up with economic change. Huntington's conundrum, where demands for participation are greater than political institutionalization, is clearly at work.

Second, the financial stakes are enormous as the real property value of land at the time it is taken over by the local government is unknown; its value materializes only after it is zoned for suburban housing, or as the surrounding infrastructure, such as new roads and housing units, is developed. Yesterday's patch of tomato fields is tomorrow's three-storey townhouse or sixty-storey office tower. According to the 1986 Land Management Law, the price to be paid by the state to villagers for land could not exceed 20 times the average annual output value of the land.[32] Such growth in the value of suburban land attracts much corrupt activity.[33] In a case reported in *Ming Bao* (Hong Kong) in 1998, cadres collected 2.8 million RMB for renting 240 *mu* of land of which only 350,000 RMB (12.5 percent) was distributed to villagers.[34] Rapaciousness mounts as city officials see land sales as the last source of capital to shore up shrinking tax bases,[35] while development companies (and their allies in urban governments) make millions selling housing units that have cost them perhaps 5–7 percent of the land's ultimate market value. Thus, powerful urban interests in China's opaque political system are scurrying to extract their share of wealth before a more stable, transparent system emerges.

Urbanization can bring benefits both to villagers and cadres. For some rural residents, urbanization means the shift from rural to urban household registration; this rise in status has psychological, educational, social, political and financial benefits.[36] Cadres, too, benefit as their locality's status rises within China's administrative hierarchy due to the shift from rural to urban space turning rural cadres into state officials with retirement pensions and higher salaries if their land is swallowed by an expanding city. Also, if cadres behave fairly, the entire village can benefit. A village in Wuhan's suburbs grew wealthy in the late 1990s by building commercialized housing on its own land and distributing the profits to all members of the collective.[37]

The following section examines the political and legal ramifications of urbanization that emerged in a suburban community in a city in central China.

The case studies

A former brigade cadre, turned urban official in a newly established Street Committee, clarified the widespread impact of urbanization. While he spoke of the court case he had just completed to win back land transferred by the city government to a neighboring township, land whose value had increased 15 times in two years, his friend piped in with his own story. He and 52 other families in August 1998 had battled the director of the district's urban planning and construction bureau (*chengjian ju*), who, after knocking down their homes, tried to resettle them in apartment units built in a renovated factory. But without sunlight and adequate facilities, the friend and his neighbors revolted. I then discovered that the former brigade official's 72-year-old father had led a group of 108 rural retirees who had fought to save their pensions and their health care benefits which were ended when the land on which they lived was re-zoned. Both groups had employed formal, legal activity and civil disobedience to defend their interests.

The following section tells the story of these two separate but related cases of villager resistance over land, while in an analytical section I relate these events to the patterns discovered in *MZYFZ.*

The facts of the cases

In 1992, the city's government decided to widen the streets within the city core but move the urban residents into new apartments in the suburbs. With provincial approval, the city expropriated rural land where it planned to relocate these people. At the same time, the city incorporated two administrative villages, Village A and Village B (both former production brigades), into District No. 1 under the city government. In June 1993, both brigades' long lives as rural units became history.

The two brigades' administrative status remained in limbo, but their farm land was transferred to the city Land Bureau, which paid the two brigades' superior administrative unit, the Township, 33 million RMB for the land. Also, nine *mu* of Brigade A's land was transferred to the Township. Several brigade factories built since the mid-1970s were knocked down, but one clothing factory and a department store, formerly the property of Brigade A, were given to the Township. District Government No. 2, above the Township, kept Brigade A's restaurant. The Township, however, was expected to use part of that 33 million RMB pay-out to care for the residents of Village A because, as a prosperous rural locality, Village A had given all its elderly community members retirement and health benefits. With the brigades' territory now incorporated into the city, the Land Bureau sold the land to several development companies belonging to District No. 1's urban planning bureau (*chengjian ju*). To make room for the new apartments and posh town houses that would line the streets of this housing development, villagers' homes were to be leveled and the villagers relocated into new apartments nearby.

Incorporation into the urban sector brought villagers benefits. Their rural residence permits (*hukou*) became urban residence permits, fulfilling a lifelong goal for many villagers. Second, based on the square footage of their homes—including the area of the second and third storeys—villagers received an equal amount of square footage in new apartments. Most villagers got three to four apartments, while some got as many as seven flats. Most villagers moved into one or two flats, sold a third and rented the rest, granting them a life of leisure as rentiers. But with no land to farm, older villagers were expected to retire or find jobs in the private sector, while their children—teenagers and young adults—were all offered jobs in state-owned firms or a onetime pay-out of 10,000 RMB.

Around 1994 or 1995, urban boundaries were redrawn. Village A became an urban Street Committee (*jiedao*) under District No. 1, but the Township remained in the countryside under District No. 2. So the Township announced that it no longer had any obligation to pay retirement benefits to the 108 citizens of Village A—they were not under its authority and were now urban residents—although it had received the 33 million RMB for land formerly held by Villages A and B, as well as some of Village A's property. Older residents of Village A then sued the Township in the city's civil court (*minjian ting*). Although the 108 villagers lost the case, the city government pressured the Township to contribute 300,000 RMB to cover some retirement costs.

Several years later, Village A, now a Street Committee under District No. 1, sued the Township in the city's administrative court (*xingfa ting*). The court, however, while publicly recognizing that 'the living standards of the villagers in Village A had gone down since they had lost their land',[38] refused to accept the case and passed it back down to the three districts, with a copy to the city government, insisting on an out-of-court settlement. The terms of the mediated settlement (*minshi tiaojie shu*) follow:

- The Township, in two installments over three months, had to pay the Street Committee 300,000 RMB, with 200,000 RMB going to Village A and another 100,000 RMB going to Village B.
- The Township had to return the factory and the department store to the Street Committee (Village A).
- Of the 36,760 RMB in legal fees accrued by the Street Committee, the Township had to pay 30,000 RMB; Village A was to pay 3,380 RMB.
- The Street Committee received the nine *mu* of land taken from Village A.
- Village A had to persuade its villagers to give up all claims to small plots of land and let the developer demolish the remaining homes in the village, facilitating the areas' urbanization.

When some people in Village A expressed dissatisfaction, the court which had refused to hear the case warned officials in the Street Committee that if the residents did not sign the mediated settlement and end all claims immediately, they would get nothing.

Listening to the participants

While the articles in *MZYFZ* clarify the macro-issues involved in these two cases, the participants' stories tell how urbanization affected their lives and how they viewed the resistance in which they engaged. The views of the actors in this drama differ dramatically, based upon their own interests. One person's calamity is another's opportunity. For officials, modernization and urbanization are buzz words connoting new sources of revenue, new opportunities, and new status. For villagers who lost their land and homes and who found the state's compensation insufficient and its behavior exploitative, urbanization is an unwelcome intrusion that forces them onto the road of resistance to get fair compensation for their homes.

The 108 retirees[39]

At risk was long-term security, particularly their retirement and health care benefits. After 1958, these commune residents had contributed their labor, energy and intelligence to turning Village A into a wealthy suburban brigade. In the 1980s, due to industrialization, Village A became one of a handful of rural collectives in China that awarded its members retirement certificates (*tuixiu zheng*) and retirement payments (*yang lao jin*) until death. For some, these payments were high: former brigade administrators received 150 RMB per month; simple field hands received 30–40 RMB per month. More importantly, argued one retiree, with most of them close to 70, their great fear was that the high cost of long-term medical care brought on by disease or infirmity would bankrupt their families. But by an administrative sleight of hand, the collective wealth that should have sustained those benefits and protected them in their old age was first transferred to the Township, and then whisked away entirely when Village A joined the city and the Township remained under rural District No. 2. In the words of one informant, "when they redrew the boundaries, we lost our benefits."

But these older villagers, who had fought the party's "class enemies" in the 1950s and 1960s, created a war chest, with each retiree contributing 30–40 RMB. They elected ten representatives, composed of "older people who could talk well." While each representative had the right to speak, the group had an informal leader who, through personal ties, found a lawyer who sued the Township in the city's Middle Court.

In retrospect, the group's lawyer erred in filing the case with the civil tribunal (*minjian ting*), rather than the administrative court (*xingfa ting*), since they were suing a government office, not other citizens. But in China, civilians rarely win cases against officials. According to Pei's data on the Administration Litigation Law, the government wins twice as often as civilians, and the citizens' likelihood of success decreases if the case is brought against a local government.[40] Also, while the resources they lost were collective property, they were demanding individual compensation. In the eyes of local residents

and officials, their strategy from the start was doomed to fail. Nevertheless, although the court refused to hear the case, its "opinion" (*sifa jianyi shu*)—that the income of the rural residents bringing the suit "had really dropped"—encouraged all parties to resolve the case out of court.

Buoyed up by a somewhat favorable decision—"we felt good because the opinion showed the government's concern"—the representatives embarked on a frustrating effort to find a government bureau or official who would resolve the case. Everywhere they confronted "buck passing" (*ti pi qiu*), not solutions. The city government's General Office would not solve the problem, but stamped a letter approving their visit to the city's Land Bureau, which after hearing their plight "put off our case again and again". Several weeks later, in the winter, the representatives went and, in classically traditional form, bowed outside the door of the Administrative Litigation Bureau of the city government, pleading for assistance. Members of both the city's and Village A's police force brought the aged supplicants home. Frustrated by government inaction, the 108 retirees fanned out across the city, visiting various district governments; but since a government decision had allocated the property to the Township, no level of government would intervene.

Civil disobedience became their only option. Organizing a month long sit-in at the restaurant that had been taken from Village A, they dug in for a long struggle. Were they afraid? "No! Old people are not afraid to resist. You want to arrest us, well it's not easy; you want to control us, well that's not easy either" (*zhua, ye zhua bu zhu; guan, ye guan bu zhu*). Emboldened by the original court opinion which showed the city's moral support for their cause, they carefully avoided giving the Public Security Bureau any pretext for arresting them. "We behaved well when we went to the city government. We knew that we were making a fair (*heli*) request, so we told everyone not to curse in public." But as each government office sent them off with no resolution, their anger grew. "Eventually we made trouble (*nao shi*). Without making a little trouble, we would have had no results. We had no choice."

As the strike dragged on—some retirees slept in the restaurant all night, making it impossible to open for business—the city government was forced to respond, instructing the Township to make a one-time payment of 300,000 RMB to the villagers. And in an effort to put the case behind them, and without mentioning the 108 veteran commune members, the city government, echoing the court"s finding, announced that "the remaining problem of a shortfall in people's livelihood" (*shenghuo bu zhu de yiliu wenti*) was now solved. The 108 veterans accepted the decision and quickly abandoned their collective action, even though they did not get their long-term health benefits. Why? "We got the money, so there was no need to continue to make trouble." The funds were then transferred to the government of District No. 1 to be managed by the Street Committee.

It was surprising that the 108 retirees gave up the struggle so quickly, as the 300,000 RMB would not go far. And, by late 1998 almost half had been

used up, although 95 living veterans needed financial support. Perhaps they had felt that this sum of money was large; or they knew that since they had lost the legal case, this was the best deal they could get. But several years later, the Street Committee, now burdened with these retirees, resurrected the legal challenge and went after the nine *mu* of land, another financial payment, and some enterprises awarded to the Township.

The 53 homeowners

It began spontaneously. To turn the lake beside their homes into an amusement park for urban residents moving to the suburbs, the homes of 53 rural families, which sat below the city's Western gate, were demolished in early 1997. The residents were expected to find temporary housing for two years while the development company, under District No. 1's urban planning and construction bureau (*cheng jian ju*), built them new homes. To cut costs, the urban planning bureau tried to push the homeowners into flats constructed in an old renovated factory, but when the homeowners saw this they immediately went en masse to the development company to protest.

> Under law, the company was supposed to sign a contract with us, but they refused. District No. 1's bureau of urban construction was responsible for this situation; they were supposed to set us up and guarantee us standard (*biaozhun*) homes. But this was a terrible place: no air, no sunlight. All 53 families refused to move in.

Each family contributed 150 RMB to a kitty, selected six representatives, and drafted and signed a document (*weituo shu*) entrusting the six to represent the group's interests in solving this problem.

> Without the *weituo shu*, it was not legal, and we wanted to do everything legally. This way we knew that we could step over the boundaries of what was acceptable behaviour a little bit . . . We called this group our "representative small group" (*daibiao xiaozu*), and it was a short-term organization just for this purpose.

The man selected to lead the group was a middle-level administrative cadre, a party member who managed an office of six to seven people, "so he knew how to organize things".[41] As inhabitants of this village, he and his family had been directly affected by these events. According to one observer, during confrontations with the party secretary of the bureau of urban construction he demonstrated a "strong spirit," going head to head with him. "When Party Secretary XXX banged the table and warned us that our behaviour was illegal, this man banged the table back and accused him of not caring about the people."

   The six representatives first petitioned the Administrative Litigation Bureau of the city government, which told them that their complaint was fair (*heli*).

The bureau then called District No. 1's Administrative Litigation Office and told them to give the delegation a fair hearing, which they did. In fact, the district's Administrative Law Office sent a car to bring the complainants to their offices. But the villagers had few illusions about receiving any swift response.

> We knew that petitioning was of no use, but we also knew that we had to go through that process or else we could not justify using other tactics. So we went to the Administrative Litigation Office of the city government. But we also knew that we needed to "grab on and not let go" (*zhua bu fang*) or else they would not give in.

Events would prove their cynicism well founded as both the development company and the party secretary of the urban construction bureau refused to meet with them. Deciding that civil disobedience was necessary, 60 residents, led by their representatives, descended on the bureau of urban construction and occupied its offices for three days. They had dug in for the long haul, bringing their own food, which they prepared in the office's small kitchen, and despite the oppressive summer heat, many passed the night in the offices. In their own words, they "suffered greatly" (*hen xinku*). But when the bureau's employees went home that first night, leaving only the protesters, they realized that they needed to escalate the confrontation. The next morning, after the office workers returned, the villagers barricaded the door, locking themselves and the office workers inside. They then demanded that the deputy director of the bureau call in the party secretary of the urban planning bureau to negotiate with them. But when he appeared the next morning, he brought along 15 police officers in a failed attempt to intimidate the protestors.

Were they afraid, I asked?

> Not at all! This was a fair request of the masses [*qunzhong de heli yaoqiu*]. We told our people—don't swear, don't break public property, but when the police came and told us not to make trouble, we didn't let them take us away . . . We wouldn't leave because we knew that the party secretary wouldn't come again. We told the police that we had been trying to find the party secretary for days, but he had been ignoring our complaints.

The homeowners carried out a multi-pronged attack. While some occupied the government offices, others went to the provincial television station and persuaded it to send a camera crew which filmed the sit-in, the renovated factory and interviewed specialists on these problems. They also filmed the villagers' protest banner whose slogan—"We trust that the government will return our homes to us" (*xiangxin zhengfu huan wo zhufang*)—was calculated to shame the government by showing that the homeowners had faith that the government would do the right thing. The district government's

propaganda department, which is part of the same media-related "system" or *xitong*, sought to persuade the TV station not to air the report, but the station agreed only to give the government time to solve the problem first. In fact, the title of the show—"After a knot is tied, you still need someone to undo it"—was chosen with an eye to pressuring the city government to solve the case, which it did; the news story ended with a shot of the party secretary shaking hands with the homeowners' representatives.

The struggle had not been easy. After the party secretary failed to have them arrested, the protestors forced him to telephone the district government, which sent a representative who asked for 15 days to study the problem. To the delight of the homeowners, 15 days later the district government agreed to build them new housing. However, the government asked for a year to prepare that housing, which meant that the villagers would ultimately have waited two years for their new homes. Still, all these problems had not harmed the legitimacy of the government in the eyes of this rapporteur.

> Overall I still trust the government. It has been making many new laws and I trust these laws. What I do not trust are many people in the government, in fact, I hate them . . . People with power don't do things according to law; this is quite prevalent. The law is good, but people don't follow it, and this is particularly a problem in smaller government bureaux where there is no one to check [*jiandu*] on how the laws are being implemented.

The role of local leaders

A key force supporting the 108 retirees' efforts to regain their economic security was the former deputy party secretary of Village A, who became party secretary when the old brigade secretary retired in 1992. As a native son, with relatives dotted all over the village—his father was one of the 108 retirees and his best friend lived in one of the 53 homes that were knocked down—he defended the villagers' interests. He also understood the need for a double-barreled attack that combined legal process and civil disobedience.

From his perspective, sit-ins and protests were necessary because the main bottleneck to resolving the case was the fact that the city's Middle Court would never make a legal judgment that challenged, let alone overturned, a formal decision taken by the city government. While some court researchers who investigated the 108 retirees' complaint had believed the village would win its case, "I doubted it," he said.

> The original decision to take the land was made by the city government, which had received permission from the province, so this was a government decision based on official government documents . . . The courts can't overturn such government decisions. So the court promulgated a statement that "the land and property could be used only for development,

and no unit or individual could expropriate it," but this was really the
same as not giving us any result.

Because of the sit-ins and constant harassment by the 108 retirees, the
Township could not run the factory nor could the district run the restaurant.
So, "returning the factory was an easy decision for the Township because
although it had sent people to manage the factory, no one listened to them."
In fact, the old people had surrounded the officials and screamed at them,
asking "why have you taken our land?"

Discussing the cases

What do these cases tell us about the nature of rural collective action and
any emerging mass movement? First, there are two sampling biases here.
The cases in *MZYFZ may* reflect a more civil process of resistance than
exists in most of the country. The magazine's purpose is to promote a legalistic
conflict-resolution culture, so in only six percent of its cases do villagers
engage in extra-legal or "disruptive" activity.

   Second, more distant locations face significantly different conditions than
our suburban protagonists. The latter had easy access to higher-level
government officials, the mass media, and the courts. Nevertheless, in both
the suburbs and more distant villages, land conflicts have sparked numerous
protests. Also, the strategies adopted by suburban and more distant villages,
are all relying on both modern political and judicial institutions and civil
disobedience when those institutions fail to deliver justice.[42]

   Both sets of data show the importance of petitioning, although petitioning
after a court case fails is unlikely to be of much use. In the cases in *MZYFZ*,
people petition more than they go to court, a finding consistent with Li and
O'Brien's assertion that formal petitions to higher-level officials increased
after the late 1980s.[43] The 108 retirees believed strongly that there were
good officials in the system who would respond to their "just" petition, and
in the end the city government did respond. On the other hand, a leader of
the 53 homeowners was quite cynical, seeing petitioning as simply a necessary
step to protect themselves from recriminations by the police. The only effec-
tive, strategy, he believed, was public protest. Clearly, political reforms and
the creation of important new political and legal institutions have increased
the channels for formally presenting grievances. But the courts rarely take
rural cases, forcing villagers to combine petitions with protests, thereby
attracting the upper level's attention, while at the same time threatening the
authorities with civil disobedience unless they respond to the petition.

   In the 1990s, villagers began more aggressively to assert their rights, in
part because the state encouraged them to do so. Li and O'Brien spoke of
"policy based resistance," where villagers used government laws to challenge
cadres who misbehave.[44] Today, an expanding "*weiquan yundong*" (rights
defense movement) dramatically challenges officials nationwide to deal with

various types of legal actions.[45] Journals, such as *MZYFZ*, are part of this movement, encouraging villagers to petition and use the courts. No doubt, lawyers remain beyond the financial means of many villagers, and in the case of the 108 retirees, hiring a less expensive, but also less skilled, lawyer hurt their case. Only the Street Committee could afford the 30,000 RMB needed to take the case to court properly. Still, in the case study above, villagers cited laws and court decisions to justify continuing their case. One of the 53 homeowners stressed the existence of laws that supported their claims; the trick, however, was to force cadres to follow, not ignore, the laws. Similarly, one case from *MZYFZ* described in detail how one villager studied various manifestations of the rural contract law to press his case.[46]

Interestingly, in neither of the two detailed cases did the Administrative Litigation Bureau or the courts hand down a judgment favorable to the plaintiffs. Initially, the courts refused to overrule the city government, which, with provincial approval, had made the original decision to expropriate the land and transfer the village's resources to the township. But that failure simply angered the villagers, even as it encouraged them to move onto civil disobedience. Opening new channels for pursuing grievances encourages citizens to seek redress. But if local officials remain dictatorial, and the new institutions prove, in reality rather than in a journal, to be rather toothless, conflict is even more likely than if villagers' expectations had not been raised or if new opportunities for pursuing their interests had not been established. The genie is out of the bottle, as both "rights consciousness" and new institutions propel this "rights movement" forward.

MZYFZ clearly wants villagers to use the courts and to eschew violence and extra-legal protests, showing that villagers do remarkably well in these reports when they take the case to court. That could be one underlying message of the cases selected by the magazine—the court is your friend! Ching Kwan Lee and others show that the party/government has tried to move conflict off the streets and into the courts.[47] Perhaps the detailed case studies above, as compared to the articles in *MZYFZ*, reflect an earlier era, when one increased the likelihood of success by going to court, petitioning and "troublemaking." A more institutionalized legal system would mitigate the need for such multi-channel strategies. In fact, the *MZYFZ* cases involving multiple strategies, particularly going to the courts *and* petitioning, are more likely to be unresolved than cases where villagers chose one channel and stuck to it. However, quick results in the court or with a petition may be the reason villagers stuck to one channel and did not move onto a second channel, and perhaps only after a case became mired in difficulties in one channel did villagers move to a second. Data showing success in using only one channel and failure in using multiple channels is consistent with this logic.

But we must recall that seven of eight times villagers employed extra-legal activities were cases that were left unresolved. By contrast, in no case did they protest when the decision favored the officials; once there was a

decision, they seemed to abide by it, however unpalatable. So, if the state wants villagers to abjure from violence, it needs to make certain that the courts work well; that is, the courts must not only take on many cases but also make decisions. Passing the buck and kicking decisions to government authorities invites villager protests and generates social tension. Chinese judges are notorious for favoring the government officials who appoint them. In 2009, China announced that judges would no longer be appointed and paid by the party or government controlling the territory in which they adjudicate, but all judges would now be appointed and paid from Beijing. Will this shift the balance in verdicts?

The mix of strategies adopted by these villagers even in the 1990s reflect their ability to integrate modern legalistic "repertoires of contention" with a more historically grounded or extra-institutional strategy of protest and resistance.[48] Villagers in the case studies understood the legal bounds that had to be maintained and that violence would trigger a police response; they reasoned that if they avoided damaging property or swearing at government officials, it would be difficult for the state to use force against them. Therefore, they combined legal procedures with civil disobedience. However, the *MZYFZ* cases show that cadres, rather than the villagers, are the more frequent perpetrators of violence, while their efforts to drag out cases and keep them unresolved is a key source of villager violence as well.

China's media remains critical of the villagers' struggle for justice. Beginning in the late 1990s, the media became a relatively independent collaborator in the struggle against cadre corruption and misdeeds, at times triggering angry responses from the bureaucrats they attacked. For example, after it reported how an armed force of cadres and police, demanding funds for education, shot one villager who resisted their extortion, party officials in Luoding City accused the *Guangzhou Daily* of meddling in matters outside its jurisdiction.[49] Analysts of social movements have long recognized that media support is critical if a social movement is to remain sustainable.[50] Our suburban villagers understood the potential of this medium, though they were surprised by its potency. As one activist noted, "the television station had a big impact. The government is very afraid of the publicity." And, despite efforts by the district government to stop the provincial TV station from broadcasting their story, the TV station agreed to withhold broadcasting the report, but only if district officials resolved the case.

Village elections, an institutional innovation that might mitigate some negative consequences of rapid development, played almost no role in any of these cases. In 65 cases in *MZYFZ*, where we know the government organization or level that was under challenge, 38 percent of the time it was the country government, while 23 percent was the township; only 17 percent of the cases targeted the village government, which is within the electoral reach of the villagers.[51] And, even if the target of the case was a village level official, if the perpetrator held the post of village party secretary, his positional authority was not subject to electoral politics. Since most misdeeds

were carried out by officials who are not accessible to villagers by electoral procedures, the utility of the election as a mechanism to constrain cadres or even "throw the bums out" remains highly circumscribed.

A final resource available to the 108 retirees in their challenge to the Township was the local urban government which saw the nine *mu* of land as an excellent opportunity to enhance its economic development. The successful case was ultimately litigated in the name of the Villagers' Residence Committee, involving a professional lawyer whom the Street Committee paid 30,000 RMB, a sum of money far beyond the capabilities of the villagers. Government-to-government cases go to a different tribunal in the city court, and resolving them in favor of a formally constituted citizens' organization— in this case the Residents' Committee—may be less threatening to the state than resolving a case in favor of a self-organized group of citizens who challenge a formal level of the government. As the *MZYFZ* cases show, when villagers go directly to higher levels of the government, they can get some justice.

Conclusion

Rapid economic development produces negative side-effects, what I call the "political externalities" of economic development.[52] Spillovers of development—such as environmental degradation, breakneck urbanization and the relocation of millions of urban and rural residents, massive jumps in the value of suburban land after it is confiscated, excessive local taxation, or widespread manufacturing of shoddy products—all move the sociopolitical system into unchartered waters, where economy and society meet in often unregulated space. Given the opaque nature of China's administrative system, winners and losers in this sphere are usually determined by relative personal and administrative power, not legal entitlement, creating significant social tension. But society has the power to fight back, especially when people act collectively. As we have seen, arbitrary acts of officialdom fire up the ire of villagers, sometimes triggering a powerful backlash.

Herein lies China's current political and social dilemma—the confrontation between "rights conscious" citizens and rapacious or entrepreneurial bureaucrats. The state's role is to respond to these "political" externalities of rapid development and manage the conflict they generate. To date, weak laws still cannot effectively regulate the interstices between the economy and society without a political culture conducive to the rule of law. China's state has been fashioning new legal and political institutions—courts, elections, people's congresses, and a strengthened petition system—and has created some space within which lawyers and the media may play roles. If cadres anticipate that they will be punished by the state or successfully challenged by China's citizens, these new norms and institutions could reduce cadre abuses, while strengthening villagers' preference for legal forms of conflict resolution. The central state has shifted loyalties somewhat; from cadres,

particularly unethical ones, to society and villagers, so long as they eschew violence, promote stability and employ the state's prescribed channels of interest articulation. The cases in *MZYFZ* document this shift. Nevertheless, fearful of the volatility of the confluence of rapid social and economic change and rights consciousness, the state rejects any form of conflict resolution that includes independent political organizations. The power of local cadres remains vast and accountability limited.

Villagers remain frustrated by the ability of bureaucrats to deflect their claims and prevent resolution of their grievances. The rule *of* law remains weak and prey to administrative power which manipulates (or undermines) the justice distributed by the new legal system. And to the extent that what are perceived as 'just' verdicts are not forthcoming, villagers will combine legal challenges to injustice with extra-legal forms of civil disobedience and collective protest. As cadre corruption, legal and electoral manipulation, and official violence remain widespread, rural China will remain fertile soil for widespread protests and social unrest that challenge the stability of Chinese society and the rule of the Chinese Communist Party.

Notes

1 Funding came from a Direct Allocation Grant, Research Grants Council of Hong Kong, the United States Institute for Peace, and the School of Humanities and Social Science, HKUST. Research assistance was provided by Yiu Keung, Dr Mak Hung Fa and Francis To Chi Wai.

2 Samuel Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968).

3 See Lianjiang Li, 'Elections and Resistance in Rural China,' *China Information*, Vol. XV, No. 2 (2001), and Lianjiang Li and Kevin J. O'Brien, 'The Struggle Over Village Elections,' in *The Paradox of China's Post-Mao Reforms*, ed. Merle Goldman and Roderick MacFarquhar (Cambridge: Harvard University Press, 1999).

4 'Zhonggong Zhongyang Bangongting Guowuyuan Bangongting Guanyu jinyibu Zuohao Cunmin Weiyuanhui Huanjie Xuanju Gongzuo de Tongzhi' (Circular by General Offices of Party Central Committee and State Council on further improving the work of next round village committee elections), (July 14, 2002), available at: http://www.gov.cn/gongbao/content/2002/content_61679.htm (accessed 1 December 2007), cited in Kevin J. O'Brien and Rongbin Han, 'Path to Democracy? Assessing village elections in China,' *Journal of Contemporary China*, 18:60 (2009): 359–78. In articles surveyed for this paper, local officials who engaged in extremely malevolent behavior often held both posts, local Communist Party Secretary and the Director of the Village Committee. The change allowed the Party Secretary to run for the post of Director, an election the Secretary could often control.

5 Lianjiang Li and Kevin J. O'Brien, 'Villager and Popular Resistance in Contemporary China,' *Modern China*, 22, 1 (1996), pp. 28–61.

6 David Zweig, *Freeing China's Farmers: Rural Restructuring in the Reform Era* (Armonk: M. E. Sharpe, 1997), chapter 6.

7 Minxin Pei (1997), 'Citizens vs. Mandarins: Administrative Litigation in China,' *The China Quarterly*, 1:52 (December), p. 840.

8 Yongshun Cai, 'Disruptive Collective Action in the Reform Era,' in Kevin J. O'Brien, ed., *Popular Protest in China* (Cambridge, MA: Harvard University Press, 2008), pp. 163–78.
9 Yuezhi Zhao and Sun Wusan, 'Public Opinion Supervision: Possibilities and Limits of the Media in Constraining Local Officials,' in Elizabeth J. Perry and Merle Goldman, eds, *Grassroots Political Reform in Contemporary China* (Cambridge, MA: Harvard University Press, 2007), pp. 300–326.
10 Ethan Michelson, 'Justice from Above or Below? Popular Strategies for Resolving Grievances in Rural China,' *The China Quarterly*, no. 193 (March 2008): 43–64.
11 'Si qian jia nong hu zhuang gao 'bai tiao',' (4,000 Rural Households Sue Over IOUs), *Zhongguo nongmin* (China's Peasants), 3 (1995), pp. 45–47.
12 Xi Chen, 'Collective Protesting and Institutional Conversion,' in Kevin J. O'Brien, ed., *Popular Protest in China*, pp. 54–70.
13 Earlier editions of this paper looked only at 1988–97, but in this third edition, I have updated the data set extensively.
14 Before 1993–94, the journal's articles were more philosophical than concrete; afterwards, the content changed, hence the larger number of articles since 1993. This shift also reflects the increased flow of information about legal proceedings that has emerged in the past two decades.
15 The journal describes itself as a 'famous mainland journal spreading the ideas of public law. . . . combining politics, law, ethics (*lunli*) and society in a single news journal, having a broad social impact and very large readership.' Copied from their website.
16 Michelson makes the point that if cases are not too difficult, they are solved among individuals within a village or based on mediation by local third parties. But the cases that get into *MZYFZ* must be rather problematic or else they would be easily resolved within the community. See Michelson, 'Justice from Above or Below?'
17 Lianjiang Li and Kevin J. O'Brien, 'Villager and Popular Resistance.'
18 Zhi Mu, *'"Ding xin wan," zan cheng le "shang xin wan",'* *MZYFZ*, 6 (2006), pp. 29–31.
19 Data from a 1999 survey conducted in four counties in Anhui and Heilongjiang provinces show that villagers who took political action to redress some grievance chose going to court only 1.1 percent of the time. See 'Democratic Values, Political Structures, and Informal Politics in Greater China,' in *Peaceworks* (Washington, DC: United States Institute of Peace, July 2002) and Table 5.1 here.
20 *MZYFZ*, 9 (1993), pp. 2–6.
21 Thomas P. Bernstein, 'Instability in Rural China?', in David Shambaugh, ed., *Is China Unstable? Assessing the Factors* (Washington, DC: The Sigur Center for Asian Studies, July 1998), pp. 93–110.
22 *MZYFZ*, 11 (1996), pp. 18–20.
23 Thomas P. Bernstein and Xiaobo Lu, *Taxation without Representation in Rural China: State Capacity, Peasant Resistance, and Democratization* (Cambridge: Cambridge University Press, 2002).
24 David Zweig, Kathleen Hartford, James Feinerman, and Jianxu Deng, 'Law, Contracts and Economic Modernization: Lessons from the Recent Chinese Rural Reforms,' *Stanford Journal of International Law*, Vol. 23 (Summer 1987): 319–64.
25 *MZYFZ*, 14 (1996), pp. 10–11.
26 Pei cites an article which quoted a Chinese citizen who said that one could 'win once but lose the rest of his life.' See Pei, 'Citizens vs. Mandarins', p. 841.
27 Michelson, 'Justice from Above or Below?'
28 Yongshun Cai, 'Disruptive Collective Action in the Reform Era.'
29 Cai, 'Disruptive Collective Action in the Reform Era,' pp. 164 and 174.

30 Pei, 'Citizens vs. Mandarins.'
31 David Zweig, *Internationalizing China: Domestic Interests and Global Linkages* (Ithaca, NY: Cornell Series in Political Economy, Cornell University Press, 2002), Chapter 2.
32 Mark Selden, *The Political Economy of Chinese Development* (Armonk: M. E. Sharpe, 1993), p. 198.
33 *MZYFZ*, 23 (1996), p. 40.
34 *Ming Bao*, May 17, 1998.
35 Interviews in the suburbs of Wuhan, October 1998.
36 See Chapter 6.
37 Ning Lingling's MA thesis at Huazhong Normal University (1998) focused on this village.
38 It issued what my informants called a *sifa jianyi yishu* or legal opinion.
39 According to Elizabeth Perry, the number 108 may be apocryphal, as this was the number of good bandits/rebels in the classic Chinese novel *Water Margin*. In my conversations with people in this community, however, there was no reference to this novel or traditional protests.
40 Pei, 'Citizens vs. Mandarins,' p. 845.
41 Some rural protest leaders are cadres who take the interests of the villagers to heart. See Chapter 9 and Bernstein, 'Instability in Rural China', p. 99.
42 Still, in my four-county survey, only 2 percent of the villagers' political strategies for resolving grievances involved joining in a public protest, a finding replicated by Li Lianjiang's nationwide survey (personal communication with the author).
43 Li and O'Brien, 'Villager and Popular Resistance'.
44 Kevin J. O'Brien and Lianjiang Li, 'The Politics of Lodging Complaints in Rural China,' *The China Quarterly*, 143 (September 1995), pp. 756–83.
45 Li Xiarong, 'The *weiquan yundong* (Movement for the protection of civil rights): A new avatar of the pro-democracy movement?' paper presented at the conference on 'The Impact of the 1989 Pro-Democracy Movement and its Repression on the Evolution of the Politics, Economy, and International Relations of the PRC,' French Centre for Research on Contemporary China, held at Hong Kong Baptist University, Hong Kong, June 1–3, 2009.
46 '*Yong nian yi cun zhishu lian cai siwu yi dan*' (A village party secretary in Yongnian unscrupulously takes wealth), *MZYFZ*, no. 8 (2006): 41–43.
47 Ching Kwan Lee, *Against the Law. Labor Protests in China's Rustbelt and Sunbelt* (Berkeley: University of California Press, 2007).
48 Tilly defines 'repertoires of contention' as 'learned cultural creations that emerge in political struggle.' See Charles Tilly, *The Contentious French* (Cambridge, MA: Harvard University Press, 1986), pp. 390–91.
49 'Chinese Peasants Have a Tough Row to Hoe,' *Asia Times*, August 16, 1997.
50 Doug McAdam, John D. McCarthy and Mayer N. Zald, 'Introduction: Opportunities, Mobilizing Structures, and Framing Processes—Towards a Synthetic, Comparative Perspective on Social Movements,' in D. McAdam, J. D. McCarthy and M. N. Zald eds, *Comparative Perspectives on Social Movements* (Cambridge: Cambridge University Press, 1996), pp. 1–20.
51 Bernstein stressed this factor as a reason why elections could not solve the problem of 'random fees' (*luan shou fei*). See Thomas P. Bernstein, 'Instability in Rural China?'
52 For a more detailed discussion of this concept see David Zweig, 'The 'Externalities of Development': Can New Political Institutions Manage Rural Conflict?' in Elizabeth J. Perry and Mark Selden, eds, *Chinese Society: Change, Conflict and Resistance* (London: Routledge, 2000), pp. 120–42, which was the version of this paper that appeared in the first edition of this book.

Suggested reading

Thomas P. Bernstein and Xiaobo Lu, *Taxation without Representation in Rural China: State Capacity, Peasant Resistance, and Democratization* (Cambridge: Cambridge University Press, 2002).

Stanley B. Lubman, *Bird in a Cage: Legal Reform in China after Mao* (Stanford: Stanford University Press, 1999).

Kevin J. O'Brien, ed., *Popular Protest in China* (Cambridge, MA: Harvard University Press, 2008).

Minxin Pei, 'Citizens vs. Mandarins: Administrative Litigation in China,' *The China Quarterly*, 1:52 (December 1997). Elizabeth J. Perry and Merle Goldman, eds, *Grassroots Political Reform in Contemporary China* (Cambridge, MA: Harvard University Press, 2007)

David Zweig, *Freeing China's Farmers: Restructuring Rural China in the Reform Era* (Armonk: M.E. Sharpe, 1997).

6 Women, marriage and the state in contemporary China

Sara L. Friedman

After China's Communist Party came to power in 1949, one of the first pieces of legislation it put in place did not address land reform or class struggle; instead, on May 1, 1950 the government promulgated a national Marriage Law that aimed to revolutionize the ways Chinese married and the roles women and men played within families and communities. The centrality of the 1950 Marriage Law and its subsequent revisions in 1980 and 2001 underscore the extent to which marriage, family, and gender roles have constituted key elements of China's revolutionary and reformist nation-building projects. In this chapter I detail how changes in these domains have unfolded since China's socialist revolution, with a particular focus on the unintended and unexpected twists and turns in Chinese women's own marital experiences and desires. By comparing the case of Fujian Province's eastern Hui'an County with the experiences of rural migrant women and those engaged in cross-Strait marriages, I show how contexts that might appear to deviate from national norms reflect and reinforce the ways that normative goals acquire purchase on a broader scale. Over the past sixty years, different combinations of political and economic forces have influenced how and whether the Chinese state has been able to mold its citizens' intimate lives so that they conform to an image of a liberated socialist citizenry. These linkages attest to a close relationship between intimate ties and state power. Hence, this chapter asks why certain kinds of intimate relationships and practices were of such concern to China's early post-1949 regime, how state reformers worked to transform citizens' intimate desires, and what this history of state intervention has meant for Chinese in the contemporary period as they forge new kinds of intimacy under market reforms.

This chapter focuses on marriage as a key intimate relationship that links individuals, communities, and the state in a shared, though frequently contested, bond. It examines how the Chinese state has used marriage and family policies to promote specific visions of citizenship and national belonging and how citizens construct a sense of self in dialogue with these policies and national ideals (Borneman 1992; Cott 2000; Kendall 1996). The case of eastern Hui'an County shows how the process of establishing a revolutionary society involved more than transforming relations of production

and access to resources; it also required the cultivation of new political subjects—in this case, liberated socialist women—and the radical transformation of conjugal experiences and desires. At the same time, these processes have not taken place without contestation, nor have state efforts to reform marriage practices always produced the outcomes sought by state actors.

The marital desires of young Huidong women today bear striking similarities to those embedded in an earlier state-sponsored discourse of liberated socialist womanhood; however, those desires are both enabled by and potentially work against contemporary state goals of regulating population growth and cultivating a modern, high "quality" citizenry. The creation of this modern citizenry is premised on a discourse of self-fulfillment through intimate relationships that draws rural Huidong women, their migrant counterparts, and those who choose to marry across national borders into a shared understanding of what their marital choices mean for their own sense of self and their position in a modern Chinese nation. In this context, marriage constitutes more than choosing an intimate partner or satisfying familial aspirations. It integrates women's personal desires with state goals and weds marital bonds to the creation of modern, liberated Chinese subjects.

When women develop marital aspirations in opposition to familial or state desires, they also resist the forms of gendered and national subjectivity embedded in those marital models. Yet this resistance does not represent complete freedom from state or parental discipline. Instead, we might more accurately see these marital struggles as negotiations among different forms and degrees of power, some of which may not be overtly recognized by the actors involved. Hence resisting one kind of disciplinary power (parental matchmaking desires, for instance) may further embed a woman in other forms of discipline, such as the pressure to remain emotionally and sexually desirable to a personally chosen spouse, knowing that were the marriage to fail, she might not be able to rely on full parental support (see also Abu-Lughod 1990). Resistance in this context is not a zero-sum game of liberation versus control. Instead, it exposes the delicate interplay of discursive power and embodied action that shapes the terrain of marital politics and state power in contemporary China.

Marriage Law campaigns

China's 1950 Marriage Law was broad in scope, but its major aim was to eliminate the "feudal" features of China's traditional marriage system that were seen as harmful to women, children, and the elderly. The defining goal of the law was laid out in Article 1, which declared the eradication of feudal marriage practices and the establishment of a new democratic system based on free spousal choice, monogamy, and equality between men and women. The Law aimed to redefine marriage as a relationship between two individuals and to remove it from the domain of the patrilineal family, although it also recognized mutual obligations between parents and children. The 1950

Marriage Law shared important elements with the Nationalists' 1931 family code, especially in its emphasis on gender equality, free choice, and creating productive families. Moreover, both laws associated newly reformed marriage and family forms with a desired image of a modern, strong Chinese nation (Glosser 2003). Unlike the Nationalists, however, the Communist government devoted considerable efforts at the grassroots level to educating people about the law in order to empower women to take advantage of their new rights as socialist citizens.

Soon after the 1950 Law was promulgated, the central government charged cadres throughout the country with implementing marriage reform campaigns in their communities. Work teams (*gongzuo dui*) composed of officials from higher administrative levels and educated youth were sent into urban neighborhoods, towns, and villages to teach local cadres and residents about the principles enshrined in the law so that they could liberate themselves from the shackles of "feudal" marriage customs and family relationships. In some communities these campaigns became associated with high rates of divorce and even suicide, as women encountered recalcitrant husbands and elders in a society that still lacked many of the institutions necessary to protect their access to newly enshrined legal rights. By 1953, these campaigns took a more legalistic turn, as the party and government replaced activist interventions with thought work and shifted grassroots attention from marriage and family reform to collectivizing the economy.

Marriage reform campaigns were especially long-lasting and intense in a coastal region of Fujian Province known as eastern Hui'an County. Although villagers in eastern Hui'an were classified by the socialist regime and identified themselves as members of China's Han majority, they engaged in an array of social and cultural practices that distinguished them from other Han peasants, most notably with respect to marriage. Whereas in most rural Han communities in the mid-twentieth century a young wife moved immediately at marriage to reside with her husband (and typically his family), in Huidong villages wives remained with their birth families after marriage and visited their husbands on holidays or during the planting and harvesting seasons. Only when a woman became pregnant and bore a child did she begin to live more permanently with her husband. Women associated natal residence with a greater degree of freedom and comfort; conjugal residence, on the other hand, meant greatly intensified work loads and the loneliness and isolation that women identified with arranged marriages and residence in a strange community. Hence many young wives sought to extend the period of postmarital separation by refusing their in-laws' requests for conjugal visits or by rejecting their husbands' sexual advances when they did visit in order to delay their first pregnancy and the shift to conjugal residence that childbirth inaugurated. As a result, throughout much of the twentieth century couples lived apart after marriage for an average of four to six years, and some for a decade or more.

When outside work teams entered Huidong communities in the early 1950s, they singled out local marriage customs as the heart of a cultural complex that mired residents in feudal thought and practices that produced deleterious consequences for social order, health and reproduction, and the region's productive capacity. A county government report issued in September 1950 defined postmarital natal residence as an "evil phenomenon" that required immediate eradication in order to liberate local women, and it outlined a framework for including such marital reforms under the rubric of Marriage Law campaigns.[1] In eastern Hui'an, these campaigns continued throughout the first few years of the decade, peaking in 1952–53 and then subsiding as efforts to collectivize the economy moved to the forefront, only to re-emerge briefly in the late 1950s and again during the Socialist Education Movement of the early- to mid-1960s.

Marriage Law campaigns sought to eradicate women's postmarital separation by encouraging women to reside immediately with their husbands as a sign of their willingness to throw off feudal shackles and embrace the liberated attitudes of socialist womanhood. Work teams mobilized local cadres, women's militia members, and literacy school participants to spread the message of reform through urging non-resident wives to move in with their husbands, encouraging mothers and mothers-in-law to support young women's conjugal residence, adopting new marriage practices themselves, and spreading propaganda folk songs that conveyed the principles of the Marriage Law and its specific application to the conditions found in eastern Hui'an. Reformers sought to combat women's resistance to residence shift by encouraging already married couples to reside together in order to develop mutual feelings (*ganqing*). Although Huidong women married on average at the legal age of 18 in the 1950s, they rarely chose their own spouses and most couples continued to live apart for many years after marriage. The only noticeable impact of these marriage reform campaigns was the short-lived appearance of divorces, typically among couples who had not yet borne a child and where the wife had not yet shifted residence.

Across China, the 1950s Marriage Law campaigns brought mixed results. Some scholars have argued that the CCP's real commitment was to improving the lives of peasant men and, hence, the party was only willing to go so far in empowering women to make their own marital decisions and take advantage of the rights promised to them in the law, especially when those rights came at the expense of their husbands and in-laws (Johnson 1983; Stacey 1983; Wolf 1985). Others contend that women creatively utilized the Marriage Law to achieve their own marital and sexual goals, with substantial numbers of rural and urban working-class women using the new legal institutions established under the law to divorce their husbands and make claims on marital property (Diamant 2000). In eastern Hui'an, the harnessing of Marriage Law campaigns to the reform of local marriage practices meant that marital reforms persisted throughout the 1950s and into the 1960s, coming to an end only with the beginning of the Cultural Revolution in 1966–67. However, this longer duration did not necessarily make the campaigns any more

effective; in fact, their repetition over these two decades suggests precisely the opposite. Despite widespread mobilization of people and resources, strategies of marital reform often foundered in the face of women's commitment to local marriage practices and entrenched patterns of conjugal avoidance.

The explanations for this failure are more various in eastern Hui'an, in part because of the distinctive marriage practices found in the region. One feature common across China was the cyclical nature of Marriage Law campaigns. In Huidong these cycles taught young women and their elders that they could ignore or only temporarily comply with campaign demands because the "high tide" of cadre enforcement would soon pass. This feature was also significant in Huidong villages precisely because campaigns failed to overturn a second important dimension of local marriage practice: arranged, surname-exogamous, and patrilocal marriages that paired women with strange men from unfamiliar communities. These conditions made Huidong women reluctant to challenge norms of postmarital separation because such norms protected them from undesirable conjugal residence. Finally, the specific composition of the local economy, with men engaged in fishing and women in agricultural and manual labor, meant that unlike in primarily agricultural communities, collectivization entrenched a gender-specific division of labor that separated young women and men both in their daily tasks and for extended periods of time lasting from several months to even years. This physical separation made it more difficult for couples to "build feelings" in their marriages since they had increasingly fewer opportunities to interact.

Perhaps most significant as an explanation for Marriage Law campaign failures and for their unintended effects on young people in Huidong was the impact of an official discourse that portrayed marriage as an integral part of a larger socialist project of building a productive, liberated nation. This discourse mobilized the key term "feelings" (*ganqing*)—itself a conventional expression of sentiment or emotion—by imbuing it with newly politicized content that linked internal states to social practices and political subjectivity. Propaganda folk songs and official proclamations in eastern Hui'an urged couples to "build feelings" (*jianli ganqing*) for one another, not merely to improve the quality of their marriages but, equally importantly, to forge social harmony that would enable greater labor productivity and contribute to building a strong Chinese nation (see, for example, *Dong Zhou Jidian Guanche Hunyinfa Qingkuang Baogao* [Report on the Implementation of the Marriage Law in Dong Zhou Base Area] 1952). These calls to "build feelings" embedded social relationships in a national productive apparatus that actually distanced couples from the experiential aspects of their marriages and encouraged them to identify marital practices with the selfless project of socialist liberation and construction.

How young people were to create this identification was less clear-cut, however, and reformers' contradictory views on what constituted female liberation at times worked against their efforts to eradicate postmarital natal

residence as a "feudal" remnant. The adjective "feudal" allowed reformers and cadres to ignore the empowering dimensions of wives' natal residence and prevented them from understanding why women remained so committed to the practice. Instead, both rhetorically and in practice, they advocated that wives "belonged" in their husbands' homes, reaffirming norms of patrilineality and patrilocal residence at the same time that they cloaked such arrangements in the mantle of enhanced productivity on the part of both husband and wife. State actors' views on where wives belonged coincided with the interests of certain members of Huidong communities (especially husbands and their families), but they failed more often than not to convince young women that their own interests were aligned with those of the state.

Marriage in the Post-Mao Era

Only in the post-Mao era have young people in Huidong villages, and young women especially, begun to advocate the ideals of free spousal choice and marital feelings promoted by earlier state reformers and seek to realize them in their own marriages. This delayed discursive effect, I argue, is the result not of the lingering impact of marital reforms but of a new configuration of state campaigns and market reforms that has created the social, institutional, and legal conditions needed to make those earlier ideals both desirable and practical for Huidong youth. These transformations in courtship and marriage practices have engendered new forms of contestation between generations and between young people and state officials. As a result, they shed light on changing gender roles and social norms in reform-era China and show how young women living in communities situated very differently with respect to the fruits of market reforms have experienced different opportunities to control their marital futures and fulfill personal desires and aspirations.

The market reform era that began in the late 1970s and early 1980s has been heralded for reinvigorating China's economy through introducing household contract systems of land cultivation in rural communities, encouraging private enterprises, and gradually privatizing the more inefficient collective system, including state-owned and collective enterprises—although all at the cost of rapidly increasing inequality across the country. In eastern Hui'an, market reforms first inspired a simultaneous de-collectivization and expansion of the local fishing industry and an increase in commercial fishing and shipping opportunities for men. By the early 1990s, however, fishing was on the decline, to be replaced by mid-decade with a newly industrialized stone-carving sector that produced gravestones and gravesite adornment for export to Japan, as well as other decorative sculpture for domestic and overseas markets. Local factories sprung up across the eastern part of Hui'an County and provided a lucrative source of employment for young men and women in the region. The growth of this industry has meant that young people in Huidong do not face the migratory pressures experienced by rural youth in the interior or in less industrialized areas along the coast.

Across China, market-inspired economic transformations have gone hand-in-hand with reduced controls on population mobility, the spread of local-level elections in some regions, and a general shift away from the ideological doctrines of the Maoist era in favor of a more laissez-faire version of Chinese socialism. As in the 1950s, however, these major political and economic changes have also been accompanied (and in some cases preceded) by state-led efforts to reform marriage, family, and gender roles. And again, as in the 1950s, a new national marriage law was part and parcel of these dramatic transformations in citizens' lives.

The 1980 Marriage Law introduced important changes to the framing of marriage as an intimate relationship between two adults. It maintained and further strengthened core principles of the marriage system established in the 1950 law: free spousal choice between two consenting adults, monogamy, gender equality, and protection of the legal rights of children and the elderly. However, the law redefined who counted as an adult by raising the legal marriage age by two years, to 20 for women and 22 for men. It expanded the legal obligations of married citizens to include the requirement to practice family planning, reflecting the nationwide enforcement of population control that began in the 1970s. The 1980 Marriage Law also codified the socialist ideal of marriages based on feelings by introducing "the alienation of mutual affection" (*ganqing polie*) as a recognized basis for divorce.

The impact of the law varied initially. Perhaps the most consistent effect was a nationwide rise in divorce rates across the 1980s, a trend captured in the title of the well-known short story, "How Come You Aren't Divorced Yet?" As for marital restrictions, in regions where officials strictly enforced the one- or two-child policy, residents were also held to the new legal marriage age in order to encourage reduced childbearing through later marriages, longer periods between births, and fewer children overall (the "later, longer, fewer" policy) (Greenhalgh 1993). Yet these goals also came into conflict with the effects of market reforms which enabled rural families to accumulate material resources and created inflationary pressures on betrothal and wedding costs. In many parts of rural China, these pressures encouraged families to marry off their children as soon as they had the financial means to do so, which meant that increasing numbers were married in their teens, well below the new legal age enshrined in the law.[2]

In eastern Hui'an, the 1980s witnessed young women marrying as young as 15 or 16, still in matches arranged by parents or matchmakers. These unions were referred to locally as "black marriages" because they took place before the participants had reached the legal marriage age and hence were not registered with the government (contravening another major plank of the Marriage Law). The young age at marriage coupled with the persistence of arranged matches further reinforced extended periods of postmarital separation in the region. Of the 120 marriages I documented in the eastern Hui'an village of Shanlin for the period 1977–89, 36 percent of the couples did not reside together until four to six years after marriage, and 29 percent waited

seven to nine years.³ This pattern calls into question the willingness or ability of local cadres to enforce the principles underscored in the 1980 law and to alter the underlying conditions that encouraged women to delay conjugal residence.

Once we move beyond the transitional period of the 1980s to the 1990s and new millennium, however, we see some dramatic changes in Huidong marriage practices and in youths' own romantic and personal desires. At the same time, the key terms that young people in eastern Hui'an used to describe their marital aspirations resonated strongly with the marital discourse that originated in the 1950s, with its emphasis on free spousal choice and "feelings" as the basis of a liberated marriage. Unlike reformers of the 1950s who urged couples to "build feelings" in marriages deemed part of the productive project of the socialist nation, however, young people in the 1990s advocated "cultivating feelings" (*peiyang ganqing*) as part of forging marriages that emphasized intimacy, mutual understanding, and personal fulfillment.

Shanlin residents such as A Ping, a young woman in her early twenties, argued that "cultivating feelings" was essential to create the open marriages better suited to market-reform era ideals of spousal compatibility and mutual attraction. A Ping had been forced into two arranged betrothals as a child: the first one she pressured her mother to break off, but she had little choice but to acquiesce to the second one at age 16. By the time we met in 1996, A Ping was twenty years old and had been married to her fisherman husband for four years. She continued to reside in her natal home, however, for she had yet to bear a child. A Ping frequently bemoaned the absence of feelings in her marriage, a product of her husband's frequent absences from the village for work, tensions with her mother-in-law, and her bitterness toward the arranged nature of the match. When her husband returned from a fishing voyage in 1997, he informed her that he wanted a divorce. During the long year that it took to settle the divorce and afterward when she began to look for a new spouse, A Ping continued to emphasize the importance of "feelings" for her own marital future. At the end of 1999, she wrote to inform me that she had found a new boyfriend among her co-workers at a local stone-carving factory: "Two or three co-workers pursued me, but I didn't accept them. [My boyfriend] pursued me for a long time and treated me very well. He is very sincere about feelings [*ganqing*], so I chose him" (personal communication, December 20, 1999). By the time A Ping wrote me this letter, she and her boyfriend had already registered their marriage, and a few months later when they held their wedding ceremony, A Ping was pregnant and residing with her boyfriend and his family in the township seat.

"Cultivating feelings" was one strategy adopted by young people to redefine arranged matches so that they more closely approximated the ideal of an open, progressive marital relationship. They could never actually realize that ideal in an arranged marriage, however, because they lacked another of the widely recognized preconditions for a progressive match, free spousal choice. Despite over a decade of marriage reform campaigns in the 1950s and 1960s,

only in the mid-1990s were young people in eastern Hui'an beginning to realize these ideals of marital freedom. Messages of romantic love and personal fulfillment conveyed through popular media layered onto socialist discourses of liberated marriages based on free spousal choice and feelings to create a new marital culture in the region.[4] A rapidly changing leisure environment built up around mixed-sex workplaces and consumer sites such as restaurants and karaoke parlors also created new modes of heterosexual socializing that gave young people regular opportunities to meet potential marriage partners and inspired many to break off engagements arranged in their childhood or divorce unsuitable spouses. By the mid-1990s, scores of village youth were openly seeking marriage partners on their own initiative, while others allowed parents and kin to suggest potential mates, but reserved the right to make the final decision themselves.

The marital and sexual consequences of population control

The new socializing and employment opportunities created by market reforms cannot fully explain why these transformations in Huidong marriage practices were finally emerging in the mid- to late-1990s. To understand this phenomenon, we must also look to the impact of new state regulatory policies that grew out of a nationwide agenda to control China's population growth. Only in 1994 did local officials in Shanlin and other Huidong villages begin to enforce the legal marriage age, putting an end to the "black marriages" of the previous decade. This enforcement likely resulted from the combined effects of national regulations on marriage registration implemented that year and a renewed population control campaign that gave local officials no choice but finally to ban underage and unregistered marriages.[5]

Yet the impact of population policies percolated far beyond official concerns with limiting population growth. Strict government enforcement of the legal marriage age also gave Huidong youths time to wrest marital decision-making away from parents and elders, wedding free spousal choice to the goals of late marriage and childbearing deemed critical to the population control targets that now dominated village politics. In 1994, the average marriage age for young women in Shanlin jumped to 22 years (with that for young men equivalent or a few years older). Moreover, the newly enforced requirement that couples register their marriage with the government (another means of enforcing the legal age and family planning) also created unintended benefits for young people by legitimizing new socializing trends and the growing popularity of engaging in sexual relations and even cohabiting prior to the wedding ceremony. A Ping's decision to live with her boyfriend before their wedding ceremony, therefore, was not an anomaly but part of a nationwide trend toward greater sexual openness among betrothed couples as well as those who were legally married in the eyes of the state but not the community (Farrer 2002; Yan 2002; Yan 2003).

Clearly the enforcement of state policies directed at controlling population growth has produced multiple and even conflicting effects. On the one hand, marital registration in the name of population control has enabled state actors to monitor citizens' reproductive capacities, intimate lives, and family norms more generally. This mode of governance, organized around the production and disciplining of individuals and populations, is what Foucault (1978) termed "biopower" because of its aim to maximize bodily capacities at multiple levels through micro practices and regulatory principles. The specific interventions of population control are a good example of this type of power for they are directed at individual women's fertility (through ultrasounds and the monitoring of menstrual cycles) and familial and societal reproduction. Tyrene White's chapter details how peasants and urbanites have responded to these diverse forms of biopower. Here I draw attention to equally important consequences of the ways that state actors have implemented population control in part through more strictly regulating marriage.

As mentioned above, by enforcing the legal marriage age and registration procedures, officials in eastern Hui'an provided village youths with the time and recognition needed to redefine their marital experiences and expectations. The act of registering one's marriage was also reshaping local ritual practices by eroding the distinction between betrothal and wedding ceremonies and by determining the timing of a wedding on the basis of legal requirements as opposed to the groom's financial resources or an auspicious date selected by a fortuneteller.[6] Although registered couples were legally married in the eyes of the state, they lacked the social recognition bestowed by a wedding ceremony, meaning that they engaged in marriage-like behaviors before the community viewed them as truly married. These changes have transformed sexual norms, as noted above, and they have altered the longstanding practice of postmarital separation and conjugal visits. Not all women followed A Ping's example and took up permanent residence in their conjugal homes once they registered their marriages, but many did utilize the custom of periodic conjugal visits to legitimize engaging in sexual relations during this new first stage in the marriage process. As a result, young women were becoming pregnant and shifting residence much sooner than their elders had, and by the late 1990s it was not uncommon for a bride to find herself in A Ping's situation of being pregnant on her wedding day. Such scenarios rarely provoked sustained conflict with parents or in-laws because the older generation was increasingly nervous about their children's reproductive futures given strict enforcement of the legal marriage age and the unpredictability of the state's population policy. Of the 15 Shanlin couples whose first marriages I documented for the period 1994–97 (when the legal age and marital registration were strictly enforced), slightly more than half had a child and moved in together within three years of their wedding. And by the new millennium, a reluctant wife who refused to reside with her husband shortly after their wedding was the exception rather than the rule in Shanlin.

The bureaucratization of marriage, together with the effects of market reforms, have in many ways freed young people from more overt forms of parental control and customary practice, enabling them to realize ideals of liberated, open marriage first articulated by state reformers in the 1950s. However, this liberalization takes place within the confines of a form of state power that has shaped villagers' intimate lives in ways that were not necessarily intended or recognized by either party (see also Erwin 2000). As officials fixed their regulatory gaze on the sexuality of village youths and the reproductive capacities of village daughters-in-law, they re-integrated marriage into a larger national project of social transformation and modernization. The yoking of marriage to state population goals has also had a profound impact on how young people both conceptualize and experience intimacy. Although they may articulate their marital desires through a discourse of private conjugal intimacy, they also make marital decisions in a context where their reproductive capacities and futures are closely monitored by state actors. This interweaving of personal desires with public regulation integrates intimate relationships into a new collective project of fostering a disciplined and high-quality community of Chinese citizens.[7]

Young women acknowledge these powerful linkages between intimacy and state regulation when they, intentionally or not, consider the changing terrain of reproductive regulation as they make their own marital decisions. A Ping again offers a compelling example. By the new millennium A Ping had grown increasingly discontent with her second marriage because of her husband's gambling and its effect on their family's financial well-being. As she considered her options, she recognized that were she to divorce, her remarriage prospects would be far from bright, only in part because of her twice-married status. Her greater concern lay with the fact that she had already borne a son. The volatility of population control policies created considerable uncertainty about whether the government would permit her to have another child were she to re-marry. Because her reproductive future was determined by the whims of state policy, her own desirability as a spouse was put into question. In a rural society where very few adult women remained unmarried (unless they were widowed or had become nuns),[8] A Ping had no choice but to formulate her own marital desires in relation to the social consequences of the population controls to which she might be subject.

To this point, I have considered the unintended consequences of population policies as they have affected marital relations specifically, showing how enhanced state regulation has given young people more say in their marital futures while fertility restrictions have foreclosed other marital options. These very same policies have also generated effects that spread beyond marital relationships through their impact on young people too young to marry. The new youth culture emerging from mixed-sex work and socializing venues and the opportunities provided by enforcement of the legal marriage age and registration have shaped patterns of behavior among teenagers as well as those of marriageable age. By the late 1990s, one not only heard of betrothed

and legally registered couples engaging in sexual relations, but tales of teenage dating and sexual activity circulated with increasing frequency as well. Because officials only monitored the fertility of married women, however, they had no means through which to regulate teenage sexuality or its possible reproductive consequences. The only tool at their disposal was to require an abortion should an underage woman become pregnant (and should officials learn of the pregnancy).[9] These circumstances show how the use of marital regulation as a component of population control has produced broader social consequences that have the potential to undermine the state's overarching goal of limiting fertility.

Marriage, sexuality, and mobility strategies

These dramatic changes in courtship, marriage, and sexual behavior among Huidong youths have taken place largely within their communities of origin, since lucrative employment opportunities within the region have meant that comparatively few young people migrate beyond the township or county for work. Older generations certainly look upon such changes with mixed feelings, describing young people's dating practices not as romance (*lian ai*) but as 'chaotic love' (*luan ai*). At the same time, because the outcome of this new marital culture (earlier childbearing and co-residence) conforms to parental desires, it does not generate widespread inter-generational tensions or heated conflict over appropriate gender roles and sexual behavior. These conflicts become more salient when we compare the experiences of Huidong youths with those of other rural women who migrate to urban areas for employment.

Since the initiation of market reforms in the late 1970s, men and women have left rural communities to seek employment in urban areas and in special economic zones along the coast. Rural-to-urban migration prior to the reforms was tightly regulated and primarily centered on married women who worked as domestic servants in the homes of high-ranking cadres. As Yan Hairong (2008) argues, domestic work in cities was viewed ambivalently during the period of high socialism both because it contravened rural patriarchal norms by removing women's labor from the sphere of local familial control and because it revealed how certain exploitative class relations lingered even after the socialist revolution. The shame attached to domestic service during the Mao era made it even more unthinkable for single women who might find themselves unmarriageable in the countryside upon their return.

By the second decade of market reforms, however, it was increasingly common for rural women to migrate before marriage and many did so against parental wishes. Their labor had become less central to their rural households with the declining salience of agriculture while also becoming more desirable in the occupations available to rural female migrants in the cities, especially export-oriented factory work, domestic service, and employment in the entertainment and sex industries. Despite the frequency of labor migration, young rural women still find themselves having to navigate

popular associations between mobility and immorality. Some choose occupations deemed morally safe, such as domestic service, regardless of the lower wages and demeaning work (Gaetano 2004). Many strive to use their time as migrants to make their own marital decisions: some ultimately marry against parental wishes while others conform to traditional expectations and marry rural men found for them by parents and kin (Beynon 2004).

Studies of rural women's migration offer quite varied conclusions about how migration affects marital practices and aspirations, but Beynon argues that "'it is impossible to disentangle marriage migration and migration for work in the lives of rural working women'" (2004). Rural migrant women tend to marry later than their peers who remain in the countryside, but the reasons for this delay are not uniform. Few migrants specifically identify the desire to find a spouse as the basis for their decision to migrate. Tamara Jacka found more commonly that young, unmarried women described their motivation for migrating as the desire for self-development and education, broadening horizons, and cultivating independence. Seeking a spouse or earning money for a dowry were less frequently mentioned (Jacka 2006).

As Beynon's (2004) study of rural migrant women in Chengdu shows, however, the very experience of migrating and living in the city profoundly changes young rural women's expectations and desires with regard to marriage. At the same time, however, that experience rarely provides them with opportunities to realize their new desires. Most women recognize that the rural men they are likely to marry will not meet their changing expectations; furthermore, as outsiders in the city, they are unlikely to meet desirable urban men who are willing to marry them (see also Tan and Short 2004). Many of the women Beynon interviewed felt caught between time pressures as they aged and the recognition that they must eventually marry in order to establish a place for themselves in society. Beynon argues that ultimately rural migrants must make the choice to marry, but migration does not necessarily make this choice easier or the outcome more desirable. Yan Hairong frames this conundrum as a by-product of migrant women's quest for a modern subjectivity: "For women, the contradiction between their pursuit of modernity and their frustration over a lack of modernity in the bodily habitus of certain male migrant workers . . . forebodes a potential problem: that their quests for personal development and new self-expression do not mesh well with courtship" (2008).

In addition to complex marital considerations, female migrants in the cities also face conflicting discourses about their sexuality. Sexual activity among young peasants resident in their home communities has attracted a very different kind of societal and state response from the potentially more threatening sexuality of rural-to-urban migrants. The very category of "*dagong mei*" (working younger sister) carries with it not only the connotation of migration to urban areas for wage work, but also a female sexuality that is out-of-place and hence potentially threatening to urban sexual mores and to state population-control policies. The growth of an entertainment and sex

industry in reform-era China has only heightened these associations between rural women on the move and uncontrolled female sexuality. In eastern Hui'an, for instance, locals assume that all migrant women working in local restaurants, karaoke parlors, and hotels also sell sex on the side and they have developed their own taxonomy of sex workers based on region of origin and style of dress (see Friedman 2006a). Accusations of sex work reflect more widespread ambivalence regarding the social impact of marketization, despite the marked improvements in villagers' material lives enabled by market reforms.

In her study of rural women working in the entertainment industry in the northeastern city of Dalian, Tiantian Zheng (2004) argues that migrant bar hostesses creatively mobilize both state-propagated discourses of consumption and popular stereotypes of rural women as both virgins and whores. Instead of viewing their sexuality as oppositional to state interests, Zheng contends that successful migrant bar hostesses are able to manipulate urban ambivalence toward rural women's sexuality in ways that maximize their earnings; they then transform those resources into consumption patterns and social networks (*guanxi* relations) that give them access to legitimate urban citizenship. These women seem unconcerned about accusations of sexual immorality, arguing instead that money alone determines social status in reform-era China. Migrant bar hostesses who are successful in the entertainment industry can remake themselves as elite urban residents and hide their rural origins through high-class urban consumption styles.

Hence rural women on the move in China today face mixed messages with regard to their sexual and marital futures. Arguably many see their sojourns in the city as temporary and acknowledge that the future likely entails a return to the countryside to marry a rural man, perhaps returning with him to the city at a later point in time. Others, however, express reluctance to resume a rural lifestyle and some utilize all the resources at their disposal to ensure an urban future for themselves. These diverse strategies also mirror the varied and often conflicting messages that young women today receive about desirable gender roles and what it means to be a modern Chinese citizen. When young people associate the countryside with backwardness and moribund tradition, their desire for a modern future propels them toward China's cities and beyond.

Marrying out

Marrying a non-Mainland Chinese offers another avenue for women, both rural and urban, to improve their lives in multiple ways. Transnational marriages are often portrayed as strategic calculations that provide an escape from poverty and access to a higher quality of life. Yet recent studies have shown more complex marital motivations and aspirations on the part of those who seek a foreign spouse. Transnational marriages do not necessarily enhance material resources but may provide opportunities for realizing ideals

of romance or more equal conjugal partnerships (Chao 2004b; Constable 2003; Constable 2005; Newendorp 2008). Nicole Constable has coined the term "global hypergamy" to capture the complexity of women's motivations and desires as they look for partners from abroad.

Since the new millennium, the number of Chinese "marrying out" has not risen dramatically, hovering consistently at slightly less than 1 percent of all registered marriages per year in China. Yet these unions are significant in other ways. One, the vast majority of Chinese spouses in these marriages are women: roughly 85 percent from 2001–5, dropping to 68 percent in 2006, and rising to 75 percent in 2007. Two, contrary to some expectations, these marriages do not necessarily involve a Westerner as the foreign spouse. In fact, marriages to a Taiwan resident (*she tai hunyin*) have, with the exception of 2005 and 2007, significantly outnumbered those with any other category of non-Mainland Chinese (in those two years marriages involving a foreigner (*waiguoren*) were slightly greater, by 1,818 and 1,598 persons respectively).[10] The 2005 decline in marriages to a non-Mainland Chinese indicated in Table 6.1 can be explained almost exclusively by the precipitous fall in marriages with a Taiwan resident. This drop is the result of Taiwan's implementation

Table 6.1 Marriages registered in China involving non-Mainland Chinese, 2001–7[11]

	Total number of registered marriages (couples)	Total number of registered marriages with non-Mainland Chinese[a] (couples and as % of total)	Total number of Taiwan residents registering marriage in China (persons)	Marriages with Taiwan resident as percentage of total number of registered marriages (%)	Marriages with Taiwan resident as percentage of all registered marriages with non-Mainland Chinese (%)
2001	8,484,925	64,881 (0.77%)	24,820	0.29%	38.26%
2002	8,049,816	78,672 (0.98%)	31,522	0.39%	40.07%
2003	7,860,287	72,778 (0.93%)	32,300	0.41%	44.38%
2004	8,114,086	78,285 (0.97%)	37,178	0.46%	47.49%
2005	8,671,819	63,544 (0.73%)	22,315	0.26%	35.12%
2006	8,230,508	64,305 (0.78%)	22,661	0.28%	35.24%
2007	9,449,900	68,183 (0.72%)	19,629	0.21%	29.35%

[a]Non-Mainland Chinese includes foreigners, overseas Chinese, Hong Kong residents, Macau residents, and Taiwan residents.

of a border interview system designed to weed out couples engaged in "sham" marriages. In cross-Strait unions, the skewed gender ratio is even more pronounced: Taiwan government statistics show that women constitute roughly 95 percent of all Mainland Chinese spouses of Taiwan citizens (Nei Zheng Bu 2004). Within Taiwan, cross-Strait marriages have become a significant marital subset, accounting for 8–20 percent of all registered marriages per year. Taiwan government statistics show a total of 262,701 cross-Strait marriages for the period 1987–2008.[12]

This recent wave of cross-Strait marriages has emerged as a result of reform-era changes within China and the resumption of ties between Taiwan and the Mainland in 1987. Initially, cross-Strait unions typically involved elderly veterans who had fled to Taiwan with the Guomindang in 1949 at the end of China's Civil War (1945–49). Over the last ten to fifteen years, however, they have diversified to encompass young and middle-aged Taiwanese who travel to China for work or pleasure and younger Chinese women who come from diverse class and educational backgrounds.

When ties with China resumed in 1987, many elderly Mainlanders in Taiwan, retired military veterans in particular, went back to visit families they had not seen in some 40 years. While there single veterans looked for wives who would be willing to return with them to Taiwan and care for them as they aged. These "caretaking marriages" (*zhaogushi de hunyin*) still take place today, although they have declined significantly in comparison to other kinds of cross-Strait unions. Chinese women who marry veterans tend to be middle-aged (30s–50s) at the time they wed, are themselves divorced or widowed, and most have teenaged or adult children in China. Their marital motivations reflect the economic and social challenges introduced by market reforms across rural and urban areas: many have been laid off from state-sector employment or face increasingly limited job opportunities in a market economy that values youth and higher education, and most claimed that they encountered few desirable prospects for second marriages in China. They imagine a better quality of life in Taiwan and greater opportunities to improve their own financial welfare and, most importantly, that of their children. However, they generally marry men who are quite poor, who often live in dismal housing conditions, who have spent much of their life in the military and have little experience creating and sustaining intimate relationships with women, and who at some point may require demanding nursing care. Moreover, once these women obtain the right to work legally in Taiwan, they encounter a highly segmented labor market that channels them into low-paying, dirty, and physically exhausting jobs: restaurant workers, janitors, and health aids in hospitals or private homes. Finally, many women in caretaking marriages fail to obtain Taiwanese citizenship (or face even longer waiting periods) because their elderly husbands die before they are eligible.

Those in caretaking marriages are not a homogeneous population and I have interviewed couples in which the Chinese spouse was considerably

younger and had borne children with her elderly husband, veterans who had moved up the military hierarchy and had retired with comfortable pensions that enabled them to support their new wives, and husbands who had no idea where their wives lived or worked or who demanded regular monetary compensation in exchange for providing needed paperwork or showing up at immigration interviews so that their wives would not be deported. Elderly Mainland veterans are themselves a marginalized population in Taiwan and for some, this marginality is reflected in alternative familial, marital, and sexual arrangements (Chao 2004a). Chinese women who are not able to visit Taiwan before they decide to marry a Taiwan resident often find themselves living in difficult circumstances that require hard work and emotional fortitude. Moreover, their marital motivations are viewed with suspicion both by the government and society at large, making it difficult for them to integrate into their communities. Nor do most have the option enjoyed by younger women of solidifying their marriages and status as potential citizens by bearing Taiwanese children.

Younger Chinese women wedded to younger men are a more diverse group. They range in educational background from primary school through university and graduate school. Virtually all have had some experience supporting themselves in China, whether through working with a relative or striking out on their own in business, a professional career, or as a migrant worker. Although these women come from all over China, and from urban and rural areas, many meet and marry a Taiwanese man because they have already migrated from their hometown to a city or tourist destination in the interior or to one of the booming coastal areas. They might meet their spouse because they work in the same industry or company; because they work in the service industry; through an introduction by a friend, relative, or a more formal matchmaker; or through an online chat room such as QQ. These are often described to me as fortuitous encounters and even those who meet through official matchmakers (individuals or companies) are generally reluctant to describe their origins this way. Most claim that they never intended to marry someone from Taiwan but that it simply happened, at times in response to a bad breakup with a boyfriend, a divorce, a business failure, or because they were past marriageable age in China.

The Taiwanese spouses in these marriages also come from varied backgrounds, although many represent the mid-to-lower end of the socioeconomic spectrum. Some are marrying for the first time (often at an older age), but most have been married previously. They might be disadvantaged on the domestic marriage market due to class status, family situation, or a disability, or they might simply have met their Chinese spouse while working or traveling in China. As growing numbers of Taiwanese live, work, and study in China, marriages in which spouses are close in age and share similar life experiences are becoming increasingly common.

In April 2008 I traveled with several women married to Taiwanese men on their visits back to their home communities in China. Two of these women,

Chen and Wang, were from Guangxi and I had met them in Taiwan. They were both in their thirties; Chen has been married and living in Taiwan for several years whereas Wang had only arrived in Taiwan a year earlier. We gathered together one evening in the popular tourist city of Guilin at an upscale restaurant managed by a friend of Wang's, Lin, an attractive, successful woman in her early thirties who was still single. The other guest at the dinner was an older woman recently married to a Danish man who planned to join him in Denmark that June. She was divorced, had been a successful real estate agent in Guilin and had been able to send her daughter abroad to study. The daughter was no longer interested in returning to China and it was she who had met her mother's future husband online and had introduced them. The mother was quite upfront that part of her motivation for marrying a European was to be closer to her daughter, who now resided in Ireland.

The conversation during the meal was dominated by the topic of marrying out of China, itself not surprising given that three of the five had married out and Lin expressed strong interest in pursuing that path herself. However, what struck me from the conversation was how these women talked about their desire to marry a non-Mainland Chinese. Lin declared adamantly that she could not find an appropriate marriage partner in China given her age and professional success, nor would she settle for a spouse who was beneath her. "I will marry someone from anywhere as long as it is not Guilin," Lin proclaimed, and then added that she preferred a European or an American (over a Taiwanese). When I asked Lin if she was worried about her lack of English skills, she replied that she was confident in her ability to handle new situations and adjust to life in a strange country. That future, challenging though it might be, was more desirable to her than remaining in her successful career in Guilin.

Intentions are slippery things in marital matters, but I was struck by how quickly Chen and Wang moved to distance themselves from the more instrumental attitudes of Lin and the older woman present. In response to Lin's almost desperate desire to marry out, Chen noted that "foreign marriage [*yiguo hunyin*] has its appeal [*meili*]. The goals are different. It's not easy to go abroad but everyone wants to do so." And yet, she added, her situation was different. Over the course of the meal Chen repeatedly described how, for her, marriage was not simply a means to fulfill a desire to go abroad. She had been won over by her husband's sincerity [*chengyi*], by the number of times he had come to visit her and plead with her to marry him over the three years they courted. And, as she was quick to remind me, she, too, had given up a successful career as a doctor to follow him to Taiwan where she would have to wait six years before she could work legally (and even then she would never be able to continue her previous profession). Rather than a union based on instrumental motives, her marriage, as she portrayed it, was marked by professional sacrifice and emotional commitment.

There are multiple reasons why Chen would aspire to distinguish her marital motives from those of the other women. Chen was rarely willing to talk about the difficulties of her previous life in China—focusing instead on her successful career and strong network of classmates, colleagues, and family—but she did acknowledge that she had been married previously and even had a child, although she did not appear to maintain regular contact with her son. Her emphasis on her Taiwan husband's "sincerity" enables her to frame her new marriage using a rhetoric of emotional bonding and non-instrumentality. That framing provides a different kind of justification for her decision to marry out, one that draws support from a reform-era discourse of personal needs and self-fulfillment based on emotional states, not material circumstances.

When women like Chen and Wang return to China to visit their families, they confront often sharp disparities between their lives in Taiwan and in the communities they have left behind. Those disparities do not take a consistent form: some live a more comfortable material existence in China than they do in Taiwan; others describe experiencing more personal freedom in China because they are no longer subject to the scrutiny of their husbands or in-laws. Yet still others claim they can no longer acclimatize to the harsher climate or poor living conditions in China, and many feel they have lost the skills needed to manage daily life there and get ahead. As they manage their self-presentation both "at home" and in Taiwan, they negotiate the tricky, ever-changing political and social waters that shape their marital lives and the roles available to them on both sides of the Taiwan Strait. Those negotiations, and the marriages they create, feed these waters while also building the bridges that span them.

Conclusion

Chen's explanation for her decision to leave a successful career in China and move to Taiwan with her Taiwanese husband underscores ideals that resonate strongly with the marital aspirations of Huidong youths and rural migrant women. Appeals to these ideals in diverse kinds of marriages show their resonance across China as part of a broader reform-era discourse of self-cultivation and personal fulfillment. These goals also coincide with state aims of fostering a self-maximizing citizenry that will not depend on state resources for material and social support. Despite the diverse circumstances of Huidong youth, rural migrants, and women like Chen and Wang, these groups articulate a mode of self-actualization and fulfillment through their marital decisions. In so doing, they reaffirm a long-standing link between intimate relationships and a particular model of an ideal Chinese citizen long promoted by state discourses that identify liberated marriage practices with socialist civilization and a modern citizenry. Hence, both cross-Strait intimacy and freely chosen marriages based on feelings show how intimate bonds are simultaneously fostered by and channeled into changing modes and forms of state power within China itself.

Only recently in China studies have we begun to explore these connections between state power and intimacy, and the role of intimate attachments in forging the links that incorporate individuals into national bodies. In both socialist and liberal multicultural societies, it is all too often the intimate lives of marginalized populations that are most subject to these transformational enterprises. In contemporary liberal democracies like Taiwan, the reformulation of intimate life works largely through legislation, the courts, and the media, as well as the fuzzy domain of "public" opinion. In single-party states like China, only partially governed by law, officials employ a broader range of technologies, including mass campaigns, propaganda folk songs, and market incentives, in addition to the disciplinary hand of population-control policies. The intimate dimensions of state power in both kinds of polities bear further analysis, imprinted as they are on the life choices and intimate desires of diverse groups of Chinese.

Acknowledgements

Notes

1 "*Hui'an xian guanyu hunyin wenti baogao*" (Report from Hui'an County regarding marriage problems), Sept. 15, 1950, Fujian Provincial Party Archive, file 138–2–57.

2 Underage marriage was a perennial problem in many rural communities during the first decade of market reforms (Davis and Harrell 1993; Greenhalgh 1993; Selden 1993; Yan 1997; Zheng 1995). In eastern Hui'an, even a 1985 county resolution that called on officials to end underage and arranged marriages and enforce marriage registration failed to change practices in rural communities (Hui'an County Government Resolution 303 1985).

3 By comparison, 17 percent of wives shifted residence within 1–3 years of marrying, while 6 percent waited ten years or more. These figures come from interviews and a survey conducted during my fieldwork in Shanlin (a pseudonym) from 1995–1997 and on follow-up visits in 1998, 2000, and 2002. They include women who were born in Shanlin as well as those who married into the community from other villages in eastern Hui'an.

4 By the 1990s, young people's romantic ideals were also influenced by a rapidly expanding array of mass media forms. Movies shown in the village theater or available on compact disc often depicted romantic encounters; *Titanic* was a clear favorite among A Ping and her cohort. Popular singers crooned sentimental lyrics in Mandarin and the local Minnan dialect, conveying themes of emotional fulfillment and self-realization long denied under the collective focus of state socialism (Gold 1993; Yang 1997). A daily music video hour broadcast on township television and videos shown in karaoke parlors or private homes provided young people with visual models for these themes of love and heartbreak (see Abu-Lughod 1986).

5   The 1994 Regulations on the Administration of Marriage Registration refused to recognize as married underage couples who were cohabiting or couples who had never registered their marriages (see Articles 12 and 24).

6   Unlike in other parts of China or Asia (Kendall 1996; Kim 2001), village and township cadres expressed less interest in controlling the *content* of wedding rituals than in redefining their *significance*, particularly to the extent that the latter reflected officials' ability to regulate fertility.

7   My discussion here of private intimacy and public regulation is inspired by Lauren Berlant's (1997) analysis of how, in the contemporary United States, a conservative notion of private intimacy based on traditional concepts of home and family underwrites the construction of a national public sphere organized around what she terms public intimacy. I underscore a similar kind of contradiction, whereby the personal nature of conjugal intimacy is overwritten by state goals that might appear less overt, but are in fact no less coercive.

8   Recognition of the undesirability of an unmarried future is common to rural women across China. See also Gaetano (2004) and Beynon (2004), but see Friedman (2006b) for an exception.

9   In the cases with which I was familiar, the woman herself had chosen to have an abortion and officials never learned of the pregnancy.

10 Because of disparities in the units used to cite marital registration figures, however, it is difficult to tell what this difference means. The Bureau of Civil Affairs statistical yearbook lists the total number of registered marriages involving a non-Mainland Chinese as couples, but calculates individual categories according to number of persons. Because the number of Mainland Chinese individuals in this larger grouping is always slightly less than the total number of couples, these figures must include registered marriages in which neither spouse is Mainland Chinese (for instance, a Taiwan resident marrying a Hong Kong resident, a foreigner marrying an overseas Chinese, etc.). The breakdown of the numbers does not enable us to determine the precise composition of those marriages. Therefore, although in 2005, foreigners registering marriages in China outnumbered Taiwan residents by 1,818, government statistics do not show how many of those 1,818 foreigners married Mainland Chinese as opposed to another "non-Mainland Chinese" person.

11 Source is *Minzhengbu Tongji Nianjian* (Bureau of Civil Affairs Statistical Yearbook).

12 Most other foreign spouses in Taiwan come from Southeast and East Asian countries, especially Vietnam, Indonesia, Hong Kong and Macau, Thailand, the Philippines, Cambodia, Japan, and South Korea (in descending order). The total for all other foreign spouses combined was 139,248 as of the end of 2008.

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7 Domination, resistance and accommodation in China's one-child campaign

Tyrene White

In 1949, as the Chinese Communist Party was poised to establish its new regime, China's population numbered nearly half a billion, a staggering number that many believed would prove an unbearable drag on attempts to develop. It was two decades, however, before China began to make population control a state priority. In the early-1970s, birth limits were set at two or three children. By 1979, however, China's post-Mao leaders had become so concerned about the likely impact of population growth on their new development plans that they took the extreme step of launching a one-child-per-couple policy—the most extensive, aggressive and effective attempt ever made to subject child-bearing to direct state control and regulation.

Looking back, China's leaders and demographers argue that the two-decade delay after 1949 was a fateful mistake. By the time the state began to encourage fertility control, a huge new generation of young people had already been born and were approaching their child-bearing years. As a result, even with declining fertility levels (i.e., the average number of children born to a woman during her reproductive years), demographic momentum and improved health meant continued growth of total population size. In 1979, China's population hit the one billion mark, and by the century's end it had risen to nearly 1.27 billion despite aggressive enforcement of birth limits. The goal for 2010 is to contain population size at 1.36 billion, on the way to a predicted peak of about 1.6 billion somewhere around the middle of the twenty-first century. This expansion will continue to occur even though China's demographic transition from a high-fertility, high-mortality society to a low-fertility, low-mortality society is largely complete.[1]

No demographic transition can be explained by a single variable, and China's transition is no exception. The sudden and rapid decline in fertility, which occurred after 1970 in both urban and rural areas, suggests the strong influence of population control policies enacted at that time. Other factors were also at work, however. By the 1970s, improvements in levels of socio-economic development, education and communication networks meant that more people were aware of the option of birth control. Moreover, infant mortality had declined, while the cost of child rearing had gone up. In urban areas, living space was cramped and scarce, and the "iron rice bowl" of state

employment meant secure, if modest, retirement pensions and health benefits. For the first time, young urban couples were released from the prospect that a secure old age depended on producing male children. A growing proportion of women worked full-time, only to pull a second shift of housework, cooking and child care at home. Although data on this period remain very scarce, there can be little doubt that these changes, particularly in urban areas, began to affect individual calculations about how many children were desirable. As demographers have seen elsewhere, once the idea of smaller family size begins to take hold, it can spread very rapidly within a particular cultural and social context.

With 80 percent of the population living in the countryside, however, it took more than socioeconomic development and attitudinal changes to bring fertility rates down so rapidly. After 1970, six forms of state intervention were used:

1   free access to contraceptives, abortion and sterilization
2   promulgation and enforcement of late marriage guidelines, raising the average age at marriage from 22 in 1970 to 25 by 1979 (Banister 1987)
3   use of material incentives and penalties to encourage compliance with birth limits
4   a mass campaign to promote smaller families and enforce birth limits
5   the creation of a large family planning bureaucracy to implement birth control guidelines; and
6   the inclusion of population targets in the national economic planning process.

Making population targets a part of the central planning process in 1971 marked the culmination of a long internal political battle over how to view China's large and growing population. In 1949, Mao Zedong viewed population as an asset. Like Marx, he believed that the exploitative class systems of feudalism and imperialism, not overpopulation, were the causes of poverty, disease and unemployment. By the mid-1950s, however, the shock of China's first census results, combined with lagging levels of agricultural output, led other Chinese Communist Party (CCP) leaders (including Zhou Enlai and Deng Xiaoping) to urge the abandonment of China's pro-natalist policy and the promotion of voluntary birth control. Just as a public birth control campaign got under way, however, the programme was swept aside by the Great Leap Forward (1958–60), a radical campaign that promised prosperity but produced instead a devastating famine and an estimated fifteen to thirty million excess deaths.

Paradoxically, it was during this period of mobilization prior to the Great Leap that the core idea behind China's approach to population control took shape. Though Mao remained suspicious of the arguments for birth control and had a direct hand in pre-empting the fledgling campaign, it was he who suggested in 1957 that China should attempt to plan reproduction in the

same way it aspired to plan material production (White 1994). At the time, birth planning (*jihua shengyu*), i.e. the attempt to regulate population growth so as to keep it in balance with levels of economic production and growth, was only a goal to be reached at some more advanced stage of socialist development. As China's population continued to grow, however, key leaders such as Premier Zhou Enlai came to believe that birth planning could not be postponed. In the early-1960s, after the disastrous Great Leap Forward, Liu Shaoqi and Zhou Enlai attempted to revive the birth control campaign, and in 1965 Zhou proposed the first national population control target—reducing the annual rate of population growth to 1 percent by the end of the century. This second campaign, like the first, was aborted by the Cultural Revolution, but Zhou revived it with new urgency in the early-1970s, creating an extensive family planning bureaucracy to oversee implementation, providing free access to contraceptives, abortions and sterilizations, and introducing specific population targets into the annual and five-year economic plans. Socialist planning thus came to embrace human reproduction in much the same way that it embraced agricultural and industrial production. Local officials who were responsible for meeting grain and steel production quotas now began to receive quotas for babies.

In the early- and mid-1970s, the campaign focus was "later, longer, fewer," i.e. promoting later marriage, longer spacing between births (three to five years), and fewer births (a two-child ideal and a three-child limit). By mid-decade, the childbearing norm began to tighten; the new slogan was "one is not too few, two is enough, three is too many." Even that policy was judged too lenient by the new Deng Xiaoping regime which came to power in 1978. In 1979, China's top demographers and scientists announced that if China were to achieve its economic goals by the year 2000, population had to be contained within 1.2 billion. To achieve that goal, the official birth limit was lowered to one child per couple (with some exceptions for special circumstances), and all child-bearing age couples, urban and rural, had to receive official birth permits from the state in order to give birth legally. Provinces drafted regulations offering economic incentives to encourage policy compliance and imposing stiff sanctions on policy violators right down to the village and community level.

In China's cities and towns, growing acceptance of the small-family norm, reinforced by the late-marriage policy and tight administrative control in workplaces and neighborhoods, had brought the urban total fertility rate down from 3.3 in 1970 to about 1.5 by 1978, a remarkably low level for a developing country. With a large cohort of women about to enter their peak child-bearing years, however, the state deemed even this low level inadequate. To further suppress fertility and prevent more second births, state monitoring intensified in workplaces and neighborhoods. Monthly gynaecological examinations for child-bearing age women, plus a system of marriage and birth permits provided by the work unit, ensured that anyone attempting to have a second child was caught in a tight surveillance net. Those who

escaped the net faced severe penalties, including fines, loss of employment and perhaps even their coveted urban household registration.

If changing child-bearing preferences and state control worked together to induce compliance with the one-child policy in urban China, rural China posed a far more difficult challenge. Like rural populations in other places and times, life in the countryside encouraged higher levels of fertility. Agricultural work requires household labor, and unlike their urban counterparts, even very young rural children can be put to work in the service of family income. Moreover, while urban retirees could depend on a state pension for retirement support, rural families had no such welfare structure. Children were the only guarantee of old-age support, and the most destitute villagers were inevitably those who were alone and childless. Only a son could assure a couple that they would be spared such a fate. Daughters usually married out of the village, transportation links were often poor, and upon marriage a daughter's first obligation transferred to her husband's family. Even the most devoted daughter could not be counted on to provide either income or assistance. In urban areas, in contrast, nearby residency and convenient transportation allowed married daughters to be valuable assets to aging parents.

In addition to these practical considerations, the traditional emphasis on bearing sons to carry on the ancestral line remained deeply entrenched in the countryside. As a result, although rural fertility levels were cut in half between 1971 and 1979 (declining from approximately six to three), much of rural China remained hostile to a two- or one-child limit, including the rural cadres who would have to enforce the policy.[2] When the rural reforms implemented after 1978 began to relax the state's administrative grip on the peasantry just as the one-child policy was launched, therefore, it set the stage for a prolonged and intense struggle over the control of child bearing.

A substantial scholarship on China's birth planning programme has examined the process of policy evolution and implementation at the national and local levels, and the means by which the state has succeeded in meeting its fertility goals and overriding resistance (Greenhalgh, 1990, 1994; Greenhalgh and Winckler, 2005; Greenhalgh, Zhu and Li, 1994; Li, 1995; White, 1990, 1991, 1994). Societal resistance, though pervasive and widespread, especially in the countryside, has received less systematic attention.[3] Still less attention has been given to the question of whether, and to what degree, societal resistance has shaped or influenced the evolution of policy.

Given the scale of grassroots resistance to China's population policy, this lacuna in the literature is odd. After all, rarely has there been a case in which the evidence of resistance is so manifest and easy to measure. Though violations of the birth plan are by no means the only form of resistance, the tens of millions of such births that have occurred over the past two decades are a living testament to just how widespread and sustained the resistance has been. By the mid-1990s, the state had nevertheless succeeded in pushing the total fertility rate down to the remarkably low level of 1.8. The case of birth

planning in China thus confronts us with the apparent paradox of what appears to be a strong state *and* a strong society.

How can that be? Early models of state–society relations generally assumed that the distribution of power between state and society was zero sum; as the state gained in power, society lost, and vice versa. More recent formulations question this model, however, and emphasize instead the vague and over-lapping boundaries between 'state' and 'society', and the internal conflicts that can weaken state authority.[4] In this case, tight fertility control applied to all childbearing age couples, whether they were state officials in Beijing or poor peasants in a remote village. Party members, family planning officials and rural cadres were asked to set an example by taking the lead in embracing the one-child limit. Those past their child-bearing years were pressed to see that their children and relatives complied. The significance of this fact—that no one was left untouched by the policy—cannot be overstated. It meant that the state was at least as vulnerable to resistance from within its own ranks as it was to societal resistance. The struggle over child-bearing, then, has been more than a struggle by the state to dominate society's child-bearing. It has also been a prolonged struggle to contain and eliminate resistance at every level of state administration, particularly at the local level.

The limitations of a zero-sum, state-society model of power relations are also revealed by the dynamic nature of resistance strategies. As socioeconomic and political conditions have undergone continual change during the reform era, so too have the strategies of resistance, which can take three basic forms: confrontation, evasion, and accommodation. Acts of confrontation and evasion are commonly used tools in social movements of all types and sizes, and resistance to birth limits is no exception. Less common, however, is the strategy of accommodation. This strategy is most likely to be seen when a strong state is capable of extracting compliance, but not capable of eliminating acts of resistance that nevertheless undercut and subvert state purposes. In this case, couples who were caught between state demands to limit childbearing to only one or two children, and cultural and social pressures to have a son, attempted to resolve the conflict by resorting to female infanticide, or more commonly, female infant abandonment and sex-selective abortion. Others chose to defy the child-bearing limit by engaging in willful but technically legal defiance, while accommodating the state's demands that they pay a steep "social compensation fee" for doing so. Though strategies of accommodation avoid the dangers of direct confrontation, they remain important political actions that reveal vividly the extent to which the right to engineer fertility remains contested political terrain.

Patterns of resistance

Before exploring each pattern of resistance, it is important to recognize that the one-child limit has been strictly and consistently enforced only in China's

cities and towns, and only among ethnically Han Chinese. In the countryside, where the policy was met with hostility and widespread resistance, intense pressures to comply in the early years of the campaign gave way in 1984 to a "one-son or two-child policy." In other words, those whose first child was a daughter were allowed to try again—for a son—after a four- or five-year wait between pregnancies. In the mid- and late-1980s, some provinces and regions relaxed the policy even more, allowing peasants to have two children, if properly spaced. Officially, these two-child provisions were usually limited to peasants living in poor, remote or mountainous areas, but the relaxation sometimes spilled over into more prosperous areas. A tough new wave of enforcement in the 1990s tried to rein in those who had exceeded their official birth quotas and reimpose a strict one-son or two-child policy, but stiff enforcement provoked stiff resistance and mounting conflict. Calls for policy reform grew more widespread in the late-1990s and early-2000s, but fears of a fertility rebound led policy-makers to reject any change to the official national policy. Still, the social context of the 2000s was a world away from that of the 1980s, as China came to face severely skewed sex ratios due to female abortion, a migrant population of more than one hundred million, frequent and widespread confrontations between villagers or workers and local officials, and a new generation coming of age that was itself the product of the one-child policy. What they did support was a modified approach to enforcement that relied more on education and positive incentives than heavy-handed, target-driven enforcement tactics, Despite widespread trials of this new, United Nations Population Fund (UNFPA)-supported model, however, old habits died slowly. Targets did not disappear, and local officials were still judged on whether they had met birth-planning targets for the year. Rather than solve the conflict over child-bearing, then, the official retreat from harsh enforcement methods engendered new forms of conflict and resistance.

Strategies of confrontation

The determination of the state after 1979 to prevent any "unplanned" birth, but especially third or higher order births (*duotai*), by pressing hard for abortion, sterilization or IUD insertion, confronted millions of households with the reality of state intrusion into the heart of family life. Families who saw child-bearing as their best long-term guarantee of strength, dignity and stature in the village (and their best defence against weakness, bullying and abuse by powerful families or clans), understood that birth limits pro-foundly threatened their future security. Little wonder, then, that attempts to round up pregnant women could provoke direct and often violent confrontation.

Violence and the threat of violence against birth planning officials escalated in the early-1980s, as pressures to limit childbirth increased dramatically. Irate husbands attacked birth planning officials who pressured their wives

or relatives to have abortions. Others were assaulted out of anger over botched abortions, sterilizations or IUD insertions, and the failure of local officials to provide sufficient follow-up health care. The attacks were often directed against female cadres or doctors, who were frequently on the front-lines of implementation. In some cases, they were attacked and killed by bereaved family members. In one case, reported in *Hubei Daily* in April 1982, a doctor who reported a woman with a third pregnancy to the commune authorities was attacked by the woman's husband after he was fired from his job. Eight family members joined him in the beating, one of whom was the brigade party secretary.[5]

In the second half of the 1980s and the 1990s, as reform loosened the choke-hold of rural cadres on peasant livelihood, rural conflict soared. In Suining county of Jiangsu province, for example, there were a reported 381 "incidents of revenge" between January 1987 and May 1988, one-third of them directly related to birth planning.[6] All of these incidents involved physical attacks on cadres by angry peasants, but there were also numerous attacks on property. Since cadres sometimes seized or destroyed peasant property in order to deter or punish birth planning offences, peasants retaliated in kind, destroying crops on cadres' land, killing their chickens or pigs, and damaging their homes and furnishings. These attacks became so frequent that one Henan county passed a law explicitly banning such acts of retaliation.[7] Provinces began to follow suit, including provisions in their revised birth planning regulations for punishing those who "insult, beat up, or slander birth planning personnel and their families" (Shaanxi) or "humiliate, threaten, beat up, or retaliate against" birth planning cadres (Guizhou). [8] Such measures were hardly effective, however. As the number of strikes, protests and demonstrations by peasants soared in the 1990s and 2000s, ruthless enforcement of the birth control policy ranked high on the list of villagers' complaints. When local officials were pressed by their superiors to tighten implementation and crack down on "unplanned" births, villagers sometimes struck back by attacking village or township authorities *en masse*.[9] In 2007, for example, villagers in Bobai County, Guangxi Autonomous Region, attacked authorities who had been conducting a two-month long crackdown on illegal births. The crackdown was part of a local campaign to improve the area's birth planning performance, and cadres were motivated to meet campaign targets by whatever means necessary. Women who were pregnant without permission were rounded up for abortions; if they resisted, their relatives or children were taken away and held as ransom until they complied. To meet sterilization quotas, women who used other means of birth control were ordered in for tubal ligations, or their husbands for vasectomies. Fines ranging from 500 to 70,000 yuan were levied against policy violators, even if the unplanned birth had occurred as early as 1980, and even if fines for the same offense had been levied and paid in the past. Widespread use of these tactics, combined with grievances over other local cadre abuses, led villagers to respond with a massive protest that turned violent and deadly.[10]

In other cases, villagers used tactics that were less violent but equally effective. In a village in Yunnan province, for example, rural women caught up in a 1994 campaign that forced them into undergoing sterilizations bullied and harassed the village party secretary for his role in assisting township authorities in carrying out the campaign. The women followed him around the village, and made demands that he personally provide compensation for the permanent loss of health and vitality resulting from sterilization, and help them with daily chores they were now unable to do for themselves. The inexperienced leader, who was compared unfavorably to the leader of a neighboring village who had managed to deflect the township authorities and the campaign, and whose own wife's health was compromised when he pressed her to set an example by being the first to be sterilized, was eventually driven to attempt suicide.[11]

By the late-1990s, this type of direct confrontation was overlaid by a second type of confrontational resistance. As villagers became more aware of state laws protecting their rights, and more emboldened to act in defence of those rights, they began to appeal to the law and the courts to protect them from abusive enforcement practices, or to punish those who had perpetrated them (see chapters by Ho, Zweig and Friedman). This type of resistance, which Kevin O'Brien has termed "rightful" or rights-based resistance, became an option for villagers in the late-1990s as a direct by-product of state efforts to ease cadre–peasant tensions over tax collection and to improve rural governance.[12] Unable to force peasants to pay the fees and taxes that padded local coffers, cadres frequently resorted to the same coercive and punitive methods that they used to enforce birth limits to squeeze out taxes, seizing or destroying property and using intimidation and violence to gain compliance. As tensions mounted in the 1990s, the state repeatedly issued regulations that outlawed such methods of tax collection and held cadres accountable for violations. This provoked a similar ban by the State Family Planning Commission (subsequently renamed the National Commission for Population and Family Planning).

Meanwhile, the implementation of village-level elections in many areas in the 1990s led to growing consciousness among villagers of laws regarding village self-management, and some began to seize on the law and their legal rights as morally grounded means of redress against abusive officials.[13] This led some to seek legal redress against family planning enforcers, even in cases where the complainants were in violation of the policy. In one widely reported case, for example, a couple in suburban Harbin with three boys submitted under pressure to a late-term abortion, only to have the baby survive the procedure. Hospital and family planning officials kept the baby from the parents and reportedly ordered that the baby be left to die. Irate nurses and staff members refused to cooperate, however, and journalists reported the story. The parents were eventually reunited with the baby and a group of hospital staff filed an official police report. The hospital director was investigated on charges of intent to murder and removed from her post, but

vowed to sue two journalists for "untruthful reporting." Although media attention was critical in exposing this case, what is noteworthy is the extent to which the rural couple applied the rights-based logic of the journalists. (See the chapter by Lee for other examples of rights-based suits.) Offered hush money by local officials to cover the excess-birth fine and to move away from the village, the baby's father refused, saying "we didn't trust them. We trust the journalists who told us the hospital violated our rights. If necessary, we'll go to court to be witnesses . . . we want justice."[14] This rights-based defence will not protect those who wilfully violate the policy and refuse to comply with birth limits, but it may give pause to officials who enforce those limits or punish violators after the fact.

The most widely reported case of rights-based confrontation occurred in Shandong province in 2005. Responding to requests from residents of Linyi City, Chen Guangcheng, a blind, self-trained lawyer whose home village was in the Linyi suburbs, investigated the use of coercive methods to implement local policies and meet birth planning targets. According to reports, more than 7,000 abortions and sterilizations were performed in the spring of 2005 after provincial authorities complained about poor local performance in controlling births. Many of these procedures occurred only after relatives had been detained or beaten in an attempt to coerce compliance, and in other cases, property was destroyed or confiscated. These were the same methods that had been outlawed under the national population and family planning law, and been repudiated (under threat of administrative sanction or criminal prosecution) by the family planning bureaucracy. After discussing the events with many local families, Chen attempted to file a class action lawsuit, but was blocked by local authorities. When Chen later visited Beijing to draw attention to the case and confer with supporting lawyers, he was seized off the street by Shandong authorities, returned to his home and held under house arrest, pending formal charges. Chen was eventually tried, convicted and imprisoned, and the lawsuit was quashed. He remained in prison as of mid-2009.[15]

Strategies of evasion

The most common strategy employed in resisting the one-child policy was that of avoiding the detection of an "extra-plan" pregnancy until the child has been born. Within this category, there were two further subtypes—the independent evader, and the dependent one. Independent evaders attempted to circumvent the birth limits without relying on the silent acquiescence or active assistance of local officials. Dependent evaders, in contrast, relied on cadre collusion in order to succeed.

The simplest approach to avoiding detection was the attempt to time a pregnancy for the autumn. As women bundled themselves in several layers of clothing, or padded jackets, to protect against the winter cold, they were able to hide the pregnancy for several months. Assuming no one in the

village betrayed their secret, they might succeed in avoiding detection until very late in the term or even until childbirth. Keeping the secret was difficult, however, and women leaders responsible for birth control counted on village gossip to help with their work. Pregnant women usually told at least one person about the pregnancy, often their mother-in-law. Once she knew, however, she could not resist telling a friend. As the word spread, the women's leader discovered the pregnancy. How much pressure was brought to bear upon the pregnant woman, however, depended on how quickly the women's leader reported the problem to higher-level authorities. A small delay could mean the difference between getting caught or getting away, i.e. leaving the village until the baby was born.

In other cases, women evaded detection by leaving the village altogether until after the child was born. In the 1970s and early-1980s, this strategy generally depended on having a relative or acquaintance outside one's village or town (ideally in a large county town or a city) with whom one could board for the duration of the pregnancy. By the mid-1980s, however, relaxations on travel and population movement led to the emergence of a burgeoning army of temporary migrants that came to be known as the "floating population." Estimated at 100 million by the late-1990s, and over 150 million by 2009, this migrant population defied even the best efforts of birth control officials to keep track of their child-bearing. Those who were determined to have another child, therefore, often joined the ranks of the migrants and became part of the "guerilla birth corps." The sound logic behind this strategy was spelled out by a Yunnan villager:

> Since I am from another locality and my residence is not registered here, nobody here will interfere with how many children I am going to have . . . [When I go home] I will simply say that I have picked up and adopted an abandoned child here. Even if the residence of the child is not allowed to be registered, it will not matter because the child will then already be two or three years old. Somehow he will be recognized as my son.[16]

Notice that for this plan to work, the story does not have to be believed. It is sufficient that village cadres will eventually accept the presence of this additional child, a course accommodated by the fact that they will not be held directly responsible for births outside their own village or township. This villager was also counting on the failure of state efforts to crack down on migrant offenders, efforts that grew more aggressive over the course of the 1990s, particularly in major cities. Central and local regulations were promulgated requiring birth permits as a condition of employment, and obliging employers to monitor migrants to be sure they were in compliance with family planning rules. Although some migrants were restrained by the necessity of being certified by the local family planning bureaucracy that they were in compliance with the one-child policy, many continued to fall

through the net. This loophole was magnified by a regulatory system that placed migrants under the family planning jurisdiction of their registered hometowns, not their temporary residence. This meant that migrants were often required to return home to certify that they were still in compliance with the one-child policy, that they were not pregnant, and that they were using effective contraception or had been sterilized. Even when migrants were prepared to comply with the request, they could neither afford the trip if their home was some distance away, nor could they risk losing their job because of absence, even when their absence was officially required.

Given the enormous size of the migrant population, the failure to effectively regulate them constituted a big loophole in the one-child policy. In 2009, therefore, bureaucratic oversight of migrants was turned over to officials in their temporary place of residence, and their home districts were forbidden to require migrants to return home for "inspection" or pay hometown fines. In addition to gaining responsibility for migrant child-bearing, local family planning officials were now able to provide migrants with the same access to free contraceptive methods and services that were available to residents. Nevertheless, enforcing birth limits among migrants was more difficult than among women who remained in their registered village.

A third strategy was to bribe medical personnel to remove intrauterine devices, normally implanted after the first birth. Some doctors began to provide such services on a regular basis, while others faked the quarterly or monthly gynaecological examination results, allowing "illegally" pregnant women to go undetected. Still others could be paid to tie only one fallopian tube during sterilization, or to provide false certification of having undergone sterilization (normally required after a second birth). In 1994, a former vice-president of a county hospital in Hunan was executed for taking nearly 200,000 yuan in bribes between 1986 and 1991 in exchange for falsifying 448 sterilization certificates.[17] Medical personnel were also implicated in phoney certification schemes. A couple was permitted to have a second child if the first was born with physical or mental disabilities that would prevent the child from being a full-time laborer as an adult. This gave doctors another opportunity for fraud, since they could certify a healthy child as a disabled one.[18] Similarly, official birth permits were controlled and issued by birth planning cadres. Peasants who could not find other ways around the birth limit sometimes discovered that local officials were willing to sell the permits. In 1988, officials in some localities were charging 1,600 yuan for a permit.[19]

Another evasive strategy was to marry or cohabit unofficially, without receiving an official marriage permit or registering with the civil affairs bureau. This was a strategy frequently employed by rural families anxious to arrange marriages before their children had reached the legal ages of 20 for women and 22 for men. Since family planning officials concentrated their efforts on married women, those who were secretly married and sheltered by their families were often able to become pregnant and give birth without

detection. Nationwide, 6.1 million people had married under the legal age by 1988. That figure translated into about 15 percent of all marriages, and those marriages contributed about 10 percent of all births annually.[20] By 1994, under-age marriages numbered 1.6 million annually, representing 16 percent of all marriages.[21] This large number of illegal marriages could not occur without the collusion of local officials. Villagers paid hefty bribes to acquire false certifications of age from village cadres or marriage certificates from township officials.

One of the most pervasive strategies used by cadres to cope with enforcement pressures from above and resistance from below was the cover-up—engaging in statistical fraud to hide excess births. Women known to have given birth, but who did so outside the village, were left off local birth rolls. Even those who gave birth in the village were sometimes omitted, and the omission was covered up by refusing to issue a household registration for the infant. Sending township officials into a village did not necessarily increase the likelihood of full disclosure. One former township cadre complained that village leaders did everything they could to obstruct the work of such teams. Village leaders warned peasants about the impending visit by the team, giving offending couples a chance to flee or hide. Village leaders sometimes hid themselves so as to avoid confrontation. Other cadres welcomed the team and accompanied it into the village, but their "assistance" was actually resistance, their actions designed to minimize the team's access to accurate data and move it quickly out of the village. These tactics were so effective that one former township official concluded that it was impossible for outsiders to know the true state of affairs in a village.[22]

Township officials did not always want to know the truth, however, since exceeding the local birth quota would have a negative impact on the leaders' work evaluations, salaries and bonuses. Family planning officials learned quickly that the local party secretary did not want to receive reports that would reflect badly on the township or threaten its privileged standing as an "advanced unit." And zealous cadres who sought out fraud learned that they would not be rewarded for "rectifying" a fraudulent statistical report. As one former township cadre put it, an honest report would only destroy one's own career, since higher-level political leaders would be embarrassed and angered by the revelation.[23] He admitted that he had knowingly submitted false reports rather than face the censure that would come with accurate accounting.

Another form of cadre–peasant collusion was to levy fines for unplanned births rather than expend extra effort to prevent them. If grassroots women's leaders were unsuccessful in persuading a couple to abort an unauthorized pregnancy, village leaders sometimes did little or nothing to reinforce their efforts. This strategy allowed cadres to fulfil the letter of the law without provoking major confrontations with villagers. They could make it clear that heavy penalties would be levied after the child was born, but if that threat was not a sufficient deterrent, no further efforts were made. Leaders in some localities went further, implementing fines that were lower than those

authorized by county or township regulations. In recent years, this strategy has spread from villages into urban areas as high income couples have simply paid very stiff fines in order to have a second child.

In cases where the first child is a daughter, officials often sympathize with the parents. Cadres were particularly lenient with "single-daughter households" (*dunühu*), or couples with two or more daughters but no sons. Sympathetic to their plight, village cadres often made no effort at enforcement, even refusing to impose fines if they gave birth to another girl. If couples violated the policy and had a son, however, payment of fines was transformed into a near-ritual performance. Cadres sent to collect the fines were received happily, and couples paid the fine as a part of the celebration over the birth. As one brigade women's leader said: "They [rural couples] want to have a son. What can we do?"[24]

The same pattern prevailed with respect to sterilization. Pressed to meet sterilization quotas for couples with two or more children, cadres made every effort to avoid couples who had no sons. Even during major mobilizations like that of 1983, cadres worked to shield couples with no sons from the campaign. Because of the extreme pressures to meet sterilization quotas, they were not always successful in this effort, but during less intense periods they had no difficulty bypassing them. In Xinyu City of Jiangxi province, for example, more than 82 percent of *duotai* births in 1985 were to couples with two or more daughters, including some with six or seven daughters. These births occurred despite a major sterilization mobilization during 1983 and 1984, because cadres had been unwilling to impose permanent birth control measures on couples without a son. Rather than resent the exceptions, other couples, even those with sons who had been mobilized for sterilization, tended to be sympathetic with this discriminating use of power.[25] So severe was the problem of official collusion that provinces and localities drafted administrative regulations laying out punishments for various kinds of policy violations. In 1998, for example, Hainan province drafted provisions for punishing eight specific forms of collusion to violate the birth planning rules, including all of those discussed above, and other provinces followed suit. These local efforts were subsequently reinforced by similar provisions in the national Population and Family Planning Law, which took effect in September 2002.[26]

Strategies of accommodation

Situated between the confrontational (public) and evasive (hidden or disguised) forms of resistance was a third pattern of response. Those desperate to have a son sometimes resorted to female infanticide, female infant abandonment, or, as the technology became available, sex-selective abortion, all prohibited by the state despite the wish to control and reduce births. In one sense, this pattern of accommodating state controls on child-bearing may seem to be the ultimate evidence of state domination, an indicator of defeat and

subordination rather than resistance. As James Scott argues, however, material domination—in this case, control over the number of children one has—is only one form of state domination. Transformative states also seek ideological and status domination, or control over the realm of legitimate ideas and the distribution of status and prestige within society.[27] Despite the CCP's massive and prolonged effort to justify its claim to control child-bearing by emphasizing the public and social costs of child-rearing and insisting that population growth is an impediment to modernization, it has been unable to overcome the influence of patriarchal culture. This competing world view, which rests on family values that prioritize sons over daughters, and rests on a compelling economic logic of son responsibility to care for parents in their old age, places family loyalty and filial obligation above state ethical or legal imperatives, continues to hold sway across rural China. The duty to produce a son and male heir supersedes duty to the nation, a conviction reinforced by the realignment of status and power since 1979. In the new rural world of money, markets, corruption and clans, the weak can be bullied and preyed upon by the strong. Having a son can help a family avoid the miserable fate of being among the weak.

Ironically, and tragically, the state's own policy has helped further to inscribe and reproduce this traditional world view (Greenhalgh and Li, 1995; Anagnost, 1995). After the extreme and ill-advised sterilization campaign in 1983, and in the wake of growing evidence of female infanticide, the state belatedly responded by simply reversing itself on the crucial issue of the value of female offspring. In the early-1980s, the thrust of the education campaign had been on repudiating the feudal idea that males (traditionally called a "big happiness") were superior to females (a "little happiness"), and insisting on the equal value of a boy or girl. In 1984, however, it effectively conceded the issue by modifying rural policy to allow single-daughter couples to try again—for a boy. Though the state did not officially endorse the cultural preference for males, it did concede the economic and social realities that made sons more valuable. With the abandonment of collective agriculture and limited community health and welfare benefits, and with men privileged in the process of distributing collective goods (e.g. land, contracts, equipment), the importance of a son for prosperity and security was reinforced. Rather than challenge that reality and risk further rural unrest, the state chose to concede the issue. Single-daughter households were given special dispensation to have a second child—to try again for a son.

Although the 1984 policy change merely legitimized what was already the *de facto* rural policy in many areas, its effect was to split the state's ideological hegemony into two conflicting spheres—one sphere that applied to all urban residents, state cadres and administrative personnel, and another that applied to the peasantry. Rural women were thus left in the tragic situation of being caught in the crosshairs of two mutually exclusive modes of discourse. With no means of escaping this dual subjugation, many chose, or were

forced by family members to choose, a strategy of accommodation that guaranteed the birth of a son. Those who could not achieve this result were vulnerable to a lifetime of pity, social ridicule and self-blame.[28]

In the early-1980s, when collective life, limited cash income, and restrictions on travel severely constrained the options of rural families, some took the desperate course of female infanticide to preserve the chance to have a son. As the 1980s progressed, however, two alternative strategies of accommodation became very common. The first was infant abandonment, which increased in the late-1980s and 1990s in response to a tightening of the birth control policies (Johnson *et al.* 1998). Civil affairs officials, who have primary responsibility for the system of social welfare institutes (orphanages) that care for abandoned and orphaned children, offered no reliable estimates of the size of the problem by the 1990s, though some reports suggested that as many as 160,000 were abandoned annually, the vast majority of them female. As Kay Johnson has argued, however, this figure likely underestimated the size of the problem, since many abandoned girls never entered state institutions such as those managed by the civil affairs bureaucracy (Johnson 1996; Johnson *et al.* 1998). Instead, birth parents often try to identify likely prospects for adopting the child, e.g. couples with a son but without a daughter.

Even more ominous is the escalating incidence of sex-selective abortion and its impact on China's sex ratio. In 1979, China produced its first ultrasound B machine, designed for a variety of diagnostic purposes, including pregnancy monitoring. By 1982, mass production of ultrasound equipment had begun, and imports added to the number in use. Thirteen thousand ultrasound machines were in use in hospitals and clinics by 1987, or roughly six machines for each county. By the early-1990s, all county hospitals and clinics, and most township clinics and family planning stations had ultrasound equipment capable of fetal sex determination.[29] Henan Province, for example, spent 4 million yuan during the 1991–95 plan period to equip its 2,300-plus township technical service centres with ultrasound scanners.[30] Private clinics also flourished, as technicians took advantage of an emergent market.

Despite repeated attempts by the state to outlaw the use of ultrasound technology to determine the sex of a fetus, easy access to the technology, combined with the lure of lucrative bribes and consultation fees, made ultrasound use vastly popular. This was especially true in many county towns and rural townships, where prosperity and proximity facilitated ultrasound diagnosis, but where modest degrees of upward mobility had done little to undermine the cultural prejudice and practical logic that favored male offspring. Young couples raised in a village but now employed in township factories and living in the township seat may have been far more willing than their peers a decade earlier to have only two children. If the first were a girl, however, it remained vital to many that the second be a boy (Chu 2001). They may have been modern in their preference for a small family in order to hold on to their new-found prosperity, but when it came to

desiring a son, tradition and contemporary social realities conspired. Because township and village cadres tacitly agreed with them, they could count on them to look the other way when they made their pay-off to the medical technician. The cadres, after all, would much prefer to see couples resort to induced abortion of females to guarantee having a son, rather than have a second daughter and be tempted to try again, as many two-daughter households did. If the couple kept trying for a son, the local birth plan was threatened. If the couple used available technology to guarantee the birth of a son, the cadres' problem was solved.[31]

The impact of sex-selective abortion on China's sex ratio has become a national scandal. In 1982, the Chinese sex ratio at birth, 107.2 males for every 100 females, was already slightly in excess of the world norm of 105–6 males for every 100 females. Though this figure raised questions about female infanticide and "missing girls," those questions were dismissed by Chinese spokesmen, who argued that the sex ratio was well within normal bounds and in keeping with China's own population history. Over the next two decades, however, the sex ratio at birth rose dramatically, to 111.2 in 1985, 113.8 in 1989, 116 in 1992 and 117.4 in 1995. It continued to climb over the next five years, and hit a high of 119 at the time of the 2000 census. Some of this increase was evident in first births, but much more of it was reflected in second and higher-order births. In 1990, the figures for second and third or higher-order births were 121 and 127, respectively. By 2000, they had skyrocketed to 151.9 and 159.4 (Riley 2004).[32]

Some of this gap can be accounted for by the underreporting of female births. Underreporting is suggested both by surveys of rural areas that reveal "hidden" births not reported in official statistical reports, and by the lessening of the sex ratio imbalance for school-age children. In the 1992 sample survey, the sex ratio for the age 0–4 cohort was a very skewed 113.9. For the age 5–9 cohort, however, the ratio dropped to 107.81. This decline is what would be expected if previously unreported females were registered for school and then placed on local population rolls. Such children might never have appeared in vital statistics on births and deaths, sparing local officials the embarrassment of exceeding their local birth targets. Once older, however, they may be registered as migrants or adoptees, and the degree of male bias in the sex ratio declines accordingly.

In the early-1990s, Chinese demographers argued that such underreporting accounted for anywhere from 43 to 75 percent of the skew in the sex ratio at birth (Zeng *et al.* 1993). Subsequently, however, as the skew grew more extreme, Chinese authorities admitted the scope of the problem, and by the mid-2000s it was estimated that China was missing approximately 10 million girls. Concerned over the implications of this number for social stability, the authorities have worked to stem the tide by developing campaigns that emphasize support and care for girls, and they have instituted a system that is designed to provide more rewards and incentives to parents of daughters,

as compared to parents of sons. One factor that helps to account for this push is the growing evidence that the sex ratio imbalance is not contained to rural areas, as was initially thought. The results of a 1995 sample survey revealed that urban areas were also experiencing skewed sex ratios. Beijing, for example, registered an overall sex ratio at birth of 122.6, and 148.8 for second and higher-parity births. This high sex ratio at birth placed Beijing on a par with such provinces as Jiangsu (125.1), Fujian (126.2), Jiangxi (129.1), Henan (128.0), Hubei (134.6), Guangdong (125.2) and Shaanxi (125.4). Tianjin also came in high, with an overall sex ratio at birth of 110.6 and a rate of 142.9 for second and higher-parity births. And while Shanghai's overall rate was within a normal range, the rate for second and higher-parity births was an exceptionally high 175.0 (Gao *et al.* 1997). Similar figures were reported in the 2000 census. For example, Guangdong province registered a sex ratio at birth of 136, despite being one of the most prosperous and developed regions of the country (Riley 2004).

Although the one-child policy is no doubt a contributing factor in producing these alarming figures, they are consistent with trends elsewhere in Asia where son preference remains strong. South Korea, Taiwan and India all registered increases in the male to female sex ratio as ultrasound technology became widely available (Park and Cho 1995; Das Gupta and Bhat 1997; Eberstadt 1998). The sex ratio in India, like China, climbed continuously during the 1990s, demonstrating clearly that the problem is not limited to China, nor is it merely the result of the one-child policy. Rather, it is a cultural and structural problem, one that cannot be explained away (as the CCP has sought to do) as the product of rural backwardness. The results of a major survey undertaken in late-2005, however, show clearly that the sex ratio imbalance in China continued to worsen between 2000 and 2005, and that the distortion is heavily concentrated in second and higher order births. This consistent pattern is indicative of the impact of strict birth limits, as those who have more than one child feel compelled to make sure the second child is a male. The result, the survey showed, was that boys under the age of 20 outnumber girls by 32 million, and that in 2005 alone, there were more than 1.1 million extra males among newborns.[33]

The Chinese case, which pits state control over child-bearing against deeply imbedded cultural prejudices and child-bearing preferences, remains unique. China's relentless emphasis since the 1970s on sheer numbers of births—on targets, quotas and per capita accounting—combined with its neglect of women's issues and its gendered politics of reproduction, has opened up the space within which an accommodative style of resistance can grow. Just as new birth control technologies and surgical advances facilitated the state's move to engineer child-bearing, so too has technology become the medium through which couples struggle to engineer the sex composition of their offspring. They may accommodate the state's birth limitation policy, but they seek to do it on their own terms, rejecting in the process the state's claim of ideological hegemony.

Resistance and the prospects for policy change

The struggle for dominion over child-bearing in China has led to paradox, tragedy and irony. The paradox we are confronted with in China's experience of the one-child policy is the simultaneous existence of massive evidence demonstrating the state's capacity to engineer child-bearing, *and* massive evidence of resistance, including successful resistance. The tragedy of the policy is that it has forced a large portion of the population to choose between two types of hegemonic discourse—a socialist, nationalist and developmental one that emphasizes duty to the collective society, and a patriarchal one that emphasizes duty to family and ancestors.

The sad irony of this case is that if the one- or two-child birth limit is eventually lifted, it may be due more to countless acts of accommodation than to traditional acts of resistance. The ultrasound technology that allows couples to discover the sex of the fetus, combined with the prosperity that has led to its widespread distribution, has made it possible for those caught between the state's discourse linking modernization and prosperity to birth planning and a secondary, state-complicit, cultural discourse linking status and dignity to male offspring to attempt to accommodate both. The consequences, however, have been alarming enough to produce a type of "voice" that is increasingly urgent in content, but corporate in structure and non-confrontational in tone.[34] The core constituencies behind this "voice" are demographers, family planning officials and Women's Federation officials who are alarmed about the implications of current trends with sex ratios and rapid population aging. The skewed sex ratios mean an impending shortage of wives for as many as 30 to 50 million men, which the Women's Federation rightly describes as an "army of bachelors." Since the marriage market places poor men at the greatest disadvantage in competing for a wife, this shortfall of brides could have explosive social consequences, particularly in poorer rural communities. And rapid fertility decline, coupled with increasing life expectancy, means that over the next several decades China's population will age almost as rapidly as the populations of Western Europe, North America and Japan. In these countries, which enjoy wealth and national systems of welfare, anxieties about rapid population aging are already drawing leadership attention. China will face similar levels of elderly dependence without either of those advantages, and with a demographic structure in which a shrinking proportion of the population will have to support a very large population of both old and young.

Those who worry about these negative side-effects of the one-child policy have advocated a modified and less coercive approach to population control, some since the early-1980s. As insiders within the system of population institutes, think tanks and academic departments, however, they have had to be very cautious in how, and to what degree, they challenge the reigning orthodoxy (Greenhalgh 2001). By 1998, however, they had succeeded in getting the national leadership to launch an experiment in several counties

implementing what was described as a genuinely voluntary family planning programme, one that stressed positive incentives to limit childbirth rather than mandatory control. The expansion of this project, supported by the United Nations Fund for Population Activities (UNFPA), is a hopeful sign that over the next decade, China might finally and very gradually shed its crude and mechanical approach to population control. Although residents in the project areas were limited to two children, a constraint that makes it impossible to describe the approach as truly voluntary, birth permits and quotas were eliminated, and couples were given more freedom of choice on when to give birth and what type of contraceptive to use.[35]

Progress remains slow, however, as reports of new local campaigns make clear. In 2001, for example, family planning officials in Guangdong's Huaiji county were given a target of 20,000 abortions or sterilizations by year's end, a campaign goal triggered by the 2000 census, which revealed their failure to meet local population control targets. After local complaints and media reports surfaced, local officials were ordered to stop the campaign and undergo reeducation on how properly to implement the family planning policy. The Huaiji campaign was followed, however, by campaign mobilizations in Linyi City, Shandong, and Bobai county, Guangxi, in 2005 and 2007, both of which gained notoriety for the use of coercion. The impulse to rely on such strong-arm tactics remains deeply imbedded, and will shape the behavior of local officials as long as their superiors reward them for the achievement of birth control targets and don't ask questions about how the targets were achieved.[36]

Modest though the changes have been thus far, advocates of policy reform have been aided in recent years by conditions that were not present when the one-child policy was adopted in 1979. First, those born after 1978 and now entering their child-bearing years have grown up against the backdrop of rapid development, increased prosperity and the one-child policy. Their hopes and dreams often center on leaving the village, or alternatively, on leaving agricultural work. The images brought to them from the vastly expanded communications networks and opportunities for travel reinforce the idea of the urban, one-child family as the symbol of modernity. As a result, many of today's young rural couples may simply take for granted the message that had to be drilled into the generation before them—that their lives will be more prosperous and secure if they choose to have fewer children (Chu 2001). If this proves to be true, if the new world they have grown up in has instilled a genuine desire for a one- or two-child family, then moving towards a more voluntary approach to birth planning without risking a significant fertility rebound should be feasible.

A second and more important factor that has encouraged advocates of reform is a shift in the global discourse on population growth and women's rights. When China began to implement its one-child policy in 1979, it was widely lauded by those in the international family planning community who subscribed to the dominant theory that population growth was a primary, if

not *the* primary, impediment to economic growth. For them, China's accept-
ance of this position, and its determination to place tight curbs on population
growth, was so important that the very disturbing methods by which China
sought to achieve its aims were often overlooked. By the mid-1990s, another
school of thought began to dominate the discourse on population and
development. This alternative approach, which was crystallized in Cairo at
the 1994 United Nations International Conference on Population and
Development, emphasizes the importance of alleviating poverty, improving
the status of women and protecting women's rights (including reproductive
rights and labor rights) as the more just and effective approach to population
issues.

Those in China in a position to argue persuasively for a change in China's
methods and goals were aided by this shift in the global discourse and
agenda. In the early 1970s, China's leaders quietly but radically embraced
the dominant Western demographic theory of the time—that reducing
population growth was a prerequisite for socioeconomic development, and
that the overpopulated nations of the developing world could not afford to
wait for a development-induced demographic transition like that which
occurred in Europe. In the post-Mao era, this theory has legitimated the
regime's insistence that population control is the linchpin of the modernization
strategy, even as it has come under increased international criticism.

The new language of Cairo—protecting women's rights and taking a more
holistic approach to achieving demographic goals—emerged at a time when
the State Family Planning Commission (SFPC) was growing more concerned
about the consequences of using coercion and harsh sanctions to achieve
China's population targets (Greenhalgh 2001). The failure to achieve national
targets during the Eighth Five-Year Plan (1986–90), a failure that was
documented by the 1990 census, led to a new crackdown in the early 1990s
that got quick results but left in its wake new concerns about excessive
coercion, rising sex ratios at birth and rapid population ageing. The Cairo
agenda gave Chinese officials a framework through which to articulate these
concerns, and provided institutional contacts and resources they could use
to experiment with a softer approach to enforcement. The UN's Fourth
World Conference on Women in Beijing in 1995 reinforced the Cairo message,
provoked a new wave of feminist thinking and action, and further encouraged
SFPC officials to consider a more client-centred approach that gave greater
consideration to women's needs and their reproductive health (Greenhalgh
2001).

Still, the road to reform has been slow and rife with controversy. After
some internal debate, China officially reaffirmed its one-child policy in
2000, and in 2001 passed a long-debated Population and Family Planning
Law that upheld the existing policy and gave compliance the force of law.
A new central document was issued in 2005 that also underscored the
importance of staying the course. Although the law and the 2005 document
included provisions that echoed the Cairo and Beijing conference agendas,

calling for an "informed choice of safe, effective, and appropriate contraceptive methods," and one prohibiting officials from infringing on "personal rights, property rights, or other legitimate rights and interests," they also reaffirmed China's basic approach to population control. Nevertheless, the debate over whether and when to bring an end to the one-child policy has become an integral part of the discourse on China's population policy, and not a moment too soon. The first generation of children born under the one-child policy has now come of age, and they have entered their peak childbearing years. How they respond to their own childbearing preferences, and what those preferences are, will be crucial to the future of China's population policy. No matter what that future proves to be, the legacy of the one-child policy will live on. It has added to the urban–rural divide by creating an urban sector of one-child households and a rural sector of mostly two- or multi-child households. It has traded reduced rates of population growth for increased rates of population aging that threaten to slow China's fast march to advanced modernization. And it has led to a dearth of females that will ripple across China's demographic landscape for decades to come. It is the state that has taught the population that the social engineering of childbearing is a legitimate and virtuous course. Now that individual couples have a modern, efficient and hi-tech method by which to engineer the sex composition of their own households, the dangers that have always been inherent in such a course are becoming clear. Ideological exhortation alone will not solve this contradiction. To overcome it, the state will also have to alter the structural conditions and policies that encourage the continued cultural and social subordination of women.

Notes

1 Even in the absence of China's one-child policy, surveys suggest that most couples would prefer no more than two or three children, while many would continue to choose to have only one, particularly in urban areas. This suggests that, while China's demographic transition may not yet be fully complete in the countryside, its overall fertility level would remain relatively low even if couples were left to exercise their individual choice.
2 The total fertility rate refers to the average number of children that would be born to a woman during her lifetime if she conformed to the actual fertility rates of women at all ages during a specific year. In other words, this figure is reached by adding up all of the age-specific fertility rates for a given year (e.g., the number of births per 1,000 women at age 15, 16, 17 . . . 48, 49, and so on until child-bearing ceases).
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8 Environmental protests in rural China[1]

Jun Jing

The problems of air pollution, soil erosion, and fouled water in China have become so grave that they are reported in the Chinese press practically every day, often accompanied by announcements of government plans to combat one ecological failing after another. What the Chinese news media rarely mention, however, is how ordinary people are reacting to the country's deepening environmental crisis. This question is addressed here by examining environmental protests in rural China, focusing on two specific cases. Although these cases were documented by this author in the course of fieldwork that ended more than nine years ago, they are indicative of environmental protests currently taking place in rural China. This is partly because China's environmental disputes in general continue to evolve into protests. The environmental protection establishment in the People's Republic every year receives a flood of angry letters of complaint against environmental abuse. In 1997, the number of such letters was 100,000. By 2002, the number reached 400,000. And at the end of 2006, the number exceeded 600,000. Apart from letter writing, protesters seek out central and local environmental protection agencies to petition for problem resolution. On average, 80,000 people annually submitted environmental petitions over the past 10 years.

Letter writing and petition drives are widespread in China, as the court system handles no more than one percent of the country's environmental lawsuits. In other words, nearly all environmental lawsuits are rejected by the court system. This opens the door for writing letters of complaint and launching petition drives. And when petitions fail, demonstrations, road-blockages, and scuffles follow. It should be noted that environmental protests in the People's Republic are actually a relatively recent phenomenon. The promulgation of China's first environmental law, in 1979, not only provided a legal basis for environmental protection but also enhanced the public's sense of basic rights opening the way to proliferation protests including some that end in violence. As a result of the many environmental protests taking place, in 2008 the Chinese government launched a legal experiment known as "environmental courts" specifically to handle environmental disputes and protests that seem to be spinning out of control.

A brief explication: why rural China?

In preparing this chapter, I reviewed official records of 278 environmental disputes.[2]A total of 47 of these disputes involved forceful popular protests in rural China, which ranged from collective lawsuits and petition movements to sabotage and even riots. These official records reveal how a severe conflict between unbridled development and ecological balance has placed many villagers on the front-lines of environmentally related political action, both in identifying problems and in seeking to solve them, by influencing government policies, the behavior of enterprises, and even court decisions. To make better sense of the rise of environmental protests in the Chinese countryside, I focus discussion on two specific cases. Both were encountered in the course of my field research, enabling me to interview the protest organizers. Central to this discussion is an analysis of what can be characterized as a "cultural and symbolic life-world." I use this phrase to call attention to the ways in which environmental protests are influenced by and connected to kinship ideology, popular religion, and customary practices within the settings of everyday life in village China.

Background information

China's central leadership was first awakened to the hazards of environmental degradation in 1972, when Dalian Bay in the far northeast turned black with untreated industrial waste. In the same year, state authorities read a startling report that fish in a Beijing reservoir had been poisoned by heavy metal discharged from neighboring factories. But it was not until 1979 that China's first Environmental Protection Law was promulgated, on a trial basis. By 1989, it was revised for full implementation. During that intervening decade, the central government put unprecedented effort into environmental protection, adopting more laws, imposing heavier penalties for violations, and applying advanced technology to control pollution. One result of this effort was the establishment of the National Environmental Protection Agency in 1979, whose network of 70,000 employees has since been extended to every county. More recently, a few Chinese non-governmental organizations, as well as international NGOs, have emerged in the larger Chinese cities. Of Chinese organizations, the best known are Friends of Nature and Global Village of Beijing, founded in 1994 and 1995, respectively. The priority of these citizens' organizations, usually led by intellectuals, is to raise public awareness of environmental issues through exhibitions, organized tree-planting trips, and tours of wildlife areas.

It was precisely during the experimental phase of China's Environmental Protection Law that environmental protests swept both urban and rural areas. Before this period, environmental protests were relatively rare, and they were often quickly suppressed by the government. Leaders of the few documented environmental protests prior to 1979 were treated harshly by

local officials, Some were even thrown in jail and charged with "counter-revolutionary" crimes. Although this charge was later removed from Chinese law, it was once used with devastating effect against organizers of different kinds of social protests. With the enactment of the 1979 Environmental Protection Law, the government has become more tolerant of environmental protests, so long as they are not too disruptive. Most have been small-scale actions by people immediately affected by a local polluter or engineering project. These victim interest groups have engaged in a range of protests including petitions, lawsuits, demonstrations, blockages and even sabotage. Typical goals are compensation for damage, the installation of pollution-control technologies, and occasionally the relocation of serious offenders. Victim interest groups are the focal point in my discussion of the two rural cases of environmental protest.

A village's struggle for clean water

The first case involves a protracted protest against a fertilizer factory in Dachuan village in Gansu province, northwest China. The village and the factory were separated by only a paved road and a railroad. Most of Dachuan's 3,600 residents earned their living from agriculture. The factory was run by the provincial government and produces urea. None of its 3,000 salaried employees was from Dachuan. After it began operations in 1971, the factory began discharging its waste water into a stream that runs through Dachuan's fields before entering the Yellow River. This section of the river, until 1981 the village's only source of drinking water, became severely contaminated.

Through repeated protests, the village persuaded the factory to build a pipeline to deliver clean water to six of the village's eight production teams in 1981 and to a seventh team in 1992. The remaining team was left without clean water as late as 1998. By then, the factory claimed that it had invested 16 million yuan in pollution control. That the river remained contaminated, the factory said, was caused by technical problems that it was doing its best to fix. No legal action was taken by the local county government's environmental protection agency, partly because the factory was a provincial-level enterprise over which the local county government had no jurisdiction. County and township officials also discouraged Dachuan from filing a civil lawsuit, fearing that it would cost too much money and that Dachuan still might not win against a major state enterprise, whose powerful connections extended from the provincial government to the court system.

With legal avenues barred, villagers turned to protest. I witnessed one action taken by the villagers against the fertilizer factory in 1996. A flash flood had swept down a stream that ran from the factory to the Yellow River, destroying a bridge linking Dachuan to the local township seat. Dachuan's village head and a fish merchant led 200 local residents to the factory, blocked its entrance and demanded that the factory rebuild the bridge. They insisted that the factory had the obligation to build a new bridge because, although

the stream had once been only 20 meters wide, the factory's daily discharge of 360 cubic meters of waste water had widened it to 60 meters.

As earlier, the villagers cited the factory's contamination of the water and its unfulfilled obligations to Dachuan. The protesters demanded that factory officials to come out with their wives and children to drink ten plastic bottles of water the villagers brought from the contaminated stream. They promised never to demonstrate again if the factory's Communist Party secretary, general manager, and their families came out and drank the foul water in front of the crowd. Similar demands had been made during previous protests, usually accompanied by accusing questions: If factory employees and their families dare not drink from the stream, how can management not expect local villagers to demand safe drinking water? Aren't rural people as human as factory workers? Are the lives of village children worth less than those of factory children? On this occasion in 1996, the factory's Party secretary and general manager, in keeping with past practice, refused to come out to talk with the agitated villagers. So a group of young people from Dachuan drove tractors up to the factory, each carrying a full load of contaminated water from the stream. Using rubber pipes, they shot the water over the factory wall. After 10 days of demonstration, the factory agreed to provide Dachuan with 150,000 yuan to build a new bridge and repair a pump to provide tap water to more than 600 people in the village's seventh production team who were still drinking from the polluted river.

The village's initial appeals to the factory had not been antagonistic. They only evolved into fierce protests as local people came to appreciate the threat that the polluted water posed to human health and agricultural production, while the factory's corrective measures always fell short of the village's expectations. Dachuan's protests went through four stages. At first, the villagers were not fully aware of how harmful the contamination was, although the factory's discharge of incompletely burned fuel was already leaving patches of carbon black on the water's surface. They would wait for the carbon black to float downstream before drawing water for drinking and cooking. It was not until the mid-1970s, when a horse and 30 sheep went blind that the villagers began to realize that drinking from the river could be hazardous to human health, too. Dachuan's village cadres went to the factory to complain. As a gesture of compensation, the factory agreed to hire some villagers on a temporary basis and give the village discounts on fertilizer. This left untouched, however, the problem of water pollution that affected every villager.

The second phase of Dachuan's protest movement coincided with the breakup of agricultural communes in 1980–81, when collective farmland was distributed to individual households to manage in the form of household contracts. A stretch of cultivated fields along the polluted stream was turned over to households whose members numbered more than 100 people. But the stream was so contaminated that crops along the banks were damaged by ammonia. When villagers working these fields demanded action to solve

the problem, Dachuan's cadres led a blockade of the factory gate, preventing trucks from making deliveries. This initial blockade lasted only one day, but then other villagers joined to demand the factory solve the drinking water problem. After three more days of demonstrations, the factory agreed to supply tap water to the central part of Dachuan.

The third phase of protests began in the mid-1980s, when the county government began to enforce the state's policy of restricting births for each family. As violations of the policy resulted in forced abortions, human reproduction became a subject of anxious conversation locally. This anxiety was reflected in the growing number of worshipers drawn to a fertility temple in Dachuan. Meanwhile, speculation about the causes of stillbirths and birth defects in the village increasingly focused on the factory, prompting the village to resume its protests.

The liberalization of the Chinese economy also had a direct impact on Dachuan's protests, as seen in the fourth phase of the village's struggle against the factory, from the mid-1980s to the mid-1990s. Every year in this period saw demonstrations against the factory, with protests ranging from small rallies to major blockades. In addition to anger over the factory's threat to people's health, there was growing concern about the village's fish ponds. As part of the effort under the economic reforms, to develop new lines of commercial production, these ponds had multiplied from a handful in the early 1980s to more than 300 by the early 1990s, mostly for raising Yellow River carp. The fish ponds depended on water drawn from the Yellow River, which remained polluted.

The four phases of Dachuan's protests represent a "cognitive revolution." By that I mean the process whereby the villagers' understanding of water pollution advanced at several critical points, as when dozens of domesticated animals went blind, when special health problems were highlighted by the state's population policy, and when the village's economic development was put at risk. The cumulative effect of this process was a comprehensive awareness of the damaging consequences of water pollution, rather than a single aspect of the problem as in the past. Human health, however, remained the most contentious issue in each phase of the village's struggle against the factory. This issue will be fully explored below.

Petitions for a livable environment

The second case is a protest movement against local officials in charge of population resettlement for the Three Gorges Dam project on the Yangtze River. The petition movement began in 1997 among more than 10,000 rural residents in Gaoyang Township, Yunyang County, now part of Chongqing municipality. The Gaoyang petition movement began with accusations against local officials on three points. First, the petitioners blamed county officials for not distributing the full financial compensation that the central government already allocated for local people either to resettle on higher ground nearby

or to move to other counties. Second, they accused township officials of embezzling resettlement funds. Third, the petitioners blamed corruption among township officials and village cadres for a failed land reclamation project, which had been funded by the central government for local resettlers to move to a livable environment. The third accusation, dealing with the environmental aspects of the Gaoyang petition movement, is our primary concern here. The relevant information is selected from three petition letters, ten government documents, published studies of the Three Gorges Dam project, and interviews I conducted with petition movement organizers during field research in Yunyang in 1998 and follow-up interviews in 2000 and 2001 with officials and scholars who were familiar with this case.

The Three Gorges Dam project is unprecedented in terms of physical size and the number of people slated for relocation. The project, whose construction began in 1994, cost at least $25 billion, for capital construction and population resettlement. Completed in 2009, the dam is 185 meters high and 2,000 meters wide, holding back a reservoir extending 640 kilometers upstream. The dam's generating capacity of nearly 18,000 megawatts was 50 percent greater than the world's current largest hydroelectric station, Itaipu in Paraguay at the time of construction. The entire project led to the relocation of at least 1.4 million people. More than half of the resettlers, living in 1,352 villages, retreated to new farmland to restart their lives.[4] In Gaoyang, where the petition movement took place, the only way to create extra farmland was by building terraces on higher ground. But even the most successful land reclamation fell fall far short of providing enough arable land. Gaoyang had 25,118 rural residents and only 16,950 *mu*, or about 2,825 acres, of arable land. This came to just 0.6 *mu*, or about a tenth of an acre of arable land per person, already an extremely low figure to sustain a livelihood from farming. Since many of these people wanted to stay in the vicinity to be close to relatives and fellow villagers, they desperately looked to the land reclamation project as a way to rebuild the foundation of their livelihood.

The state provided land reclamation funds to township officials to manage and for village cadres to distribute as payment for labor. By 1995, the reclamation project was supposed to provide at least some of the relocating villagers with access to new land. But one village after another discovered that many of the so-called terraced lands were not level, had little topsoil, and were too scattered to farm efficiently. Local officials, however, had reported to higher authorities that these were usable fields. Furthermore, village cadres and township officials were found to have falsely included in their reclamation reports already cultivated farmland and even some fields that did not exist at all. In total, the petition movement organizers told the central government, nearly 1,000 *mu* of the allegedly reclaimed land were unusable or nonexistent. They charged that much of the land reclamation funds, some three million yuan, had been embezzled by local officials.

The petitioners spelled out in their first letter to the central government what they thought would happen in Gaoyang if wrongdoing among local

officials was not checked. In essence, they claimed that desperate resettlers would rush to government compounds begging for food and the streets would be filled with demonstrators demanding justice. After the first letter from Gaoyang reached Beijing by mail, officials in the city of Chongqing were told to investigate. Chongqing had been recently separated from the jurisdiction of Sichuan province and granted a special municipality status—joining Beijing, Tianjin and Shanghai—under the direct supervision of the central government. The initial investigation by Chongqing authorities only scratched the surface of Gaoyang's problems. But it led to more investigations. Meanwhile, a second petition was sent to Beijing. By the summer of 1998, the Party secretary and five top officials of Gaoyang Township were fired from their positions. The Party secretary and one of these officials were imprisoned. However, these officials were brought down not on charges related to land reclamation but because they were found to have taken bribes in the construction of Gaoyang's new township seat. The failed land reclamation, by contrast, was politically explosive. It affected thousands of rural residents and raised questions as to whether the Three Gorges Dam project could deal effectively with the many problems of rural resettlement in a bleak ecological environment.

With the reclamation problem still unsolved, local officials moved against the two leading petitioners. An internal county government document accused them of having been troublemakers during the Cultural Revolution (1966–76), adding that the police should deal sternly with them if they engaged in any action that might constitute a criminal offense. To end support for the petitioners at the village level, in August 1998, the county government launched a "laws and village security campaign," and villagers were told to dissociate themselves from the petition movement. Fearing retaliation from local officials, the two leaders of the movement hurried to Beijing to submit the third petition. There, they hand-delivered it to officials at the State Council, the Central Committee of the Chinese Communist Party, and the Three Gorges Construction Committee. All these agencies had "Offices for Receiving People's Letters and Visits."

The Gaoyang case shows that the petitioners were keenly aware that their accusations of official wrongdoing had to be framed in terms acceptable to the central government, because they raised serious questions about the feasibility of the politically glorified Three Gorges project. This case also demonstrates a keen consciousness of political and civil rights on the part of the petitioners. As the two leading petitioners told a Beijing university student who helped them type and print their third petition, their visit to Beijing sought to establish an official record of their constitutionally protected right to write and petition national leaders to expose abuses by local officials.

Chinese culture and the nature of environmental protest

At the beginning of this chapter, I said that the two protest movements under discussion operated within a "cultural and symbolic life-world." To explain

this, I first suggest that an overtly political protest may achieve an immediate success but be incapable of further full resolution of the problem. I further argue that a protest is most effective when it resonates with a society's value system and its symbolic manifestations. Among the most important of these are death rituals, cosmological beliefs, or the telling and retelling of morality tales from history. To elaborate this point, I will analyze the Dachuan case of a descent group and the local worship of fertility goddesses. For Gaoyang, my analysis is concerned with funeral symbolism and its meaning for the petition movement. For both, I underscore the relevance of Chinese culture to environmental protests.

Kinship and fertility goddesses: the Dachuan case

At first glance, Dachuan's protests against the fertilizer factory appear to have been led by the village committee in cooperation with the leaders of the village's eight production teams. A closer look, however, reveals the indelible influence of a dominant lineage in the village's organized struggle for safe drinking water. More than 85 percent of Dachuan's households are surnamed Kong and trace their ancestry to Confucius (Kong Fuzi in Chinese).[5] Until the early 1950s, the Kongs were organized as a formal lineage. They maintained an ancestral hall, held an annual ceremony of ancestor worship, and used the incomes from more than 200 *mu* of land to finance rituals, local defense, and a primary school. Institutionally speaking, the Kong lineage collapsed in the Maoist era but made a partial recovery later, as embodied in the reconstruction of the Kong ancestor hall in 1991. The Kongs also dominated Dachuan politically. From 1958 to 1998, the village chief, the local Communist Party boss, and the accountant-general were all held by individuals surnamed Kong.[6]

So, given the lineage-grounded framework of Dachuan's organizational structure, it is no surprise that the village cadres tapped into the collective identity of the Kongs to mobilize protests against the factory. Above all, they emphasized the factory's threat to the ability of the Kongs to have healthy babies. This concern was a major catalyst for the reconstruction of four temples on a mountain behind the main residential area of Dachuan. Leveled by government decree during the Cultural Revolution, the original temples were fully rebuilt in the mid-1980s. Six goddesses and one male deity (a water-control god) were enshrined, in the form of elaborately painted clay statues of varying sizes. Each goddess is believed to possess the ability to help women give birth, protect young children, and cure life-threatening diseases.

The new enshrinement of the six goddesses merged together two types of recent anxiety-ridden experience: the Chinese government's population policy and the fertilizer factory's threat to people's health, especially the physical well-being of women and children. In Yongjing County, where Dachuan is located, a central government policy for birth control was implemented locally

through much of the 1970s. Partly because of this policy, Yongjing County's birthrate of 40 newborns per 1,000 in 1968 declined to 18 newborns per 1,000 in 1978. By 1982, the annual birthrate declined to 13 births per 1,000. To further reduce population growth, the county government adopted a stricter quota of two births for a rural couple and imposed a requirement of a three-year interval between the first and second births. A second child was allowed even if the first was a boy. To quell resistance to the birth quota centered on families that had not produced a male child, the county government organized officials, doctors, and policemen into special task forces to enforce the birth quota and the spacing of births. Dachuan became the target of one of these task forces, because government officials believed that Dachuan had too many *hei haizi*, or "black babies." That is to say, women in Dachuan found different ways to disguise their pregnancies and hide their unregistered newborns.

The implementation of the population policy was two-pronged. On one side, forcible means were adopted. Intrauterine devices became compulsory and were routinely checked by sent-down doctors. Tubal ligations of young women who had given birth to two or more children were performed at local clinics, by force when resistance was encountered. On the other side, persuasion was utilized. Blackboards were erected at a major intersection in Dachuan and village cadres used a loudspeaker system to publicize official public health directives in line with national campaigns to promote what was described as "scientific childcare" (*kexue yu er*). Radio and television broadcasts explained why having fewer children is important to the rural family and the well-being of the next generation of young people. Specific recommendations covered pregnancy tests, breast feeding, weaning, and nutrition.

The impact of this combination of education and coercion was deeply felt in Dachuan. In interviews with six upper middle-aged women who went from door to door to raise money to have deity statues made, they said that local women did not associate miscarriages and stillbirths with the fertilizer factory's discharge of waste water until the government embarked on the education drive to promote scientific childcare. Moreover, they said that concerns for women and children's health were stimulated by an experimental program to immunize rural children against infectious diseases. This government-funded program brought a team of doctors from a county hospital to Dachuan every year. Local children stood in lines to be vaccinated while their mothers talked with the doctors and nurses. In this way, village women obtained free advice about their own and their children's health.

Repeatedly, the doctors warned the women that it was dangerous to drink from the polluted Yellow River. They said it could cause miscarriages and stillbirths as well as mental retardation and stunted growth in children. The doctors' warning was made more alarming by the televised reports of environmental problems elsewhere in China. One report was about water pollution in south China and its effect on pregnant women. Among those

who paid special attention to this report was the village's Party boss, who was the most powerful man in Dachuan but had no biological children of his own. His wife had suffered several miscarriages, after which the couple decided to adopt a little girl. No boys were available for adoption in Dachuan or in nearby villages. Convinced that his wife's miscarriages were caused by the fouled water, the Party boss played a leading role in the village's protests against the factory. His adopted daughter later married a Mr. Xi, a junior township official. Instead of leaving Dachuan, the bride stayed put whereas the groom came to live with her. If they had two sons, the newlyweds promised at a witnessed ceremony, one would bear the surname Kong, after his mother's adoptive father, to maintain his patrilineal line of descent.

Although Dachuan's Party boss stated in public that he did not condone the worship of fertility goddesses, he was once seen taking a portion of the food offerings from a goddess temple to bring home after most visitors had left following a midnight ceremony. The food offerings are considered blessed by the enshrined goddesses and are expected to enhance the health of children and adults alike. This expectation is based on the popular belief that people and deities enjoy a reciprocal relationship. Temple rituals suggest that deities depend on regular worship and offerings, which make them powerful. So when food offerings to deities are ample and regular, supplicants can hope for something in return, which includes the blessed foods to take home. There are many expressions of this belief. For example, new temple goers in Dachuan were often told by regular visitors that they should let their children eat some of the food offerings to "ensure peace and safety" (*bao ping an*).

Dachuan's most popular goddesses were known as *sanxiao niangniang*, or "Three Heavenly Mothers." Their half-life-sized statues in a temple called *bai zi gong* (the Palace of One Hundred Sons) were adorned with silk attire. Attached to their clothes, necks, and arms were homemade embroideries. Many of these depicted fish, lotus flowers or half-open pomegranates. Because fish produce a multitude of eggs at one time and a pomegranate or a lotus flower contains many seeds, they were fertility symbols in many parts of rural China. Other embroideries in this temple had little boys sitting atop a fish, playing with a lotus flower, or climbing out of a pomegranate. These religious artworks were constantly replaced by new ones from villagers hoping for babies. After a simple rite of offering money and incense, a piece of temple embroidery could be taken home. It usually would be kept in a couple's bed in the hope that a boy would be born in a timely fashion.

It appears that the new enshrinement of fertility goddesses represented an urgency to have babies quickly and safely, constituting a religiously grounded manifestation of the village's concerns over the polluted water. It is hence no accident that one of the major demands in Dachuan's protests against the factory was framed in terms of the continuity of the family line and the health of village women and children. More specifically, the village cadres vowed to end the protests only on one of two conditions. First, the whole

village must have safe drinking water. Second, the protests could be ended if the factory's top leaders, their wives, children, and grandchildren would each drink one small bottle of water fetched from the contaminated stream leading to the Yellow River. Considering that safe drinking water had been available to the families of the factory's own employees since the factory was founded, Dachuan's second condition for ending its protests was an especially stirring one. It was a demand that the factory leaders do for the villagers precisely what they had done to protect their own families.

Funeral symbolism and internal trust: the Gaoyang case

Organized protests in China and elsewhere in the world often embrace culturally meaningful symbols and a politically adept language. In the Gaoyang case, this tendency was embodied in three petition letters, secret meetings to select the petition movement's leaders, and an emphasis on loyalty. The three petition letters praised the central government's resettlement policies while accusing local officials of jeopardizing them. These letters included diplomatically phrased statements to win over central authorities by saying that the petitioners fully endorsed the goal of constructing a world-class dam to provide electricity for national development and understood that even though the project required local villagers to make considerable sacrifices, the state had designed sound compensatory measures. According to these letters, corrupt local officials had sabotaged central policies and had to be investigated by the state. In other words, the grievances articulated in these letters echoed rhetorical themes of popular protests throughout China's dynastic history: The emperor is just and kind but his benevolence is being thwarted by evil local officials.

By contrast, the manner in which local participants were mobilized to join the petition movement could be quite threatening to the state. In launching the petition movement, village meetings were held without the knowledge of township officials. These secret meetings resulted in the selection of 40 representatives from all 14 affected villages in Gaoyang to form a unified petition team. By secret ballot, this team chose three leaders, who took an oath pledging to represent fairly the participating villages. One of the three leaders was a retired Communist Party cadre. He later quit the petition movement under government pressure exerted through his family and former colleagues.

The petition movement leaders' oath also bound them never to betray their comrades and supporters even in the face of official persecution. Emblematic of this resolve and as part of the plan to deliver the first letter to Beijing, the 40-member team decided to make 100 white gowns inscribed with three slogans written in black characters: "Resettlers Want a Meeting with Higher Authorities; Resettlers Want to Express Their Grievances; and Resettlers Want to Live." The planned trip to Beijing was immediately exposed by an informer, and local officials responded quickly. The petitioners who

had been selected to go to Beijing were ordered not to leave Gaoyang and were told to surrender their petition letter to county officials. Angry officials at the township level warned a rural businessman that if he paid to have the white gowns made, as he had promised at a secret meeting, he would forfeit his business license.

It is easy to understand why the officials did not want the letter to be delivered. But why were they enraged by the white gowns? Was it simply because they would display three protest slogans? To address these questions, it should be remembered that white is the traditional Chinese color of death and mourning. It is the color of funeral trappings such as wreaths, paper flowers, poetic couplets, and attire, including caps, gowns, and shoes.[7] The transfer of funeral symbolism to social protests actually is an important feature of China's political culture. In Beijing, popular demonstrations at Tiananmen Square in 1976 and 1989 usurped the official mourning for a national leader, turning it into a forum to express anger with the political regime.[8] At Hong Kong University in 1998, a sculpture of twisted human bodies was erected to honor those killed in the military suppression of the Tiananmen protests nine years earlier. In New York City, Chinese restaurant workers paraded white wreaths in a 1996 strike against an exploitative employer. In Taiwan, demonstrations against a nuclear plant engaged in what the local newspapers called a "battle of the coffins" when protesters carried four coffins to the plant and set up a spirit altar.[9] Whatever the specific symbols of death and funerals used in these situations, the ultimate statement being made was that a serious crime had been committed.

The messages intended by such funeral trappings can vary, and the Gaoyang petitioners' plan to wear white gowns for delivering their first letter to the central government was meant not only to express grievances but also to convey their readiness to die for their cause. So high were the risks they were taking when they accused local officials, and so unpredictable the consequences of their taking on the Three Gorges Dam project, that the Gaoyang petitioners feared imprisonment and even execution. The white gowns thus symbolized their preparation for martyrdom. In fact, as soon as she heard about the white gowns, the frightened wife of one of the petition leaders asked him for a divorce, as a way of protecting herself and her children in case her husband were arrested or executed as a criminal.

The informer's disclosure of their plan to secretly visit Beijing and the withdrawal of one petition leader under pressure heightened the movement organizers' appreciation of the dangers of betrayal. While speaking of their determination to go as far as dying for the petition movement, they tried hard to build internal trust by emphasizing the righteousness of their cause and the unspeakable nature of disloyalty. In so doing, they repeatedly made reference to the example of Song Jiang in *Outlaws of the Marshes*, an epic story about rebellions in the twelfth century that evolved from a written narrative from 1400 to an extended edition in 1641. Largely a work of

literary imagination based on the scantest historical evidence, the story features 108 bandit heroes led by Song Jiang, a petty official who had numerous unpleasant encounters with the law but maintained a sense of loyalty to the throne. Even as a bandit chieftain who coined the popular slogan of "Doing Justice in the Name of Heaven," Song Jiang sought and received an imperial pardon; his decision to surrender his forces to the state and to lead them in government campaigns against other rebels was only grudgingly approved by his followers and set the stage for wrenching conflicts of loyalty. Song Jiang's respect for the throne rivaled his devotion to his sworn brother-rebels, who followed his lead only to meet tragic ends.

References to Song Jiang in Gaoyang's petition movement needed no elaboration; his legend had been recounted over the centuries by storytellers, portrayed in local operas, and more recently turned into television dramas. Every petitioner appreciated the irony of Song Jiang's death at the hands of corrupt officials who had him poisoned in the emperor's name. Every petitioner also knew that Song Jiang's surrender to the throne did not benefit his followers but instead led them to deadly situations from which they did not return alive.

It would be misleading to suggest, however, that the Gaoyang petitioners cited Song Jiang as a negative example while favoring other rebels in the novel who had little respect for state authorities. The petitioners wanted their grievances to be heard by the central government, which remained in their eyes the ultimate institution that might offer them real help. Reference to Song Jiang was an evocation of the petition movement's unpredictable consequences. In 2000, local county officials accused the leaders of the Gaoyang petition movement of having violated laws regarding public order. The two leaders of the movement were imprisoned subsequently. As a result of this setback, public demonstrations and organization petitions associated the earlier phases of the movement in Gaoyang came to a stop, but unhappy resettlers continued to send anonymous letters to the provincial government to voice their complaints and their demands for justice.

Conclusion: environmental crisis and local protests

Although many studies and news reports on China's environmental problems are available, few scholarly or government surveys have been conducted on environmental protests. One source of information on such protests is the official publication known as "selected cases of environmental disputes." Chosen as models for study in environmental law enforcement, these documents reveal that the leading forms of environmental protest in rural China are petitioning government agencies, filing lawsuits, and staging demonstrations. Environmental protests take place in cities also. In fact, urbanites may be quicker than rural residents to engage in blockades, sabotage, and even collective violence, which government and court officials classify

as "extreme action in environmental disputes." Of 88 environmental disputes in urban and suburban Shanghai recorded in a publication released by the Shanghai Municipal Agency of Environmental Protection, 44 of these predominantly urban disputes involved "extreme action" and only five resorted to the judicial system.[12] Compare this with 47 disputes in rural areas recorded in two publications of the Chinese Environmental Science Press. Only 11 of these rural disputes involved "extreme action," whereas 25 were handled by the court, with verdicts mainly favoring the rural litigants.[13] Since these were selected cases rather than survey findings, the relevant court rulings should not be readily taken as evidence of the effectiveness of China's legal system in protecting the rural population against environmental damage. But they are indicative of the growing trend of taking environmental issues to court and suggest the possibilities for court victories.

The reasons behind the documented urban and rural differences with regard to the use of "extreme action"—which often has involved collective violence—are complex and may have to do with a stronger sense of entitlement among urban Shanghai residents. Nonetheless, the use of violence to retaliate against industrial polluters is still a significant form of protest in rural disputes and a quarter of the recorded rural cases led to violence such as scuffles, sabotage, harassment and forceful detention of factory leaders.[14] The greater resort to the judicial system in the countryside, on the other hand, can be traced to the limited power of local, especially county-level, governments in imposing administrative penalties against violators of China's environmental laws. By these laws, a county-level government can punish only those enterprises operating under its administrative jurisdiction. These include county, township, village, and private enterprises. A county government, however, cannot impose administrative penalties, such as fines or shutting down facilities, to punish industrial polluters, if they are beyond its administrative jurisdiction, as in the case of a provincial-level enterprise. In these situations, the power of administrative punishment, as written in environmental laws, is rendered useless.

An alternative is filing a civil lawsuit. That this has been done frequently explains why over half of the rural disputes mentioned above resulted in lawsuits. But even if a provincial-level enterprise is sued and held responsible by a county court, it would appeal and bring the suit to a higher court where it expects to be judged more favorably than in the county court. This is certainly why in the Dachuan case, village cadres did not go to court, following the advice of township and county officials who claimed to have a better knowledge of how the judicial system would handle a lawsuit against the nearby fertilizer factory, a provincial-level enterprise.

And in other environmentally related protests such as that of the Gaoyang case, China's environmental laws can hardly be applied at all for political reasons or due to special government decisions. It is widely accepted, for example, that the construction of the Three Gorges Dam will further damage an already fragile ecological system along the Yangtze River, especially the

middle and lower reaches. But since this is a state-sponsored construction project of unusual political prominence, its devastating environmental impact is not subject to the scrutiny of the country's environmental laws. Instead, the problem has been treated by national leaders as a policy issue and as a matter of lesser importance than that of flood control and power generation.

The rise of environmental protests in China is emblematic of the growing consciousness of community and individual rights among ordinary citizens as well as the cumulative effect of newly promulgated laws. In rural areas particularly, the inauguration of drastic economic and administrative changes in the 1980s and 1990s has led to a readjustment of state–society relations. Economic liberalization included agricultural decollectivization, marketization, and the legitimization of geographical mobility and the private sector. Administrative reforms were typified by the promulgation of the Organic Law of Villagers' Committees and the Administration Litigation Law, in 1987 and 1990 respectively. These changes altered the power relations in village China, sometimes weakening the political base of rural cadres and leading to incidents in which ordinary villagers took upon themselves the task of organizing local people to defend their community and individual rights. The Gaoyang case is an example of this trend, whereas the Dachuan case demonstrates the close cooperation of village cadres and local residents in a community struggle for clean water. Both cases show that Chinese villagers can become instant political activists when their livelihood is threatened. Of course, the specific means of organizing to engage in protests are dependent on other factors such as government policies, bureaucratic reactions, and state laws.[15]

On the basis of my study of the Dachuan and Gaoyang cases and my examination of similar rural cases as documented in the two official publications mentioned above, I conclude that environmentally related protests in the Chinese countryside display four important characteristics. First, cultural factors play a central role in the mobilization of participants. This is often done through appeals to kinship ties, village unity, popular religion, and the security of the rural family. Second, economic grievances, health claims, or legal demands are predicated on moral judgments and a remarkable sense of entitlement for a society with a poor record of human rights. Third, protest organizers not only appear well aware of the country's environmental laws, they also know the importance of taking advantage of fissures within the government to find allies or at least sympathizers within the leadership. And finally, people in rural China who do not necessarily regard themselves as the state's adversaries are capable of launching well-organized and forceful protests against environmental abuses. But the ways they go about organizing protests reflect the centrality of particular social values and moral concerns. These protests are not meant to save an endangered environment for its own sake, independent of its relevance to people. Rather, they strive to attain social justice to protect the ecological basis of human existence.

Notes

1 Research for this chapter benefited from the provision of a travel grant by the Research Foundation of the City University of New York.

2 These official records are found in the following sources: Shanghai Municipal Environmental Agency Protection, *Environmental Pollution, Conflict between Factories and Masses, and Conflict Resolution* (*Huanjing wuran changqun maodun yu chuli duice*) (Huangdong Politics and Law College Press: Shanghai, 1994); Xie Zhenhua (ed.), *Typical Cases of Environmental Violations and Guidelines of Environmental Law Enforcement in China* (*Zhongguo huanjing dianxing anli yu zhifa tiyao*) (China Environmental Science Press: Beijing, 1994); Zhao Yongkang (ed.), *Selected Cases of Environmental Disputes* (*Huanjing jiufen anli*) (China Environmental Science Press: Beijing, 1989).

3 For more information on China's environmental crisis, see He Baochang, *China On the Edge: The Crisis of Ecology and Development* (China Books & Periodicals: San Francisco, 1991); Vaclav Smil, *China's Environmental Crisis: An Inquiry into the Limits of National Development* (M. E. Sharpe: Armonk, 1993); World Bank, *Clear Water, Blue Skies: China's Environment in the New Century* (The International Bank for Reconstruction and Development: Washington, DC: 1997).

4 See Jun Jing, 'Population Resettlement: Past Lessons for the Three Gorges Dam Project,' *The China Journal*, Vol. 38, July 1997, pp. 65–92; Dai Qing (ed.) *The River Dragon Has Come: The Three Gorges Dam and the Fate of China's Yangtze River and Its People* (M. E. Sharpe: Armonk, 1998).

5 For a detailed social history of this Kong lineage, see Jun Jing, *The Temple of Memories: History, Power, and Morality in a Chinese Village* (Stanford University Press: Stanford, CA, 1996).

6 For additional information on the overlapping of kinship ties and village administration in the Maoist and post-Mao eras, see Edward Friedman, Paul G. Pickowicz, and Mark Selden, *Chinese Village, Socialist State* (Yale University Press: New Haven, 1991); Huang Shu-min, *The Spiral Road: Change in a Chinese Village through the Eyes of a Communist Party Leader* (Westview Press: Boulder, CO: 1989); Jack Potter and Sulamith Potter, *China's Peasants: The Anthropology of a Revolution* (Cambridge, UK: Cambridge University Press1990).

7 For a comprehensive analysis of Chinese funerals and mourning rites, see James Watson and Evelyn Rawski (eds), *Death Ritual in Late Imperial and Modern China* (University of California Press: Berkeley, 1996).

8 See Rubie Watson, 'Making Secret Histories: Memory and Mourning in Post-Mao China,' in Rubie Watson (ed.), *Memory, History, and Opposition Under State Socialism* (School of American Research Press: Santa Fe, 1994), pp. 65–86; Joseph W. Esherick and Jeffrey N. Wasserstrom, 'Acting out Democracy: Political Theatre in Modern China,' in Jeffrey N. Wasserstrom and Elizabeth J. Perry (eds), *Popular Protest and Political Culture in Modern China: Learning from 1989* (Boulder, CO: Westview, 1992), pp. 28–66.

9 See Robert P. Weller and Hsin-Huang Michael Hsiao, 'Culture, Gender, and Community in Taiwan's Environmental Movement,' in Arne Kalland and Gerard Persoon (eds), *Environmental Movements in Asia* (London: Curzon, 1998), pp. 83–108.

10 'Locals Long for the Return of Blue Skies to Guangzhou,' *China Daily*, June 5, 1997, p. 3.

11 Cai Haili, 'Can Environmental Protection Work in China?' *Harvard China Review*, 1998 1(1), 84–86.

12 Shanghai Municipal Agency of Environmental Protection, *Environmental Pollution*, op. cit.

13 Xie Zhenhua (ed.), *Typical Cases*, op. cit; Zhao Yongkang (ed.) *Selected Cases*, op. cit.

14 On the causalities of different forms of collective violence in the contemporary Chinese countryside, see e.g. Elizabeth J. Perry, 'Rural Collective Violence: the Fruits of Recent Reforms,' in Elizabeth J. Perry and Christine Wong (eds), *The Political Economy of Reform in Post-Mao China* (Cambridge, MA: Harvard University Press, 1985), pp. 179–92.
15 See Kevin O'Brien and Lianjiang Li, 'The Politics of Lodging Complaints in Rural China,' *China Quarterly*, No. 143 (Sept. 1995), pp. 756–83; Minxin Pei, 'Citizens vs. Mandarins: Administrative Litigation in China,' *China Quarterly*, No. 152 (Dec. 1997), pp. 832–62.

Books for Further Reading

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9 The new cybersects

Popular religion, repression and resistance

Patricia M. Thornton

One unforeseen consequence of China's market reforms has been a resurgence of popular interest in religious traditions and spiritual practices. Like the erosion of institutional structures that presaged the fall of dynasties in imperial times, the dismantling of Mao-era organizations, the relaxation of centralized control over local decision-making, and the opening of Chinese markets have created conditions favorable to the proliferation of heterodox sects and popular quasi-religious practices. Syncretic sects have emerged in large numbers during the reform era, some springing back to life and taking root in their native soil several decades after Communist officials supposedly eradicated them in the early 1950s. Shrine building, temple fairs, geomancy and rituals of exorcism have been revived in the Chinese countryside since 1978, and church attendance and recruitment are rising in China's cities as well. [1]

The revival of popular interest in spiritual matters has not gone unnoticed by Party and state officials. The emergence of heterodox groups has proved vexatious to authorities throughout Chinese history, and the current period is no exception. From 1980–82, campaigns to eradicate "feudal superstitious activities" were carried out in Shaanxi, Hainan and Anhui. In 1985, one Ministry of Public Security report lamented that the explosion of "reactionary sects and societies . . . formed the largest source of counter-revolution in the struggle against us" in the post-Mao era, and furthermore predicted that the effort to suppress such groups would surely be "a long-term and protracted one."[2]

The prediction proved a self-fulfilling prophecy: over the course of the next decade, "anti-superstition campaigns" and various movements to suppress and criticize "pseudo-scientific thinking" were carried out in several provinces. More recently, the continuing crackdown against so-called "illegal heretical sects" that began in July of 1999 resulted in tens of thousands of arrests, beatings and detentions, and property seizures across the country. Yet these repeated repressive measures have neither managed to fully eradicate such groups nor to prevent their adherents from engaging in a wide variety of acts of resistance and protest. To the contrary, a handful of the banned and exiled groups launched media wars against the current regime, pressing human

rights, legal claims, and charges of moral turpitude against the current leadership.

The remarkable resilience of these syncretic sects in contemporary China is a byproduct of the larger sociological context of reform. As the post-Mao leadership has continued the Dengist trend of "reform and opening," the domestic population as a whole has grown increasingly mobile and technologically savvy. The widespread availability of cellular phones, fax machines, and, most dramatically, the internet, has increased both the quality and quantity of information and media sources accessible to many Chinese citizens. A number of contemporary syncretic sects have come to incorporate these new technologies in their quest not only for survival, but also in their struggles with local and central authorities. While contemporary syncretic sects certainly share the religious heritage of their predecessors in imperial and republican times, they also lay claim to a host of new resources, and use these to attract both domestic and international support for their causes.

The rebirth (or reinvention) of syncretic religious traditions and practices in China alongside the country's rapidly modernizing information and communications systems has produced a unique hybrid form of politico-religious mobilization that I refer to as cybersectarianism. Scholars of religion have long noted that it is not merely the content of doctrines that shape particular religious organizations and practices, but also the form and method of their transmission that channels their development.[3]

The best-equipped syncretic sects operating in greater China today combine extensive web-based strategies of text distribution, recruitment and information-sharing with international media campaigns that draw on human rights discourses for legitimation. Funded at least in part by overseas Chinese communities in which they operate openly, some reform-era sects have also joined forces with other dissident groups abroad and lobbied international authorities for support. The very nature of the technological resources at the disposal of these groups facilitates the development of a particular organizational form: highly dispersed small groups of practitioners that may remain largely anonymous within the larger social context and operate in relative secrecy, while still linked remotely to a larger network of believers who share a set of practices and texts, and often a common devotion to a particular leader. Overseas supporters provide funding and support; domestic practitioners distribute tracts, participate in acts of resistance, and share information on the internal situation with outsiders. Collectively, members and practitioners of such sects construct viable virtual communities of faith, exchanging personal testimonies and engaging in collective study via email, on-line chat rooms and web-based message boards.

The shadowy organizational structure of these groups has proved a formidable obstacle to the mainland leaders who seek to suppress them.[4] The organizational strategies of these new syncretic sects are decidedly high-tech, extremely mobile and multi-faceted, leading one astute observer to liken the current contest between mainland authorities and syncretic sects

to a "giant fighting a ghost."[5] Moreover, as the 1999 crackdown gradually broadened into an ideological campaign against all so-called "heretical superstitious groups and practices," the most successful cybersects evolved into multinational conglomerates that blend media enterprises, public relations firms and commercial operations beneath a single quasi-corporate umbrella. Courting the support of foreign governments, international non-governmental organizations (NGOs), transnational advocacy networks (TANs) and the international media, the new cybersects of the 1990s have managed to remain a thorn in the side of the current Chinese leadership, aiming to generate what Keck and Sikkink have termed "boomerangs" of transnational support and sympathy for their respective causes,[6] and, occasionally, succeeding.

This chapter details the emergence of cyber-sectarianism in contemporary China by contrasting the evolution of two quasi-religious qigong groups established in the late 1980s and early 1990s. Both broadly syncretic, Falun Gong (Practice of the Dharma Wheel) and Zhonghua Yansheng Yizhi Gong (Practice of Life Preservation and Wisdom Accretion, hereafter Zhong Gong) began as spiritual practices interweaving traditional Chinese religious themes with meditation, breathing and body cultivation techniques designed to preserve physical health and promote spiritual development. Both achieved national prominence during the so-called "qigong fever" (*qigong re*) that mushroomed after 1989, a trend that was initially not only tolerated, but even encouraged, by political leaders, some of whom also became followers. Relying at least in part on their adherents within the power structure, both sects mobilized against state attempts to curtail their influence and activities during the 1990s. Alarmed by the increasingly political orientation of such groups and the potential of their leaders to challenge Party authority, the Beijing leadership initiated a forceful crackdown against "heretical sects" in 1999, severely curtailing their activities within the country. Yet by establishing bases overseas and transferring much of their work to the internet, Falun Gong, managed to not only survive the 1999 ban, but to thrive in virtual reality; Zhong Gong, by contrast, did not. Other transnational cybersects have followed a similar path, adopting similar hi-tech strategies of organization and recruitment, while at the same time making effective use of new media to broadcast their agendas and concerns, both inside and outside of mainland China.

The sociological context of spiritual revival

Research on syncretic sects in Chinese history has linked the sporadic growth and spread of heterodox religious practices to periods of heightened economic dislocation, social turmoil and increased commercialization. Weak or inefficient institutions during the imperial era were periodically unable to absorb the challenges wrought by large-scale socioeconomic change, and popular religious sects offered appealing ideological and organizational alternatives, particularly among newly disenfranchised groups. Recent research has

demonstrated that syncretic sects, while operating outside of the realm of state-recognized orthodoxy, were by no means uniformly anti-dynastic or politically subversive in intent.[7] Nonetheless, imperial and Republican era authorities in general took a dim view of such groups and periodically moved to repress and eliminate them; occasionally, the very act of suppression drove such sects into open confrontation with authorities.[8]

In the early years of its existence, the Communist Party made repeated attempts to reach out to certain syncretic sects, recognizing in them a rebellious potential it hoped to tap and redirect.[9] Yet such alliances generally proved short-lived, as most sectarian groups embraced both practices and religious beliefs that the Party found objectionable. Shortly after the Communist victory on the mainland, all religious and quasi-religious sects not recognized as one of the five state-defined orthodox belief systems (Buddhism, Daoism, Islam, Protestantism, and Catholicism) were targeted for elimination as part of the movement to suppress counter-revolutionaries. Those that survived this and subsequent campaigns to eradicate "feudal beliefs" were driven either to renounce their affiliations or to continue their religious observances in secrecy. Reports of sporadic sectarian activity nevertheless surfaced throughout the Mao era, and the repeated local and national campaigns that were carried out in order to eradicate traditional cultural and superstitious practices strongly suggest that while such groups lost the ability to function openly and publicly, some succeeded in surviving underground.[10]

Deng's denunciation of Maoist ultra-leftism in steering a course away from the cataclysmic Cultural Revolution, combined with agricultural decollectivization and the introduction of free market reforms, created a sociological context not altogether unlike the ideological and institutional erosion that allowed syncretic sects to flourish in late imperial China. The dismantling of the commune system and privatization of state-owned enterprises left many reform-era citizens without access to reliable health care and other services; newly relaxed restrictions on mobility produced a new underclass of more than 100 million migrants in many Chinese cities; and the widespread political dislocation caused by the Cultural Revolution and the influx of foreign goods and ideas, all challenged the orthodox foundations of state and Party power. Not surprisingly, new variants of organizational forms and practices widespread in pre-revolutionary times—clans, blood feuds, temple associations, and geomancy, to name a few—began to reappear in the countryside to fill the institutional vacuum left in the wake of the reforms.

Against the dramatic backdrop of these larger institutional and ideological transformations, in March of 1979, the Sichuan Daily News (*Sichuan Ribao*) reported the story of a twelve year-old schoolboy from Dazu County who could read with his ear. According to the account, Tang Yu discovered this ability one day when his ear brushed against a classmate's clothing and he was able to "read" the brand of cigarettes his friend was carrying in his

pocket. Two months later, his abilities were demonstrated before a local cadre, who found that the boy could read characters written on a piece of paper and then crumpled into a small ball when held up to the boy's ear. Word of the boy's wondrous ability quickly became a national sensation, picked up by media outlets across the county, not unlike the news of alien abductions and Bigfoot sightings often reported in supermarket tabloids in the US. Weeks later, when Tang was investigated by a team of provincial level researchers and a group from the prestigious Chinese Academy of Science, he was exposed as a hoax in *The People's Daily*.[11] However, similar stories cropped up in Beijing, Hunan, Hubei, Anhui, Hebei and Liaoning, of people who could read with their noses, hands, feet and other body parts, feeding an intense public interest in paranormal abilities.

Two months after *The People's Daily* exposed Tang as a hoax, the popular Shanghai-based magazine Nature (*Ziran zazhi*) countered with a piece entitled "Reading with the ear may not be preposterous" (*Yier renzi weibi huangmiu*); over the next two years, *Nature* published no fewer than 53 articles on the scientifically documented "extraordinary abilities" of a variety of people in China, and later hosted a conference on paranormal phenomena in Shanghai that involved more than 80 experts from eight provinces and major cities. The meeting attracted the attention of the National Science Committee (*Guojia kewei*), which set up its own organization to investigate and research claims of paranormal abilities. With this organizational structure in place and funding from the National Science Committee in hand, the Liaison to Investigate Human Paranormal Abilities began to solicit letters and reports of potential cases for investigation in 1981.[12]

The Liaison and its team of researchers soon stumbled across the case of Yan Xin, a graduate of the Chengdu Academy of Chinese Medicine. Yan had long asserted that he could project his vital life force, or *qi*, outside of his body in order to cure a variety of illnesses in others, including cancer. In 1987, when the *Guangming Daily* reported that Yan Xin's extraordinary psychokinetic and healing abilities had been certified by a team of researchers from Qinghua University, Yan became a national sensation, much as Uri Geller's talent for spoon-bending and other forms of paranormal ability fascinated Americans during roughly the same period. Months later, Liaoning officials battling the worst forest fire there in modern history urgently appealed to Yan to use his abilities to help to control the blaze; when the fire was successfully contained shortly thereafter, Yan claimed credit, and his popularity soared even further. His "*qi*-empowered" lectures[13] routinely drew crowds numbering over a thousand people; a partially fictionalized account of his life and teachings*, A Great Qigong Master*, became a runaway best-seller in late 1989.[14] Yan Xin's success soon heralded the rise of other self-proclaimed qigong masters "coming out of the mountains" eager to demonstrate their paranormal abilities and spread their teachings to a receptive public audience.

Qigong sects: breathing new life into old traditions

While rooted in ancient beliefs and practices, *qigong* is a relatively recent invention. Various techniques for manipulating the breath and redirecting bodily energy are described in ancient Daoist texts, and contemporary body cultivation practices are clearly informed by the quietistic meditative traditions associated with Daoism. Meditative postures and movements have also been associated with Chan Buddhism, dating back to the sixth century in China. These early body cultivation techniques constituted one branch of esoteric religious practices, generally taught by monks or adepts to small numbers of students, as part of a larger canon of religious beliefs.[15]

The term "*qigong*" was introduced into popular parlance in 1953, when Liu Guizhen published *The Practice of Qigong Therapy* [*Qigong liaofa shijian*]. Liu, a minor Party official, claimed he had cured himself of a life-threatening illness by using a set of special breathing exercises he learned from a peasant. Liu coined the term "*qigong*" (*qi,* often translated as "breath," "spirit" or "vital energy;" and *gong*, meaning "practice," "skill" or "ability") to describe these practices, and opened clinics in Tangshan and Beidaihe to adapt the curative exercises for clinical use. President Liu Shaoqi invited him to continue his research in Beijing, where he counted among his patients several high-ranking cadres. While temporarily out of favor during the Cultural Revolution, Liu Guizhen's qigong practices were recognized as a specialized subfield of traditional Chinese medicine by the end of the 1970s. Occasional reports of remarkable qigong cures made their way into the public domain, as when the well-known Beijing actress Guo Lin published a 1980 account describing how qigong had miraculously cured her of cancer. Yet *qigong* was considered little more than a marginal subfield of medical practice until Liu announced in 1983 that what he called "external *qi*" (*waiqi*) could be projected out of the body of one individual and into other human and animal subjects, and material objects.[16]

Not surprisingly, a procession of adepts who had mastered the art of manipulating "external *qi*" soon emerged, including Zhang Baosheng, who demonstrated his command of external *qi* by removing pills from a sealed medicine bottle and transporting them around a locked room, and Zhang Weixiang, who claimed the abilities to speak with higher life forms and cure illnesses using rays of light.[17]

Central Party leaders were hardly immune to the explosion of popular fascination with qigong during this era. With Liu Shaoqi's short-lived sponsorship of Liu Guizhen serving as an historical precedent, the aging state and Party elite began turning to qigong masters for treatment of various ills on a regular basis. One Hong Kong periodical claimed that each of the so-called "Eight Elders" of the Party's Central Committee during the late 1980s (including Deng Xiaoping, Chen Yun, Yang Shangkun, and Li Xiannian) personally retained four to five qigong masters for regular specialized treatments and, in some cases, soothsaying sessions; over 200

qigong adepts were purportedly on the payroll at the Zhongnanhai leadership compound by the summer of 1990.[18] Ironically, Party Secretary Jiang Zemin himself received personalized treatments for arthritis and neck pain from qigong master Zhang Hongbao, the founder of the Zhonggong movement, whose extradition from the US he later demanded due to an outstanding arrest warrant.[19]

Over time, the "qigong fever" that swept urban China[20] during the late 1980s and early 1990s gradually became more spiritual in focus, incorporating religious themes and texts. Whereas Yan Xin and the earliest wave of qigong teachers had some training in Chinese traditional medicine and focused primarily on physical healing and health improvement, by the late 1980s, newer adepts were claiming connections to the early esoteric roots of Daoist and Buddhist schools and advocated spiritual and social transformation. These new leaders and the schools they established were highly synthetic, drawing on a variety of religious and philosophical traditions, as their pre-revolutionary counterparts had decades earlier. However, they were also the distinct products of Mao-era mass society,[21] and incorporated themes and practices from the state socialist canon into their teaching. As such, the syncretic qigong sects of the second decade of the reforms represented a new post-revolutionary variant in the modern history of quasi-religious mobilization in China.

Post-revolutionary sectarianism

Syncretic sectarianism in pre-revolutionary China involved the incorporation of specific elements of various belief systems in new ways, producing doctrines or practices that attempted to define one group from other rival associations or outsiders. The rapid proliferation of qigong masters "coming out of the mountains" in the mid-to-late-1980s encouraged just this type of organizational competition, with each new master seeking to distinguish him- or herself from the crowd not only in terms of ability, but also in terms of doctrine. A staggering array of syncretic gongs appeared, including Nature-centered Gong (*Daziran zhongxin gong*), Taiji Gong (*Taiji qigong*), Eight Trigrams qigong (*Bagua qigong*), National Gong (*Guo Gong*) and Fragrant Gong (*Xiang Gong*). Many of these drew upon either remembered or reconstructed traditional religious practices for their inspiration, but the fact that all were coterminous with the discourses of both scientism and post-revolutionary socialism shaped the nature of their syncretism in specific ways.

By far the best-known and most popular of the highly syncretic qigong sects that emerged during the second decade of reform were Falun Gong, which at its height claimed 70 million adherents in mainland China, and Zhong Gong, which claimed 38 million.[22] The cultivation systems they developed owed much to traditional Daoist, Buddhist and folk religious themes, but also borrowed post-revolutionary concepts and practices. Falun Gong founder Li Hongzhi and Zhong Gong founder Zhang Hongbao came of age during the Cultural Revolution, and both refer frequently to it in their

writings and addresses. Zhang Hongbao maintains that the Cultural Revolution inspired his personal spiritual quest; by contrast, Li Hongzhi, recalls the Cultural Revolution as a harrowing backdrop to his own more traditional religious training, and as a period characterized by moral stringency, in contrast to the debauchery of the reform-era. Yet despite these differences, both locate inspiration and the source of the ills plaguing the contemporary Chinese body politic in the Maoist era.

Zhong Gong founder Zhang Hongbao made his way into the public spotlight not long after Yan Xin's discovery by the Chinese media. Born in Harbin on January 5, 1954, Zhang was just entering his teenage years at the onset of the Cultural Revolution. As the class monitor in his junior high, he became active in the Red Guard movement, undertaking a rigorous study of "Marxism-Leninism-Mao Zedong Thought" that culminated in a pilgrimage to Beijing, alongside many other Red Guards. At the age of fourteen, Zhang was "sent down" to the countryside, where he subsequently spent ten years working on Shanhe Commune in rural Heilongjiang.[23]

During his decade in the countryside, Zhang successfully applied for membership in the Communist Youth League. In 1973, he attended the Beian Prefectural Party School, and underwent formal training at the Heilongjiang Provincial Farm Bureau Cadre School in 1974. Laboring successively as a platoon leader, tractor driver, cook, commander of the local armed militia, and head of the Theory Study Section of the Propaganda Department of the commune, Zhang was singled out for honors as both a "model laborer" (*laodong mofan*) and an "advanced worker" (*xianjin gongzuozhe*). When he left the commune after ten years to attend Harbin Metallurgy Technical School, he served as a student member of the school's party committee, and was formally admitted to the Chinese Communist Party in 1979. In the five years following his graduation from technical school, Zhang held a succession of local-level party posts.

In 1985, Zhang accepted a fellowship from the Beijing Science and Technology University (BSTU) to study economic management (*jingji guanli*). While enrolled at BSTU, he took courses in law at People's University, and qigong, Chinese, and Western medicine at the Advanced Qigong Study Institute in Beijing, becoming the president of the university's Qigong Science Research Society. His thesis, entitled "The Declaration of a Destined Leader," apparently had little to do with economic management, and therefore did not meet with the approval of his advisory committee, but did serve as a rough blueprint for his future plans.[24] Following the completion of his coursework, Zhang went on to establish the Haidian Qigong Science Research Institute in 1987 and became its director. The following year, Zhang founded a Chinese-American joint venture enterprise, the "Beijing International Qigong Service Company, Ltd." (*Beijing guoji qigong fuwu youxian gongsi*), and began to publicly promote what he called *Zhonghua Yangsheng Yizhi Gong* (*Zhong Gong*), or the Practice of Life Preservation and Wisdom Accretion.

Like the mythical qilin (sometimes translated as "Chinese unicorn"), whose

form is a composite of several different animals that Zhang Hongbao adopted as his key symbol, his ideological framework synthesized traditional philosophical and religious concepts with scientific jargon and post-revolutionary themes.[25] Zhang credited his years of intensive study of Marxism-Leninism-Mao Zedong Thought as a "sent-down" youth during the Cultural Revolution for transforming him from "an ignorant youngster who would admire 'an educated youth' from Beijing simply for his ability to memorize *The Communist Manifesto*, to an expert tutoring people in their study of Marxist classics."[26]

His Cultural Revolution experiences led him to conclude that Marxism-Leninism-Mao Zedong thought was inherently riddled with contradictions and could not therefore be considered "scientific," because the notion of dialectical materialism at its core—namely, the separation of material reality from the realm of ideas—is "utterly flat and lacking in power" (*cangbai wuli*) in the face of the miraculous powers of the qigong master. According to Zhang, Marx and Engels failed to appreciate that "thought and matter have a dialectical, and not a master–slave, relationship," with thought and spirit actually existing as forms of "*yin*" matter, a realm governed by motion that occurs beyond the speed of light. Zhang's own breakthrough discovery (*tupo kou*) that "the power of thought" (*yinianli*) has a measurable material existence in the yin realm became the "golden key" (*jin yaoshi*) that unlocked for him the mysteries of the universe.[27]

Zhong Gong's systematic training structure was designed to help practitioners transform themselves into superhuman masters able to exert hidden *yin* forces on common *yang* matter in order to heal diseases, develop powers of extrasensory perception and perform supernatural wonders. Each level was associated with the acquisition of a particular skill, providing a natural sense of progression as practitioners moved through the program.[28] In addition, followers observed a 16-point moral code known as the "Eight Virtues and Eight Admonitions," that urge self-control and self-restraint in everyday social life. Yet despite this syncretism, the Zhong Gong organization displayed markedly sectarian characteristics, including quasi-religious rituals like those common among Chinese secret societies. Novices enroling in Zhong Gong academies or study centers were initiated following a ritual that involved standing collectively to offer the *heshi*, a traditional Buddhist greeting, before a portrait of Master Zhang, followed by a solemn recitation of the "Eight Virtues and Eight Admonitions." Senior disciples purportedly signed a written oath of eternal loyalty to Master Zhang: "Zhong Gong followers in life, Zhong Gong ghosts in death."[29]

Falun Gong also combined syncretic and sectarian elements, interweaving Buddhist, Daoist, and post-revolutionary themes and practices.[30] The syncretism of Li Hongzhi's message is reflected in his biography, in which he credits a succession of teachers from different traditions for training him.[31] Official records indicate that he completed his primary education in Changchun, and graduated from junior high school at the age of eighteen.

Li maintains that he was being extensively trained during this period, first by a Buddhist master, and then by a Daoist. Former schoolmates and teachers recall him as an ordinary child who did not earn exceptional grades in school. Like Zhang Hongbao, at the height of the Cultural Revolution Li also applied to join the Communist Youth League.[32]

After graduating from junior high school, Li served as a trumpet player on an army stud farm and later at the Jilin Provincial Forest Police head-quarters. In 1982, following his discharge from a decade of military service, he took up a position at the Changchun Cereals and Oil Company where his training continued: Falun Gong sources note that "In the ten or more years that followed, he would change masters practically every time he reached a new level; some were Buddhist masters, others Daoist masters." Fellow employees in Changchun recall that Li began practicing "Chanmi Gong" in 1988, taking part in two training courses, then going on to study "Jingongbagua Gong."[33] In 1991, Li retired from his company job, "retaining his position but not his salary (*tingxin liuzhi*), in order to begin practicing qigong," and in May of the following year, both official and Falun Gong accounts agree that Li began teaching his own system of qigong to the general public.

Li's message involves an apocalyptic vision of a society in an advanced state of moral degeneration. In the current period of decline, the material world is overrun with bad karma, which Li envisions as a black sticky substance that inheres in material objects as well as the bodies of living beings. Its antithesis, virtue (*de*), is a white matter that enters the body each time one does a good deed or falls victim to the evil and destructive acts of others. The five basic postures or exercises observed daily by Falun Gong practitioners assist them in the removal of bad karma, but much of this work is also done by an invisible small rotating dharma wheel which Li implants in the lower abdomens of his followers. Li also dispatches dharma bodies (*fashen*) to protect them during their sufferings and heal them from illnesses during the current period of turmoil. Li predicts that the world is now poised on the cusp of a violent and catastrophic denouement during which only a select few will be saved. Those who wish to seriously practice Falun Gong must strictly maintain the purity of their devotion to the practice, and not only cease other forms of spiritual discipline, but avoid reading or even thinking about them, lest such thoughts deform the rotating dharma wheel Li has implanted within them. Thus, while Falun Gong and Li's own spiritual training are highly synthetic, incorporating elements and ideas from several traditions (most notably Buddhism and Daoism), it is also markedly sectarian, forbidding practitioners from engaging in other practices and reading other religious texts.[34]

Falun Gong practices also incorporate elements of quietistic Daoist meditation with postures and hand gestures inspired by Buddhist and Tantric traditions.[35] Adherents have combined these with ritual elements associated with Chinese folk religious practices, such as the burning of incense,

consecrating food and kowtowing before portraits of Li, ritual observances to which he did not object in the past. In collective practice, groups in Changchun were praised by Li for convening exercise sessions in which they would recite or hand-copy Falun Gong texts in turn, pausing to discuss particular passages and reflect upon how such principles might be applied in their daily lives, although some purportedly found the style of these sessions uncomfortably reminiscent of the small group political study sessions popularized under Mao.[36]

Likewise, Li's style of moral self-improvement owes much to the emulation campaigns of the Mao era, and he often draws parallels between the moral rectitude of his practitioners and that of Maoist moral exemplar Lei Feng, or "model workers and heroes" of previous decades.[37] Yet Li by no means regards the developments of the Mao era as uniformly positive. In Li's diagnosis of the contemporary Chinese body politic, he attributes long-term social maladies to the lingering effects of the Cultural Revolution. For example, during one 1999 address in New York, Li reflected:

> Prior to the Cultural Revolution, China was known throughout the world as "the land of ceremony and propriety" (*liyi zhi bang*), no matter which aspect—civilization, cleanliness or appearances—all were extremely refined. The national civilizations (*guojia wenming*) of the countries surrounding China were all brought over to them by Chinese people, all emulated China [audience applauds]. But you know what happened? After the Cultural Revolution took this [civilization] as the 'Four Olds' and destroyed it, [our] exquisite [civilization] took a roll in the mud, rubbed its hands until they became calloused and grew lice [on its body] that we call 'revolutionary parasites' (*geming chong*). People regarded filth as beauty. This kind of perspective has continued on, and although the living conditions of people today are better, and comparatively speaking a bit more refined, yet this perspective left over from the Cultural Revolution has still not been eradicated.[38]

Elsewhere Li claims that the Cultural Revolution delivered "an unforgettable blow to [Chinese] souls;"[39] that it represented a period of unprecedented evil;[40] and that the ideology of "radical egalitarianism" it fostered resulted in an epidemic of "Oriental jealousy" during the reform era that his cultivation practice aspires to cure.[41] The Cultural Revolution represents a watershed in modern Chinese history, a radical break with the traditions of the past that failed to provide any meaningful alternative moral vision.

In conclusion, the loss of the Party's ideological mandate during the post-Mao era, along with the steady erosion of institutional structures providing key social goods like health care and education, provided a context within which the syncretic qigong sects of the 1980s and 1990s flourished. Zhong Gong and Falun Gong offered alternative ethical systems[42] that successfully blended contemporary post-socialist themes and prerevolutionary religious

traditions, and offered educational and basic health care to large numbers of Chinese citizens whose access to such services had attenuated after Mao's death. Not surprisingly, a survey of Falun Gong practitioners early on in the crackdown revealed that the average follower was a woman over the age of 40 in the lowest income bracket within her community,[43] that is, among the most vulnerable to the social changes of the epoch.

Yet as such groups multiplied in power and strength during the reform era, the central leadership grew increasingly wary. Following the June 4, 1989 crackdown against the pro-democracy movement, stringent new regulations were imposed upon all social organizations that required local governments to establish administrative offices to ensure compliance, and articles critical of certain groups began appearing in the press. In early December, 1990, the celebrated qigong master Zhang Xiangyu, famed for her ability to speak "the language of the cosmos," was arrested for practicing qigong therapy without proper authority, and having organized a large public gathering without the prior approval of the Beijing police. Unofficially, it was rumored that Zhang's arrest came because she had criticized then-President Yang Shangkun during a private treatment session for having sent in the army to put down the 1989 student demonstrations in Tiananmen Square.[44] Whatever the reason for her arrest, Zhang Xiangyu's incarceration and the shuttering of her Nature Qigong schools cast a pall on the qigong world, sending several noted qigong masters back to the mountains from whence they came.

From syncretic sects to cybersects

Zhang Xiangyu's arrest likewise marked a turning point in media coverage of the qigong boom. Articles critical of "pseudo-scientific" and "superstitious" qigong practices began appearing more frequently in the press. The prestigious Chinese Academy of Science (CAS) and well-known members of the Chinese traditional medicine establishment in Beijing voiced concerns over some of the claims made by popular qigong masters. In a highly publicized August 1990 Beijing appearance, Sima Nan staged an exhibition designed to expose the "secret techniques and tricks" used by qigong masters to make it appear as though they had supernormal powers. He subsequently embarked upon a career in debunking those he referred to as "hucksters" in the qigong business.

Under this less friendly climate, in early 1990 Zhong Gong founder Zhang Hongbao retreated to a remote base area he established near Sichuan's Qingchengshan, an area long regarded as a sacred center of religious Daoism. Surrounded by a team of legal advisors, Zhang cultivated close relationships with local government officials in the area of his new Qilin City (*Qilin cheng*), and reorganized his followers as employees of a sprawling web of private enterprises owned by the Qilin Group (*Qilin jituan*). When the *Beijing Daily* (Beijing Ribao) preemptively reported in 1994 that his International Qigong Service Enterprise had been shut down pending an investigation into possible

criminal wrong-doing, Zhang hired the defense team from the Gang of Four trial to defend him, and managed to extract a public apology from the paper. He followed up with a string of unsuccessful legal actions against the government that lasted five years, during which he nonetheless managed to evade arrest. In 2000, when Chongqing authorities ordered Zhang Hongbao's Chongqing International Life Technology University to close its doors, school employees resisted the order; one elderly disciple purportedly committed suicide in protest.[45]

Falun Gong practitioners also grew increasingly defiant. In 1996, not long after Li Hongzhi left China and began promoting his qigong practices abroad, the Chinese Society of Qigong Science suspended the registration of Li's flagship organization, the Research Society of Falun Dafa, for "advocating superstition." A few months later, shortly after a *Guangming Daily* article entitled "Forever Sound the Alarm" made similar accusations against the group, the Press and Publications Administration and some local governments banned Li Hongzhi's books.[46] Falun Gong practitioners responded by staging mass protests around the offices of media outlets that published or broadcast critical reports that frequently involved more than a thousand participants per gathering. Some reporters and government officials complained of being harassed by phone calls from defiant practitioners; a few claimed that they were targets of similar tactics at their residences.[47]

The tension escalated precipitously in April of 1999, when a popular science magazine affiliated with Tianjin Normal University published an article in which a CAS scientist referred to Falun Gong as "sham qigong." In the week that followed, six thousand practitioners descended upon the offices both of the magazine and the Tianjin municipal government, leading to a spate of arrests. With several Tianjin practitioners still in police custody, more than 10,000 Falun Gong activists gathered before Zhongnanhai, the gated residential compound of the political elite near the center of Beijing. Their silent protest began in the early morning hours of April 25th, almost ten years to the day that the *People's Daily* had published an editorial condemning the Tiananmen student protestors as "hooligans," and was the largest such public gathering since the June 4th crackdown. The demonstration continued for 13 hours and appeared to take cadres both inside and outside of the compound by surprise. For his part, Li Hongzhi claimed no prior knowledge of the protest; however, Chinese customs officials were quick to point out that Li, a US resident since 1996, flew back to Beijing on April 22 for two full days during which he purportedly met with practitioners several times to monitor the situation in Tianjin, and organized the Beijing protest. During the event itself, Li is furthermore accused of having made some 20 calls to the participants.[48] When later questioned by Australian reporters about his role in the incident, Li alluded cryptically to the utility of the internet in facilitating long-distance communication, and remarked that practitioners frequently learn of upcoming events on the web.[49]

The April 25th sit-in was the Falun Gong movement's first public protest directed against central authorities. The central leadership officially banned Falun Gong less than two months later, launching a major political offensive that ultimately broadened to include not only other quasi-religious qigong groups like Zhong Gong, but all organizations deemed to be "heretical sects" (*xiejiao*). In the brutal crackdown that ensued, Falun Gong and Zhong Gong offices, schools and other facilities were closed down, their assets confiscated and their key personnel detained or arrested. Zhang Hongbao responded with the so-called "Action 99–8" campaign, encouraging all Zhong Gong supporters to fax, post and distribute as widely as possible two letters supposedly penned by public security personnel who were also supporters of Zhong Gong.

The two documents, which accused Jiang Zemin of pursuing his policy of "stability of paramount importance" to perpetuate his own reign at all costs, wantonly violating the Chinese constitution, and attacking traditional Chinese culture to consolidate his personal power, were purportedly distributed to a 100,000 local police substations in early August 1999, along with over 2,000 county police offices, 300 municipal public security bureaus, 31 provincial public security departments and 10,000 departments in the judiciary. Accusing the Communist Party of "not allowing people to lead a single day of peace and subjecting the country to perpetual chaos," the authors named Jiang Zemin an "unrepentant reactionary" who, by initiating a crackdown against so-called "heretical sects," had launched a second "Cultural Revolution."[50] Shortly thereafter, Zhang Hongbao and a close associate made their way first to Thailand, and then to Guam, where both applied for political asylum in the US. Chinese officials demanded his return to the PRC, but the request was refused.[51]

From Cybersects to Media Machines?

With both leaders residing abroad, the Zhong Gong and Falun Gong movements gradually shifted the brunt of their organizational work to virtual reality. The Foreign Liaison Group of the Falun Dafa Research Society established a protocol for monitoring Falun Gong's presence on the web as early as 1995;[52] the main Zhong Gong group site was established some five years later, in April 2000. Both groups uploaded a good deal of information onto the internet, including texts of lectures and speeches by Zhang Hongbao and Li Hongzhi both in Chinese and translated into various foreign languages, photographic images of leaders and practitioners, and information about the situation of practitioners still within mainland China. However, whereas the Falun Gong movement in particular quickly developed a series of elaborate websites capable of linking overseas practitioners to those still residing in mainland China, Zhong Gong did not, and its move to cyberspace was never fully consolidated, in large part due to Zhang Hongbao's shifting agendas over time. Shortly after winning his bid for political asylum in the US,

Zhang shed his role as a venerated qigong master for that of the political dissident in exile, first by joining forces with the outlawed Chinese Democracy Freedom Party, and then by establishing the "Anti-Political Persecution Alliance," an organization created to push for the release of political dissidents from mainland Chinese jails. In November 2002, Zhang announced the formation of a Washington, DC-based China Shadow Government, which he described as "an enterprising group engaged in political culture" designed "to run a political operation as a business administration."[53]

In comparing the transitions to the web of the two groups, Palmer recently noted that it was precisely this strategy of Zhang Hongbao's—the importation of business and marketing principles to the administration of the Zhong Gong organization—that ultimately contributed to the group's fragility in the face of repression: once Zhong Gong "had difficulties distributing material and social benefits, it was unable to motivate its followers, and the organization withered."[54] In addition, Zhang quickly succumbed to personal difficulties in exile, including the departure of his personal associate who purportedly took with her $1.5 million of the funds for the Alliance, and a series of criminal charges pressed against him by his former housekeeper, who accused him of holding her hostage against her will and beating her.[55] Finally, on July 31, 2006, Zhang was killed in a car accident in Arizona, where he had been scouting locations for a new "base area."[56] The internal fragmenting of the movement, the loss of Zhang's spiritual mission and personal charismatic leadership, and subsequent internecine squabbles that plagued the remnants of the group all effectively spelled the demise of the Zhong Gong organization.

Falun Gong, by contrast, thrived in virtual reality, emerging as a truly transnational group with a highly eclectic and cosmopolitan membership, in part, as Palmer suggests, due to its centralized organizational structure, and its reliance "on the simplicity of its method and commitment of its followers."[57] In the years immediately after the ban, the organization bifurcated: Falun Gong activists abroad pursued high-profile activities like lobbying foreign governments for support, while mainland Chinese groups adopted a cell-like structure similar to those of other underground organizations (including the Chinese Communist Party in decades past) and shifted primarily to web-based communication strategies, using untraceable web-based email accounts accessed in internet cafes, erecting firewalls, and logging on to banned websites via proxy servers. More technologically savvy practitioners deployed encryption programs and switched internet accounts, operating systems, hard-disk drives and telephone lines frequently to conceal their identities.[58]

In an attempt to rout these cyberactivists, the Ministry of Public Security played virtual hardball with the group: within days of the July 1999 ban, Falun Gong website operators abroad were targeted by a "denial of service" attack or were repeatedly victimized by hackers, with at least one attempt originating from the Beijing offices of the Public Security Ministry's Internet Monitoring Bureau.[59] Ministry officials responded by accusing Falun Gong

practitioners of having leaked classified state documents pertaining to the handling of Falun Gong.[60]

The early cyberwar was accompanied by more traditional expressions of protest within Chinese borders. Between April 25 and July 22, 1999 there were more than 300 demonstrations by Falun Gong practitioners at various locations around the country.[61] These continued despite the July 22nd ban: according to official statistics, by the year's end, over 35,000 practitioners had been arrested in Beijing alone for participating in such events. During the following year, waves of Falun Gong adherents staged demonstrations in Beijing to mark the Chinese New Year, the first anniversary of the April 25th protest, Li Hongzhi's birthday, and the annual National Day celebration. On January 1, 2001, an estimated 700 pro-Falun Gong demonstrators were arrested in Tiananmen Square, which, as Perry noted, seemed to hold a particular "magnetic, mimetic connection" for Falun Gong adherents seeking to challenge the regime.[62] On January 24, 2000, 16 Falun Gong activists succeeded in unfurling a giant portrait of Li Hongzhi directly above the famed portrait of Mao Zedong in Tiananmen Square, briefly obscuring Mao's image.[63]

A spate of minor incidents were quickly overshadowed by the dramatic 2001 self-immolation of five purported Falun Gong adherents in the Square on January 23, the eve of the Spring Festival, which claimed the lives of two protestors, a mother and her thirteen year-old daughter. Although Falun Gong spokespersons quickly denied that the self-immolators were genuine practitioners and compiled a brief widely-circulated documentary detailing their concerns, public opinion within the People's Republic shifted dramatically as a result of the incident, and the government's campaign against the group gained considerable traction in the wake of the tragedy.[64] Following the self-immolation incident, acts of resistance by sect followers in mainland China appear to have dwindled. In February 2001, a Falun Gong banner flew for nearly an hour atop the headquarters of the People's Armed Police in Beijing's Haidian district, and slogans were found painted on walls within the tightly guarded headquarters of the air force located nearby.[65]

A year later, Falun Gong activists hacked into the television cables serving the northeastern city of Anshan, and managed to broadcast their own views for several minutes; a few weeks later, activists in Changchun apparently hacked into that city's cable network and broadcast nearly 20 minutes of video footage while an anonymous narrator extolled Master Li's "outstanding contributions." Nighttime leafleting raids on housing projects were reported in various urban neighborhoods in 2002, and painted slogans suddenly appeared on walls and lampposts during the same period.[66]

During the 2003 SARS epidemic, 180 Falun Gong practitioners in northern Hebei were arrested and charged with "using the epidemic to spread rumors and undermine social stability," stemming in part from a series of incidents in which practitioners distributed CDs and other forms of propaganda in the form of scrolls and leaflets, some of which purportedly contained "secret formulas for controlling severe atypical pneumonia."[67] Xinhua subsequently

reported that some of the Falun Gong followers were accused of "spreading rumors" that the disease was a form of "punishment from heaven;" of creating disorder near SARS hospitals and treatment centers; and a few of trying to contract the disease themselves so as to spread the epidemic more widely.[68]

Meanwhile, Falun Gong adherents abroad continue to wage an aggressive international multi-front campaign focusing on Chinese human rights violations. Aside from engaging in vigorous lobbying efforts, letter-writing and email campaigns directed at local and national governments and international organizations, overseas chapters participate in local community events by marching or leafleting and continue to organize information and exercise sessions in public parks abroad. Other recent efforts have included a bid to nominate Li Hongzhi for the Nobel Peace Prize, the filing of formal lawsuits against various Chinese officials for their handling of the crackdown against the movement in the PRC, and attempts to encourage the mass resignation of past and present members of the Chinese Communist Party. Over the past decade, Falun Gong activists have often charged that Chinese officials have presided over a vast organ-harvesting scheme that particularly targets imprisoned mainland practitioners; two prominent Canadians, a human rights lawyer and former member of parliament, investigated the claim in 2006, and found that it had merit.[69] The two called for a boycott of the 2008 Beijing Olympics to protest the regime's human rights abuses, particularly those against Falun Gong practitioners.[70]

In an apparent struggle to overcome the "media fatigue" that plagues many "permanent campaigns," the Falun Dafa organization has taken the additional step of establishing and maintaining a web of media outlets to broadcast its own version of news, events, and entertainment to a ready audience mostly outside mainland China. The Falun Gong media umbrella houses World Falun Dafa Radio, short-wave radio programming launched in July 2001 capable of reaching central and northern China; Fang Guangming TV (FGMTV), a television station also established in 2001 that broadcasts by satellite from Los Angeles; and New York-based New Tang Dynasty Television (NDTV), established in 2002, which broadcasts via satellite 24 hours a day. Perhaps the best-known Falun Gong-controlled media platform abroad, *The Epoch Times*, was established in New York in August 2000, and with its free local editions in more than 30 states, has become one of the largest overseas Chinese news outlets in the world. *The Epoch Times* itself became the object of international media attention in April 2006, when one of its reporters, Wang Wenyi, publicly heckled President Hu Jintao for a full three minutes during a White House appearance.[71] The newspaper routinely reports on issues pertaining not only to the persecution of Falun Gong members by Chinese officials, but also more broadly on various negative phenomena and troubling social trends that have arisen since the reforms began.

There is some evidence that a handful of other banned religious groups have adopted similar tactics in the face of the ban, with varying degrees of

success. Quan Yin, a group more commonly known in the PRC as Guanyin Famen, was originally established in Taiwan 1986 as a religious society with Buddhist leanings, but was deemed fundamentally anti-communist and labeled a "reactionary religious organization" by mainland authorities in 1996. Its parent association, the Supreme Master Ching Hai World Society [*Qinghai wushang shijie hui*], has relied heavily on the internet for many years and maintains versions of its website in several different languages, but has purportedly used its Chinese site to maintain contact with its underground followers in the PRC.[72] The main *Quan Yin* website contains RealAudio and downloadable MP3 versions of radio broadcasts, and online WindowsMedia versions of Supreme Master Television programming for those without access to cable stations. Seminars and lectures featuring the Supreme Master herself can be viewed on-line or downloaded in Chinese in MP3 or podcast format, a platform that China's formidable internet censorship protocols have not yet fully penetrated.[73]

Eastern Lightning (*Dongfang shandian*), also known as the Church of Almighty God (*Quannengshen jiaohui*), the new religious movement that began as a Protestant house church, has also made use of the internet to disseminate its message about the coming of the Female Christ and evangelize its target audience. However, it has also been targeted by other Chinese Protestants, who consider its message and practices heretical. In her work on Eastern Lightning, Dunn has documented the cyberwar that has erupted between Chinese Protestants seeking to exercise 'heavenly netizenship' and the Eastern Lightning sect members, some of whom are currently living in exile in the US.[74]

However, despite sharing some organizational and tactical elements in common with Falun Gong, none of the groups mentioned above has enjoyed Falun Gong's extraordinary success at marrying digital organization and information dissemination strategies with an ongoing multimedia "war of position" against the PRC government.

Conclusion: the rise of Chinese cybersects

The speed and accessibility of web-based communications have fundamentally altered the manner in which some contemporary syncretic sects operate in greater China. With the distinctly transnational reach afforded them by the web, many such groups have undertaken ambitious international recruitment campaigns, circulating key texts in several languages and even adopting news-like formats to broadcast their views on web-based television. The ease with which activists can now make contact with one another, media representatives and transnational human rights organizations has greatly facilitated the ability of such organizations to circumvent Chinese state authorities. It has also made it much easier for such groups to cement alliances and collaborate in times of need. In recent years the web-based organizational strategies of the contemporary qigong movements have been adopted with varying degrees

of success by more traditional quasi-religious groups, most notably the Yiguandao, which has established an impressive "webring" of interlinked sites with news and information pertaining to Yiguandao organizations throughout East and Southeast Asia. Exiled Tibetan Buddhist groups and representatives of other religious sects are also following suit, and some Chinese Christian sects are building up their presence on the web as well.[75] With financial and personnel resources held in reserve in societies in which they are permitted to operate more openly, many such groups may once again eye their traditional home soil on the Chinese mainland with both increased interest and capability.

However, as the contrasting cases of Falun Gong and Zhong Gong suggest, not all groups are capable of making a successful transition from traditional syncretic sect to virtual community of faith. Zhong Gong began receding from international public attention even before the untimely death of its enigmatic leader in July 2006. Falun Gong, by contrast, has fared considerably better, but not without paying a price in terms of organizational coherence: following Master Li's exile, some underground Falun Gong cells in mainland China were purportedly overtaken by charismatic "tutors" or "facilitators" to whom the practitioners felt they could more readily relate, or turned to scriptures not penned by Li.[76]

In May 2000, more than 30 members of Falun Gong's active Hong Kong chapter experienced a collective revelation on Buddha's birthday that a thirty-seven year old activist in their midst, Belinda Pang (Pang Shanshan) was the "true master" of the movement. The group subsequently determined that Li Hongzhi was merely the "flesh master" of the sect, who had appeared in male form so as to allow even those with "great limitations" to accept the teachings of Falun Dafa.[77] A few weeks earlier, one astute observer noted that Falun Gong had undergone "a dark evolution" that involved the emergence of "a hard core of radicalized followers" no longer dependent upon Li's guidance for the movement to grow, in part due to the high level of technological and public relations expertise required to keep such a group in working order.[78] As the contrasting case of Zhong Gong demonstrates, such organizational skills may well be in short supply among charismatic mystics, and the marriage between technological expertise and spiritual vision may not always be a harmonious one.

Having apparently won the battle to suppress "evil heretical sects" on the ground, however, the Party-state has yet to win the larger cyberwar. Dissenting voices in Chinese cyberspace have mushroomed, although generally without the type of centralized organizational structure of Falun Gong and similar sects. Perhaps one of the lessons learned from the crackdown against such groups has been the virtues of disorganized resistance, or, perhaps, the 'strength of weak ties,'[79] which has been greatly facilitated by new technologies. As Madsen's contribution to this volume likewise demonstrates, the successful indigenization of Chinese Christian sects has favored decentralized organizational structures, and has enhanced the already fragmented nature

of such groups, often to the dismay of both government and transnational religious authorities. Similar patterns of fragmentation have been noted elsewhere in Chinese cyberspace, sometimes to the dismay of Chinese censors and authorities: contemporary Chinese officials of late have frequently found themselves and their policies targeted by tidal waves of virtual "smart mobs"[80] and "human flesh search engines" (*renrou sousuo*)[81] that unexpectedly spring into action, launching vast cyber-campaigns against acts of perceived injustice or corruption. In the context of the broader and burgeoning world of the Chinese web, the new cybersects are but one variant among many operating beyond the pale of official approval and control. With internet and SMS use in China on the rise, the struggle between Party-state's giant and the ghost of virtual dissent is not likely to end soon.

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10 Chinese Christianity
Indigenization and conflict

Richard Madsen

An unforeseen consequence of the policies and social changes of the Reform Era has been an enormous growth in religious belief. After being severely restricted in the first decade and a half of the Maoist era, virtually all forms of public religious practice were suppressed during the Cultural Revolution, and replaced by a quasi-religious cult of Mao, complete with sacred texts (the Little Red Book), rituals (loyalty dances), and claims of miracles. But amid the chaos of the Cultural Revolution, the Mao cult imploded. After the death of Mao and the overthrow of his close associates, the Deng Xiaoping regime relaxed restrictions on religious practice—and the mobility and freedoms of an expanding market economy made many remaining restrictions easy to subvert. In this environment, hundreds of religious flowers began to bloom, some of them replications of pre-revolutionary religious forms, many others new mutations of the old. According to government official figures, there are over 100 million religious believers in China today. A recent study in an authoritative journal by a team of researchers at Shanghai University, however, put the number at 300 million. But even this is probably under-estimated. If we consider "religion" to include any form of evocation of supernatural powers—and therefore traditional folk practices like burning incense to gods or ancestors at life cycle rituals or at seasonal festivals—then, according to Peter Ng, a religious studies scholar at the Chinese University of Hong Kong, as much as 95 percent of the Chinese population might be considered religious to some degree.[1]

Along with other forms of religion in China, Christianity has experienced remarkable growth in the past two decades. The number of Catholics has grown from about 3 million in 1949 to perhaps 13 million today (about one percent of the Chinese population), and the number of Protestants from fewer than one million to perhaps 50 million.[2] As with other major religions in China, this growth represents not merely a revival of beliefs held and practices carried out before the establishment of the PRC, but also a re-creation and re-invention of traditions in the light of new political and social realities. In the process, both Catholicism and Protestantism have become deeply indigenized—Christianity with Chinese characteristics—a potent development that causes concern both among Western Christian leaders and

Chinese government officials alike. The indigenization involves adaptation to China's enormously variegated culture and leads to great variations in the ways both Protestants and Catholics practice their faith. These differences lead to much internal conflict as well as to varying patterns of cooperation and conflict with the wider Chinese society and the government.

To understand these developments, let us first briefly review the history of Chinese Christianity.

Partial unity under foreign authority

Until recently, Christianity was considered a "foreign religion" (*yangjiao*) in China, not simply because its doctrines and rituals were imported from the West but because it was controlled by foreign authorities. The first missionaries to China in the early modern era were Catholics—Jesuits, Dominicans, Franciscans—who came at the end of the Ming Dynasty, in the late sixteenth and early seventeenth century. The missionaries soon took to fighting among themselves over whether or not Confucian ritual practices could be incorporated into Catholicism. In 1693, the Kangxi emperor declared Catholicism—at least the accommodationist version promoted by the Jesuit missionaries—to be an "orthodox teaching." But at the beginning of the eighteenth century, the Pope ruled in favor of those who argued that Catholics had to make a clean break with Confucian rituals, and in 1724 the Yongzheng emperor declared Catholicism to be a "heterodox teaching" (he used the same term, *xiejiao*, that the government now applies to groups like the Falun Gong which it has banned and suppressed). This was not only because China's rulers disagreed with the substance of the Pope's reasoning about why Chinese Catholics could not practice certain Confucian rituals, but because they considered it simply unacceptable that the Pope would issue an order forbidding Chinese Catholics to do something that the emperor had declared to be correct. Government restrictions against Catholicism were only lifted in the nineteenth century, under pressure from Western imperialists. Under protection of the French government, foreign missionaries could promote forms of the Catholic faith that conformed to Vatican approved doctrines (although the Vatican itself was concerned that missionaries in China were overly influenced by the French government). Protestant missionaries were also granted freedom of movement under the nineteenth century Unequal Treaties. Although divided by denomination and not as centrally organized as the Catholics, Protestant communities were usually under the control of various mission boards, on whom they depended for funds as well as for a steady supply of foreign pastors.[3]

For both Catholics and Protestants, local religious practice was by no means entirely shaped by foreign authorities. Indeed local Catholic and Protestant communities were constantly coming up with creative interpretations of the faith, sometimes to the consternation of foreign authorities. In the twentieth century some Protestants developed organizations that were almost entirely

independent of foreign authority. Such independent groups tended to grow more dynamically than those under the control of foreign missionaries.[4] A prime example was the "Little Flock" of Ni Tuosheng ("Watchman Nee"), who stressed such Pentecostal themes as prophesy and healing through personal contact with the Holy Spirit and who was often antagonistic toward missions and foreign Christians.[5] Yet the various forms of foreign control provided an overall order and regularity to Chinese Christian life, and gave Christianity its pronounced foreign flavor.

After the establishment of the People's Republic of China, the new government aggressively moved to cut all Christian communities off from foreign authority. All foreign missionaries were quickly expelled. New forms of organization were devised to place all Christian communities firmly under the control of the state. For the Protestants, the agency of control was called the "Three Autonomies Movement" and it was supposed to ensure that Protestant communities would be autonomous in governance, financial support, and methods of propagating the Gospel. But the Three Autonomies Movement was really a "mass organization" that acted as a transmission belt from Communist Party and state authorities to local communities. Chinese government control replaced foreign control. Those Protestant communities that were seen as most dangerous to the Three Autonomies program and were most harshly attacked were actually those, like Watchman Nee's Little Flock, that were most completely indigenized and most thoroughly autonomous.[6] Rather than being brought into the Three Autonomies Movement, the Little Flock (along with similar groups such as the True Jesus Church and the Jesus Family) were suppressed and their leaders jailed as counterrevolutionaries. Watchman Nee died in prison in 1972.[7]

On the other hand, the whole Catholic Church was seen as dangerous, because it was relatively well unified under Papal authority—and with a Pope in the 1950s (Pius XII) who was resolutely anti-communist. The mass organization established for Catholics was called the "Catholic Patriotic Association." To be a member of this organization, one had to renounce allegiance to the Vatican. The Vatican, on its part, forbade Chinese Catholics to join the Catholic Patriotic Association, under pain of excommunication. The Chinese government responded by imprisoning prominent Church leaders who refused to join. The conflict between the government and the Vatican reached a high point in 1957 when, in the overall context of the anti-Rightist campaign, five bishops under the Catholic Patriotic Association consecrated a number of new bishops without Vatican approval. The initial response from Pope Pius XII suggested that the Chinese Catholic Church was in a state of schism from the Roman Catholic Church. But subsequent documents by Pope John XXIII and his successors pulled away from this assessment. Recent statements by Pope John-Paul II and Pope Benedict XVI make it clear that the Vatican views the Chinese Church as one Church, in communion with the Church of Rome, even though there are some severe factional divisions within the Chinese Catholic Church. However, some in these

factions, and their supporters in the West, still claim that the part of the Chinese church that accepts government supervision is in schism from Rome.[8] In any case, during the Maoist period, most Chinese Catholics did not accept the moral authority of those bishops who collaborated with the Catholic Patriotic Association and they were forced to carry on their faith in secret, without the benefit of bishops and priests who could function publicly.[9]

For both Protestants and Catholics, government control went hand in hand with a range of efforts to discourage religious practice. Although from the beginning the PRC constitution guaranteed freedom of religious belief, it did not guarantee freedom of religious association. Gathering together for public worship was only permissible under the auspices of the Three Autonomies Movement or the Catholic Patriotic Association. Under the direction of the government's Religious Affairs Bureau and the Party's United Front Department, moreover, the Protestant and Catholic mass organizations restricted venues for worship and subjected worshippers to surveillance. Finally, during the Cultural Revolution, even the officially approved religious associations were shut down, many of their cadres imprisoned, and all religious practice denounced.[10]

After the Third Plenum of the 11th Party Congress in late 1978, the Deng Xiaoping regime began to implement more relaxed policies on religion. The primary framework for these policies, Central Committee Document 19, was promulgated in 1982. This document rejected "ultra-leftist" attempts to destroy religion, acknowledged that religious belief and practice would be around for a long time, and admitted that religion could serve constructive social purposes, even though such belief was fundamentally erroneous.[11] The policy gave both Protestant and Catholic church leaders (organized for Protestants in the Chinese Christian Council and for Catholics in the Catholic Bishops Association) greater autonomy over matters of theology and liturgy, but still specified that they had to submit to the overall direction and supervision of the reconstituted Three Autonomies Movement and Catholic Patriotic Association. The government had replaced a policy of suppression with one of cooptation and control.

But it has had difficulty achieving either cooptation or control. Most Christians worship outside of the government-approved venues and gather together in houses or illegally constructed church buildings. There are a variety of reasons for this rejection. Some Christians are opposed in principle to participating in any group that is supervised by an atheistic Communist party. Others want to avoid the restrictions that official registration would place on them—especially restrictions that would inhibit energetic proselytizing. Many others stay away from government-approved venues for more pragmatic reasons: the government has not allowed the construction of an officially approved church near them; or they do not like the pastor or do not have good personal relations with the congregants; or they simply prefer the informality of small congregations to the stiffness of formally organized churches. Often participation in a "house church" or an "official" church is due to a mixture of principled and pragmatic motives.[12]

The choices for Catholics are more conflicted. Alongside the officially approved Catholic Church there is a vigorous "underground Church." The two parts of the Catholic Church have been organized by parallel hierarchies. The constitution of an underground hierarchy was facilitated by a set of secret Vatican instructions issued in 1978. Similar to instructions issued to Catholics in Eastern Europe, the Vatican allowed underground bishops to choose and to consecrate successor bishops without getting the standard bureaucratic approval from the Roman Curia. The purpose was to allow aging underground bishops to choose successors even though they could not communicate regularly with the Vatican. Under these circumstances, some underground bishops consecrated many new bishops who had only minimal theological training or who lacked other qualifications that the Vatican might have desired. Patron–client relations could easily develop between a senior bishop and those whom he had consecrated. Perhaps partly to make up for weak formal qualifications, some of these underground bishops (and the priests they ordained) seemed eager to emphasize their willingness to provoke government authorities and to accept martyrdom as proof of their qualifications for church leadership.[13]

Meanwhile, in the officially approved open church, there has developed a hierarchy that is by no means out of communion with the Vatican. The bishops and lay leaders who are at the head of the Catholic Patriotic Association are regarded with suspicion by many Catholics. But the great majority of bishops who preside over the open Church have actually been quietly approved by the Vatican. By the beginning of the twenty-first century, over 90 percent had in fact received such "apostolic mandates." There is no longer a stark division between an underground Church whose primary religious loyalty is to the Pope and an official Church whose primary loyalty is to the Chinese government. Thus, for Catholics as well as for Protestants, there is a broad "grey market" of religious belief, which blurs the boundaries between the white market of officially approved and the black market of forbidden churches.[14]

In many places underground and official Catholics get along well. Sometimes underground and official bishops even live in the same residence and celebrate religious rituals together. (These arrangements work best in places where the Church has sufficiently cajoled or bribed local officials to gain a relatively free space for religious activities.) But other times, the divisions between underground and official hierarchies give rise to harsh factional rivalries, which have even culminated in violence.[15]

Diversity within an authority vacuum

In the Reform Era, the government, despite considerable effort to the contrary, has started to lose effective control over Chinese Protestants and Catholics. But this does not mean that foreign authorities have regained control that was broken by the Chinese revolution. Some foreign Church leaders, like

those in the Vatican, are trying to reassert their authority but they have only partly succeeded. Others, like evangelical Christian missionaries from the United States, are actively pouring in money and personnel to convert China to their form of Christianity, but the decentralized nature of the fastest growing new Christian groups makes it very difficult to maintain external control. The result is that there are no coherent structures of authority to give shape to the Christian communities which have experienced such explosive growth in the past twenty years.

To an unprecedented degree, then, the nature of Chinese Christianity is now being determined by local communities drawing on the resources of local culture. Before 1949, the less than one million Chinese Protestants were predominantly urban, and in theology, liturgy, music, and styles of preaching, their congregations replicated the American and British congregations from which their missionaries had come. Indigenous churches like Watchman Nee's Little Flock, with strong roots in the countryside, were a minority, albeit a dynamically growing one. Now the pattern is reversed.

One reason for the reversal is theology. The leaders of the government-approved Three Autonomies Movement have developed a "constructionist theology" which holds that God's grace touches everyone in the world, not just those in the Christian churches. Thus, all people, even Communists, can be saved if they live good moral lives. With this kind of theology, there is no great urgency to convert people, and much incentive to cooperate with non-Christians. Probably most ministers and laypeople at the grassroots, even in the officially approved Three Autonomies churches, disagree with this ecumenical version of Christianity. In company with the worldwide evangelical movement, they believe that salvation depends on a personal relationship with Jesus, and it is urgent to preach the Gospel so as to save those who have never accepted Jesus. The great majority of those in the house church movement reject constructivist theology vehemently, and they feel driven by a religious imperative to make new converts.

The most successful of these evangelists are those associated with Pentecostal Christian networks in the countryside. The most important of such networks are the Fengcheng network, the Tanghe network (both named after the towns in Henan where they originated) and the Born Again Movement (which also started in Henan). Their network form of organization is very conducive to rapid expansion. The networks link together many local congregations of individuals who have had a born again experience and have made a personal commitment to Jesus. Many of their early leaders spent many years in prison in the first decades of the PRC, and those who survived have enormous charismatic authority in the minds of their followers. The foundations for some of the present networks were laid in the 1970s when there was enough chaos in the Chinese interior for bold evangelists, sometimes made even more determined by their sufferings in prison, to move surreptitiously from place to place to provide channels of communication among scattered congregations.[16] A major impetus for the expansion of the

three networks mentioned here was the contact between some of their key leaders with the Pentecostal Christianity of Dennis Balcombe, an American missionary who had established a Pentecostal congregation in Hong Kong in the 1970s. Balcombe began his evangelization career in mainland China by smuggling bibles into Guangzhou, where they were taken by people from the various Christian networks and shipped into the interior. He later began showing some of the network leaders videos of spirit-filled Pentecostal meetings. In 1986, he started praying over some of the top leaders, inducing them to receive the Baptism of the Holy Spirit, manifested in the speaking of tongues. He was then invited to travel clandestinely to Fengchang in Henan (an area at the time closed to foreigners) to give the Pentecostal gifts to large assemblies of Christians in the Fengchang network. He was spectacularly successful. He was then invited to do the same for the Tanghe network. Within a short time, all of the major Christian networks, with the exception of the Born Again Fellowship whose leaders had some theological reservations about Pentecostalism, had become Pentecostal and adopted not just the speaking of tongues but styles of music, forms of worship, and patterns of belief of the late twentieth century worldwide Pentecostal movement.[17]

In general, these patterns of belief direct their adherents to otherworldly concerns rather than to worldly political activity. But there are beliefs that can give the government some cause for concern—especially the belief in Premillennialism, which holds that the Last Times are coming soon and that those who have accepted Jesus will be raptured up to heaven, while the world undergoes great tribulations which will end with the triumphant Second Coming of Christ.[18] The government might also worry about the public health implications of practices like faith healing.[19] But despite government attempts to stop such beliefs and practices, the networks that foster them are expanding very rapidly.

It would be difficult for the government to stop them because they are indeed networks, not dependent on a central leadership. Their members believe that each individual directly receives the gifts of the Holy Spirit. Anybody can do this, anybody can help another to do it. The networks received an enormous boost in energy from certain charismatic leaders, but they do not rely on the constant guidance of those leaders. Since the leaders' charisma is in large part connected with their willingness to undergo martyrdom for the faith, the leaders sometimes gain even more respect when they are arrested than when they are actually directly engaged with their congregations. Since the experience of receiving the Holy Spirit is primarily an emotional rather than a cognitive experience, believers are not dependent on the complicated doctrinal texts that would be written by centralized theological schools.

The de-centered nature of the Christian networks allows them constantly to generate new offspring with new theologies and new ways of adapting to specific environments. A few main themes remain constant—the Second Coming, speaking in tongues, faith healing—but they are given different

specific interpretations. This aids in the expansion of the networks but it raises the threat of sectarian division. Local assemblies accuse each other of heresy.

Like the Taiping Heavenly Kingdom, which spawned a massive revolt in the nineteenth century, some sectarian groups mix Christian and folk religious beliefs in ways that would seem bizarre to most Christians around the world, and they form tightly closed militant associations at odds with the rest of the world. The most well known example is the "Eastern Lightning," (the name comes from a phrase in Gospel of Matthew: "As the lightning comes out of the east and shines even to the west, so also shall the coming of the Son of Man be." [Matthew 24:27) Beginning in Henan, it is now especially strong in Shaanxi, and features a belief that Christ has been reincarnated as a woman. Instead of converting many non-Christians, the Eastern Lightning has succeeded in converting significant numbers (perhaps 400,000) of people from other Christian networks. For their part, members of the other networks claim that the Eastern Lightning is not Christian at all, that it is indeed "spawn from the nest of Satan" and uses lies, bribery, sexual seduction, and physical coercion to make its converts. Besides Eastern Lightening, there are at least ten other such quasi-Christian sects, with names like the "Established King," "Lord God Sect", and the "Three Ranks of Servants."[20]

Such sectarian groups pose serious public security threats. Some express explicit hatred of the government. The Eastern Lightning's basic scripture proclaims that "Heaven is to destroy the Communist Party."[21] But the greatest threat to public security currently comes not from political rebellion but from sometimes violent infighting among the sects themselves. They have been accused of kidnapping members of rival sects, and sometimes even of rape and murder. The government has made the suppression of such groups second only to its suppression of Falun Gong, and has even executed some of their leaders. But the sects have defied eradication. They remain active and contentious and probably continue to produce new offshoots. Though much too fragmented to lead any mass political rebellion, they are a threat to local public order.

While loosely organized, the major Pentecostal networks have come together in opposition to the sectarian Christians. In an attempt to proclaim a unified orthodoxy that would distinguish themselves from groups that the government might find sufficiently dangerous to label "evil cults," in 1998 leaders of the major networks issued a "Confession of Faith," in which they committed themselves to a literal interpretation of the Bible, to the classical idea of the Trinity, to the "priesthood of all believers", and to a Premillenial account of the Second Coming.[22]

Around the same time, the same group of leaders also issued a "United Appeal" to the government:[23]

> "We call on the government to admit to God's great power and to study seriously the new trends in the development of Christianity. . . . [T]he

judicial branch of the National People's Congress and the United Front system should readjust their policies and regulations on religion lest they violate God's will to their own detriment."[24]

They demanded that all "orthodox Christians" (not heretics like the Eastern Lightning) should be released from prison. Furthermore, they claimed that the house church movement had 80 million believers in China (a number which is probably greatly inflated)[25] and that they, rather than the Three Self Movement churches, represented the "mainstream of Christianity in China." They called on the Chinese Communist Party central leadership to begin a dialogue with representatives of the House Churches and warned that "attacks on Christians who fervently preach the Gospel only bring harm to China and its government."[26]

The tone of this appeal—warning government leaders not to "violate God's will to their own detriment"—seems more like a call for surrender than an appeal for dialogue. Yet leaders of the major evangelical Christian networks seem to believe that the detriment to the Chinese government will not come from any worldly political action, but from God's judgment. They are concerned with their followers' spiritual salvation and do not advocate violence. The government clearly sees these Christian network leaders as better than leaders of "evil cults" and has been trying to reach out to many of them.

Similar tensions can be found among the Catholics. Especially in rural areas—and since the eighteenth century, most Catholic conversions have taken place in the countryside—Catholicism is today as much a folk religion as a world religion. There is a long history to this development. In the eighteenth century, when Chinese Catholicism was cut off from an intellectual elite, deprived of the ministry of foreign missionaries, and labeled a heterodoxy, rural Catholics took on many of the features of heterodox folk sects, to the point that local officials sometimes confused them with groups like the White Lotus.[27]

To be sure, Catholics would have denied any connection between their faith and folk Buddhism. Yet like folk Buddhist sects (and unlike those converts whom the Jesuits originally made among the Confucian elite) they harbored beliefs that the world was corrupt and could only be saved by the coming of a millennial savior. In continuity with European Catholic piety of their time, they laid great stress on Marian devotion, but their imagining of the Virgin Mary bore interesting similarities to the White Lotus fascination with a salvific "Eternal Mother." In the absence of priests, Catholic communities developed their own local lay leadership, like the folk Buddhist leaders of other sectarian communities. (There was often considerable tension between these lay Catholic leaders and missionary priests after the missionaries were finally able to return to China in the mid-nineteenth century.)[28]

This folk religious legacy continued through the twentieth century, though mostly forced underground in the Maoist era. It is now more publicly visible

and if anything seems to have become amplified in the past two decades. There is a great enthusiasm about purported visions of the Virgin Mary, who is seen not just as a loving mother, but, in her role as Our Lady Queen of China, as a defender of the faithful against the forces of evil. In North China, villagers pass on stories about how Holy Mary appeared in their village during the Boxer rebellion and helped them drive out the evil Boxers— an oral tradition that is in sharp contrast to the official line, enshrined in local government museums, about the Boxers' heroic contribution to anti-imperialism.[29]

Marian apparitions inspired a number of mass movements of Catholics during the 1950s. At least one of these, near Taiyuan in Shanxi Province, was crushed by the military. Donglu, a small village near Baoding in Hebei Province that was the site of one of the most spectacular of the Boxer-era Marian apparitions and an important pilgrimage destination throughout the first half of the twentieth century, became a major site of conflict and resistance during the Reform era. Its church was destroyed during the Cultural Revolution, but in the 1980s, after it became possible to worship in public, local Catholics put up an image of Our Lady Queen of China on the place where the church had stood, and as many as twenty thousand pilgrims came each year to worship in front of the picture. In the late 1980s, the local Catholics began to build a huge cathedral, which now can hold several thousand persons. Many apparitions are reported there. On the Feast of Mary Help of Christians in 1995, tens of thousands of underground Catholics gathered for a Mass concelebrated at Dong Lu by four underground bishops and 110 underground priests. At that time, participants claim to have witnessed a miracle. The sun changed colors and moved across the sky. People believed that "Holy Mother this year has come to comfort her children at Dong Lu, rewarding them for their enormous sacrifice and risk in taking this pilgrimage, with a spectacular, supernatural statement in the sky." The underground Bishop of Baoding, Su Zhimin, expressed his belief that the Holy Mother has "Reaffirmed that the Church who is allegiant to the Pope is the true Catholic Church, supported by God." Soon after, the bishop was taken to prison, and the following year, a unit of 5000 PLA soldiers sealed off the area, closed the church, arrested a number of underground Catholics, and took away the picture of Our Lady of China. No one can go to Dong Lu now. Despite—or probably because—of this, Mary continues to appear.[30]

As is the case in most other parts of the world, neither ecclesiastical nor government authorities are particularly welcoming of Mary's apparitions— unless and until they can co-opt them. Like the great majority of Chinese Catholics, the officially approved bishops promote a strong Marian devotion, but they seem somewhat cooler to visions and miracles than the underground— which enhances the underground's populist credibility. Meanwhile, the Chinese government is particularly ill equipped to co-opt Marian apparitions

(which as throughout most of the world have had a strong anti-Communist flavor). Marian apparitions and other such charismatic events bring unpredictability into both the internal life of the church and relations between the church and the state.[31]

One issue on which the interests of the Vatican and the PRC government coincide is in establishing more order over the devotional practices of grass-roots Catholics. It was this coincidence of interests that led to some significant progress toward the normalization of Sino-Vatican relations in 1999—until the government started applying to the underground Church pressure similar to that it was applying to the Falun Gong.[32]

Although the greatest growth of Protestantism and the staunchest support of Catholicism are found in the poorer sectors of rural China, it should not be assumed that Christianity has no attraction to the middle and upper classes. Both Protestant and Catholic forms of Christianity are flourishing in the prosperous entrepreneurial city of Wenzhou. And there has been a significant movement toward Christianity on the part of intellectuals.

But even among these strata, the most dynamic growth is beyond the control of church authorities or political authorities. "Boss Christians" in Wenzhou (the city with the most open entrepreneurial market economy in China—and also known as "China's Jerusalem" because of the large number of Christian churches there) use the same methods to establish independent churches as they use to set up their businesses—they use gifts and favors to cultivate informal relationships with key local officials. Sometimes the building of a local church is part of a package deal bundled with the boss Christian's promise to provide investment capital to a locality. All of this bypasses the official agencies in charge of religious affairs. Often, after they build a local church, the boss Christians induce all of their employees to join it.[33]

Christianity has also become accepted by some well known intellectuals with a dissident streak. A disproportionate number of the "rights lawyers" who have recently challenged the government (at great personal risk) to live up to the promises of its own Constitution, are in fact Christians.[34] Among more academic intellectuals there is also a growing number of "culture Christians," university scholars in such fields as history, literature, and philosophy who have been drawn to Christianity through study of its role in the ascendancy of the West.[35] The writing of some of these seems to be not simply an expression of detached scholarship but of personal faith. But as Daniel Bays writes,

> "Whereas sometimes Chinese Christian intellectuals outside of China are willing to participate in conferences and publications revealing their identity as Christian believers, intellectuals in China who study Christianity, including those who may be believers, have very little or no connection with the organized church. . . . "[36]

Here too, then, Christian growth is driven by indigenous social and cultural forces that are not under the control of religious or secular authorities.

Divide and Rule

The consequence of these patterns of dynamic growth is that Chinese Christianity has become enormously diverse. Different forms of Christianity have adapted to fit the culture of different social strata, regional circumstances, and historical legacies. It is this very diversity that has allowed Christianity to grow so quickly during the Reform era. But the diversity leads to division. Different Protestant sects bitterly denounce one another for heresy. Different Catholic groups dispute with one another about who is properly loyal to the Pope. In some cases, such disputes lead to intra-religious violence. Evangelical Christians claim that their members have been beaten and abducted by members of the Eastern Lightning.[37] Underground Catholics have physically attacked leaders in the official church. For example, on Good Friday in 2001, an underground Catholic in Harbin cut off the ear of a priest who was the local head of the local Catholic Patriotic Association—presumably in imitation of Saint Peter's cutting off the ear of the high priest's servant who came to arrest Jesus in the Garden of Gethsemene.[38]

One government response has been to use divide and rule tactics to pit various Christian factions against each another. In the late 1990s, religious affairs officials became worried when many official and underground factions within the Catholic Church had begun informally to resolve their differences, but on terms other than those laid out by official spokespersons for the Catholic Patriotic Association. The response was an attempt to recruit "additional politically reliable persons to become involved with the leadership group of the Patriotic Association at the provincial level" and to use this leadership core to "convert the majority and isolate the minority."[39] Predictably, the result was an increase in polarization within the Catholic Church.

Movement within the Catholic Church for reconciliation among its factions has continued. In 2007, Pope Benedict XVI issued a major pastoral letter setting out a new framework for reconciliation. In this document, he ended the special authority to act that had been given to the underground bishops in 1978. Now major decisions made by such bishops would have to be cleared through normal Vatican review. While stating that the Patriotic Catholic Association's claim to control the life of the Church "does not correspond to Catholic doctrine," the Pope affirmed that Catholics in the official Church could cooperate with the Patriotic Association out of necessity. He urged Catholics in both the official and underground parts of the Church to reconcile whenever possible.[40] However, this papal document has enough ambiguities that different mistrusting factions can interpret in different ways. Thus, reconciliation on the ground has been slow in coming. Moreover, the Chinese government does not want reconciliation if it comes from the ground up, or from outside China. For example, in the spring of 2009, an underground

bishop from Hebei, Bishop Jia Zhiguo was reportedly taken from his home by five police officers. He had been under 24-hour surveillance to prevent him meeting the "official" state-approved bishop, with whom he had reconciled on Vatican advice. According to some local sources, the police told Bishop Jia that "this unity [with the 'official' bishop] is bad because it is desired by a foreign power like the Vatican. If there must be unity, it must come through the Government and the Patriotic Association."[41]

A divide and rule strategy, however, can get out of hand, further undermining political stability. For the government, there is no easy way out of this dilemma. It is very difficult to control religious movements with the standard tools of statecraft. Widely perceived as corrupt, the Chinese government has little capacity to exert credible moral authority and has to rely even more heavily than most governments on material rewards and punishments. As applied to Christians, this involves government patronage—salaries for reliable church leaders, funds for rebuilding church buildings. But in the eyes of some independent Christian communities, receipt of such patronage is itself a sign of lack of fidelity to Christ. To control such recalcitrant Christians, the government resorts to harsh sanctions—fines and prison for unauthorized church leaders, destruction of unauthorized Church buildings. For instance, hundreds of unauthorized church buildings in Fujian and in the Wenzhou area of Zhejiang—many built with remittances from local Christians who now work in sweatshops in the United States—were dynamited or bulldozed in 1999.[42] Such aggression, however, only deepens the determination of Christians imbued with a cult of martyrdom or who are convinced of the coming of a new millennium.

For their part, many Church leaders would like to establish more unity among Christians. But they too lack tools to do this. One way for religious leaders to assert authority would be to provide more trained pastors for local communities. But many of the rapidly growing Pentecostal networks downplay intellectual doctrines and look to an immediate, emotional connection with God, characteristics that suggest quite a different route for the selection of clergy. And, as some Catholic seminarians have discovered, advanced theological training itself, especially when it is carried out in an urban setting, serves only to alienate them from the rural grass roots of the church.[43]

Infrastructures of belief

Any attempt to introduce more order and unity into fragmented Christian communities would have to contend not only with diversity of belief and styles of worship, but with diversity in what might be called the infrastructure of belief, the specific kinds of social relationships within which a Christian identity is embedded. In some places Christian identity is intimately connected with ethnicity, in other places with family and kinship relations. In such places the primary locus of Christian community is the village or region. In still other places, Christianity takes the form of voluntary associations that

bring together a diverse array of individuals seeking salvation. In such places the locus is the Christian network or sometimes the sectarian organization. Finally, in some places Christianity may be the heritage of certain class factions, like the old professional middle classes who gained their visions of modernity from Christian colleges and the YMCA before 1949. These different social infrastructures produce different motives for accepting and maintaining a Christian identity.

Christianity-as-ethnicity is seen most clearly among some national minorities in the southwest. In parts of Yunnan and Guizhou, missionaries in the early twentieth century (both Catholics and Protestants, but more often Protestant) managed to convert whole ethnic groups and indeed to deepen their sense of ethnic identity by creating writing systems for their languages.

Christianity as the expression of family and kin relations is especially characteristic of many Catholic villages. In the nineteenth and early twentieth centuries, Catholic missionaries aimed to convert not individuals but families and lineages. They attempted to create replicas of Catholic villages in countries like France where all of social life was intertwined with the Church. In some parts of China, whole villages, or whole lineages (people with the same surname who claim descent from a single ancestor) within villages are Catholic. Marriages to non-Catholics are discouraged, and children are automatically baptized into the faith. In such communities, even "lax Catholics", who profess little personal belief, nonetheless have to retain a minimal Catholic identity. At the very least, they will have to be buried as a Catholic, because there is no other way that they can be connected with their ancestors. The Chinese government's policies of household registration, which give everyone a state-imposed identity and restrict movement from countryside to city, make it much more difficult than it would be in the United States for rural Chinese to leave behind ethnic or family ties.

In places, like Hebei Province, where whole counties (such as Xian country) are composed of such Catholic villages, Catholic identity takes on some of the characteristics of an ethnicity—an identity that one cannot shed even if one wanted to and which is therefore intensified rather than weakened by social and political discrimination against Catholicism. When Christianity becomes either a component of ethnicity or an essential expression of family relationships, it acquires enormous staying power. Persecution may even intensify Christian commitment.[44]

As in imperial China, rural people can nonetheless transcend family and lineage by joining networks of voluntary associations. In pre-modern China, such networks were usually based on sectarian organizations, like the White Lotus. Many of the "quasi-Christian" sects fit this pattern—which is also the pattern of Buddhist- and Daoist-inspired groups like the Falun Gong and the Unity Way (*yiguandao*). As we have seen, however, most of the rapidly expanding Pentecostal-style, evangelical Christian networks want to disassociate themselves from the more radical sects. In 2008, many of them

also met with government representatives, but outside of the framework of the official Three Autonomies Association, to promote mutual tolerance.[45]

The stable urban congregations associated with the Three Autonomies Movement are perhaps examples of Christianity as the heritage of a class fraction. Most of these Protestant congregants seem to be the descendants of those mainly middle class Chinese who passed through Christian colleges or participated in associations like the YMCA in the early twentieth century. Besides carrying on the ritual traditions of the denominations (Episcopalian, Presbyterian, Methodist, etc.) that evangelized their parents and grandparents (even though the Chinese Protestant church is officially supposed to be "post-denominational"), members of these congregations often still affirm the virtues of moral discipline and social service that constituted the ideals of a professional calling in the early twentieth century.

These infrastructures of Chinese Christian faith are not completely exclusive and they do not rigidly determine the varieties of Christian faith. But they do suggest the complexity of the causes behind the development of Christianity in China, and they suggest that different kinds of Christianity are likely to follow very different patterns of growth. The disunity of Chinese Christianity is at least in part a reflection of the underlying disunity of the society as a whole. Chinese Christianity is being indigenized into all of the contradictions and all of the uneven development of contemporary Chinese culture and society.

Globalization

Emphasizing the indigenization of Chinese Christianity does not imply imperviousness to the influences of global religious currents on China. There is in fact an enormous amount of communication between Christians around the world and counterparts in China, and significant amounts of money and other resources flow into China from the outside. (Eastern Lightning for one example has a North American-based website: www.godword.org.) Inter-connection with global Christianity certainly adds another layer of complexity to Chinese Christianity. But the sources of global support at times work at such cross purposes and their recipients in China are so varied that foreign church members have no way of predicting the effects of their interventions. Globalization produces an abundance of unintended and not always beneficial consequences, but subordination of Christianity to outside authorities is not among them.

Take for example the international connections of the Catholic Church. Although the Vatican does not have diplomatic relations with China, it communicates with Chinese Church leaders through a diplomat based in Hong Kong, and on the basis of this communication determines which Chinese bishops ought to get "apostolic mandates." Many Catholics both in underground and official church factions are avid listeners to Vatican Radio and the Jesuit-run Radio Veritas. But the Vatican does not necessarily

communicate with one voice. Different factions within the Vatican's bureaucracies advocate for a more or less assertive position against the Catholic Patriotic Association. Many other lower ranking Chinese Catholic church workers from Hong Kong, Taiwan, and the Philippines are constantly circulating in and out of China, providing religious training, organizational assistance, or just moral support to various factions of the church. Some of these workers are in excellent communication with members of the official church, others have better ties with the underground church. They sometimes advocate the positions of these different factions outside of China.

The situation is further complicated by connections with Europe, North America, and Australia. Many church groups, often based in different religious orders (like the Jesuits, Maryknoll, etc.) have "China Programs" that often cooperate but sometimes work at cross purposes. The different foreign approaches often reflect wider divisions within the worldwide Catholic church. In the United States, for example, traditionalist, politically conservative Catholics dominate the Cardinal Kung Foundation, which publicizes the plight of the underground church and channels money and other forms of aid into it. More liberal Catholics tend to work through the U.S. Catholic China Bureau, which cooperates more with the officially approved portion of the Church. Catholics in China receive many mixed messages and different factions can use one or another source of foreign support to their advantage.[46] Even though many foreign Catholic leaders sincerely work to help bring about reconciliation among contending Chinese factions, it seems that the net effect of increased global communication overall is to raise the intensity of local factional conflict.

The same is true for Protestants. Mainline American Protestants have worked constructively with the Three Autonomies Movement to help establish the Amity Foundation, which provides a variety of effective, grassroots-based charitable and educational services. The Amity Foundation also runs a large printing press in Nanjing which has supplied millions of Bibles to the Chinese Church. Evangelical Protestants, on the other hand, run training programs for missionaries, many of whom enter China under the guise of English teachers or business people. In the 1980s, American Evangelicals took the lead in this, but more recently, the most vigorous and entrepreneurial Evangelical foreign missionaries have come from South Korea. These illegal missionaries are denounced by the leaders of the Three Autonomies Movement, and have sometimes been apprehended and expelled by Chinese authorities. American Evangelical Churches also run extensive programs to smuggle Bibles into China. (In some places it is difficult for unauthorized Christian communities to get the Bibles printed by the Amity press.) Evangelicals from America, Korea, and elsewhere bring in computer flash drives which contain the whole curricula for clandestine seminary programs. Tele-evangelists also operate broadcasting stations that beam Christian programs into China. Entrepreneurial religious groups in China can therefore draw on a wide variety of outside resources and can often turn them to

purposes not intended by their donors. The availability of these resources has certainly helped increase the number of Christians, but it has also increased the level of conflict within Christianity.[47]

The variety of international contacts with Chinese Christians also produces a variety of positions in the international debates about what, if anything, should be done to promote religious freedom in China. These different positions of advocacy in international forums also inspire different factions among Chinese Christians to pursue different strategies of cooperation and conflict with the Chinese government. In the absence of any unified, one-directional pressure from the international community, the balance of powers between religious communities and the Chinese government will ultimately depend on domestic forces.

Conclusion: indigenization and conflict

The growth of Christianity in China over the past two decades should be seen as part of a more general efflorescence of indigenous religion in contemporary Chinese culture, an efflorescence that includes Islam, Tibetan Buddhism, Mahayana Buddhism, Daoism, shamanism, worship of myriad local deities, ancestor worship, and many "new religions," like Falun Gong, that often draw upon elements from many of the above.[48] Some of these religious developments, like Islam and Tibetan Buddhism are closely bound up with ethnicity; others, like worship of ancestors and local gods, are intimately tied to family and kinship; still others, like many of the new religions, are the result of quests for personal meaning. Chinese Christianity, in different contexts, is all of the above. What is remarkable about it is its ability to take on the hues of all of the different parts of the Chinese cultural landscape.

This is not to deny that Christianity is a global religion and that its recent development has been made possible by China's openness to transnational communication. Such openness has allowed Chinese Christians to import not only ideas, but methods of organization from abroad, not to mention the money that helps in the construction of church buildings, provision of bibles and other educational material, and support for religious personnel. Yet, under the present circumstances it is mainly the Chinese themselves who control the terms on which these foreign resources are used—thus the ambivalence in the normative assessments by foreign Christian leaders of the state of Chinese Christianity.

But the Chinese who control the terms of Christianity's import are not part of some unified society. They have many different reasons for acquiring or maintaining a Christian identity, and they shape Christianity to their own ends. The sinification of Christianity is an indigenization into many different fragments of China. While many at the grass roots see in the fragmentation exciting opportunities for religious entrepreneurship, their political and religious authorities see such fragmentation as problematic. Thus, there are

ongoing conflicts between local Christian groups trying to gain some practical autonomy over their interpretation of the faith and, on the one hand, government authorities trying to limit such autonomy through coercion and, on the other hand, transnational religious authorities trying to limit such autonomy through moral appeals. For the time being the forces of fragmentation seem to be winning.

The forces creating the fragmentation, of course, long pre-date the establishment of the PRC. As we have seen, there were conflicts among various Catholic factions almost from the beginning of the Catholic missionary enterprise in the seventeenth century, and these conflicts led to patterns of tension with different parts of Chinese society and with the state. The influx of Protestant missionaries in the nineteenth century was accompanied by infighting among Protestants themselves, and with complex patterns of both alliance and conflict with Chinese society and state. Some of the most important consequences of Christian influence, like the Taiping Rebellion in the nineteenth century, whose leader claimed to be the younger brother of Jesus, were unintended and disowned by most Christian missionaries. Resentment at the special privileges enjoyed by Christians because of their association with Western imperialism helped bring on the anti-Christian violence of the Boxer movement at the beginning of the twentieth century. The suffering endured by Christians helped deepen a cult of martyrdom and a belief in miraculous help delivered through the Virgin Mary (for Catholics) and the Holy Spirit (for Protestants). Amalgamated with local culture, these beliefs have helped to nurture a bewildering variety of grass-roots, populist, sometimes millenarian folk Christian practices—practices which have led to bitter conflicts among Christians and with the state.

As part of its effort to overcome the general fragmentation of Chinese society, the Maoist regime tried both to weaken Christian religious practice and to establish tight control over Christian communities. With the collapse of the Maoist project, Chinese society in general—and Christian communities in particular—have returned toward early twentieth century fragmentation. For Christian communities, it is a return with a vengeance. Hardened by the persecutions of the Cultural Revolution, intensified by powerful global flows of money and information, and sharpened by increasing economic polarization in Chinese society, Christian communities are stronger, more entrepreneurial, and in at least a few cases more militant than ever. Neither coercion nor cooptation seems effective in bringing this turbulent Christianity under state control.

Although the recent growth of Chinese Christianity is impressive, it is hardly what Protestant missionaries at the beginning of the twentieth century hoped would be the "Christian conquest of China." Christian expansion is part of an expansion of all forms of religiosity. What is significant is that Christianity has become thoroughly at home in a syncretic Chinese culture. Traditional Chinese temples often display statues of deities from many different religious temples—Bodhisattvas, Daoist immortals, and in some

places recently even statues of Mao Zedong. (I recently saw a pendant purchased in Nanjing with an image of Guanyin on one side and Mao on the other!) One will never, as far as I know, find a statue of Jesus in such temples. But the Christ, in many different guises, now has a home in Chinese culture along with the whole untidy pantheon of coexisting deities. Throughout its history as a missionary religion, Christianity has been committed to domination or at least incorporation rather than such coexistence. But the configuration of Chinese society makes such Christian religious hegemony unrealistic. Perhaps, indeed, it makes the hegemony of any single unifying force unrealistic. The interplay of religious, cultural, and social evolution will transform China in ways that are for now inherently unpredictable.

Notes

1 The figure of 100 million comes from the State Statistical Bureau. The estimate of 300 million comes from a survey by Tong Shijun and Liu Zhongyu, as reported in the *China Daily* (February 7, 2007). This survey found that two thirds of the believers were followers of Buddhism, Daoism, and folk religion; and 12 percent (about 40 million) were Christian. They also found a rapid increase in religious belief among younger generations. Sixty-two percent of the believers were between 16 and 39 years old. The claim that 95 percent are religious in some way is from Peter Tze Ming Ng, 'Religious Situations in China Today: Secularization Theory Revisited'. Paper presented at the Association for the Sociology of Religion Meetings, Chicago, August 14–16, 2002. Part of the debate over numbers hinges on one's definition of religion. Officially approved Chinese theorists distinguish between 'religion' (some variant of the major institutionalized world religions), 'evil cults' (offshoots of world religion, like the Falun Gong, which the government brands illegitimate and subversive), and 'feudal superstition' (the customary rituals, myths, and moral practices that Western scholars would commonly classify as 'folk religion'). The government's estimate of 100 million people practicing 'religion' does not include the many people who practice Buddhism, Christianity, etc. in the 'underground', outside of the official framework established by the government to regulate religious practice. And if we broaden the definition of religion to include 'evil cults' and 'feudal superstition,' the numbers of people who have at least occasionally engaged in some form of religious practice becomes very high indeed.
2 There is controversy over the numbers. The Chinese government's official statistics are considerably lower, but take no account of unregistered or 'underground' Christians. I have based my estimates on the statistics provided by reputable outside experts, presenting their more conservative estimates. See Richard Madsen, 'Catholic Revival during the Reform Era' and Daniel H. Bays, 'Chinese Protestant Christianity Today' in *China Quarterly* (June, 2003) special issue on Religion in China. Daniel Bays, in recent conversation, seems willing to accept the figure of 50 million Protestants instead of the 30 million he estimated in his *China Quarterly* article.
3 George Minamiki, S.J. *The Chinese Rites Controversy: From its Beginnings to Modern Times* (Chicago: Loyola University Press, 1985); D.E. Mungello, ed. *The Chinese Rites Controversy: Its History and Meaning* (Sankt Augustin, Germany: Monumenta Serica, 1994); Paul A. Cohen, *China and Christianity: The Missionary Movement and the Growth of Chinese Anti-foreignism, 1860–1870* (Ann Arbor: University of Michigan Press, 1963).

4 Daniel H. Bays, 'The Growth of Independent Christianity in China, 1900–937' in Daniel H. Bays, ed. *Christianity in China: From the Eighteenth Century to the Present* (Stanford: Stanford University Press, 1996), pp. 307–16.

5 Ibid., 311–12.

6 See Daniel H. Bays, 'Chinese Protestant Christianity Today,' op. cit.

7 Daniel H. Bays, *The Growth of Independent Christianity in China*, p. 312.

8 See the bitter disagreement of the Cardinal Kung Foundation, which advocates support for the underground Church, with a statement by Cardinal Josef Tomko, the head of the Vatican's Congregation for Evangelization of Peoples, that the underground and official Catholic communities are 'one Church,' and not in schism. Cardinal Kung Foundation Online Newsletter 2001. www.cardinal-kungfoundation.org. On June 30, 2007, Pope Benedict XVI issued a major pastoral letter to the Catholic Church in China, in which he made clear that the Catholic Church in China is one church. See: http//www.vatican.va/holy father/benedict xvi/letters/2007/documents/hf ben-xvi let 20070527 china en.html.

9 Kim-kwong Chan, *Struggling for Survival: The Catholic Church in China from 1949–1970* (Hong Kong: Christian Study Centre on Religion and Culture, 1992).

10 Ibid.

11 A translation of this document can be found in *Chinese Law and Government*, vol. 33, No. 2. For discussion of policy towards religion, see Pitman Potter, 'Belief in Control: Policy and Law on Religion in the People's Republic of China', *China Quarterly*, special issue on Religion in China.

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13 Richard Madsen, *China's Catholics: Tragedy and Hope in an Emerging Civil Society* (Berkeley: University of California Press, 1998), pp. 41–45.

14 Fenggang Yang, 'Red, Black, and Grey Markets for Religion in China' *Sociological Quarterly*: 47:1 (2006). pp. 93–122.

15 Richard Madsen, 'Catholic Revival during the Reform Era' op. cit; and Richard Madsen, *China's Catholics*, 41–49.

16 David Aikman, *Jesus in Beijing: How Christianity is Changing the Global Balance of Power* (Regnery, 2003) 47–71.

17 Aikman, op. cit., 271–75.

18 Aikman, op. cit., 93–94.

19 Daniel H. Bays, 'Chinese Protestant Christianity in China Today,' 191. Ryan Dunch, 'Protestant Christianity in China Today: Fragile, Fragmented, Flourishing' in Stephen Uhalley, Jr. and Xiaoxin Wu, eds, *China and Christianity: Burdened Past, Hopeful Future* (Armonk: M.E. Sharpe, 2001), 201.

20 See Shijiazhuang Ministry of Public Security Document, September 14, 2000, in Shixiong Li and Xiqiu (Bob) Fu, eds, *Religion and National Security in China: Secret Documents from China's Security Sector*, February 11, 2002, http://www.religiousfreedomforchina.org.

21 Church of Almighty God, *The Scroll that the Lamb Opened—From the Word has Appeared in the Flesh* (2006) http://english.hidden-advent.org/downloads/the_scroll_that_the_lamb_opened.pdf . This reference and much of the background material for the preceding paragraph are from materials gathered by Jonathan Walton.

22 Translated in Aikman, op. cit., 295–307.

23 Translated in Aikman, op. cit., 293–94.

24 Ibid., 293.

25 For the best scholarly discussion of the 'numbers game,' see Daniel H. Bays, op. cit, 185–86.

26 Ibid., 293–94.
27 Richard Madsen, 'Catholicism as Chinese Folk Religion' in Stephen Uhalley, Jr., and Xiaoxin Wu, eds, *China and Christianity: Burdened Past, Hopeful Future* (Armonk, NY: M.E. Sharpe, 2001), pp. 233–49.
28 Ibid., pp. 240–45.
29 Richard Madsen, *China's Catholics*, p. 91.
30 Ibid., 91–93. The account of the miracle in the sky is from *Cardinal Kung Foundation Online Newsletter*, summer, 1995 www.cardinal kungfoundation.org.
31 For an historical perspective on Marian apparitions, see David Blackbourne, *Marpingen: Apparitions of the Virgin Mary in 19th Century Germany* (New York: Knopf, 1994).
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37 'Testimony of a Brother from Shandong', op. cit.
38 UCAN News, April 23, 2001 and May 30, 2001.
39 Central Party Secretariat 'Document 26 Regarding the Strengthening of Catholic Church Work in the New Circumstances.' Translated in *Tripod* (Holy Spirit Study Centre, Hong Kong), Vol. 20, No. 116, pp. 35–36.
40 Pope Benedict XVI, 'Document 26'op. cit.
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46 Madsen, *Catholic Revival During the Reform Era*.
47 Bays, 'Chinese Protestant Christianity Today.'
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11 Alter/native Mongolian identity

From nationality to ethnic group

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Introduction

Ethnic conflict and unrest are among the myriad social problems confronting China in the era of reform and opening. In recent years, the Chinese state has been more relaxed in south-western areas which are home to numerous minority groups, but Chinese leaders have warned of ethno-nationalist insurgencies in Tibet, Xinjiang and Inner Mongolia on China's northern and western borders. While implementing ambitious affirmative action programmes, the Chinese state has not hesitated to deploy military and security forces to suppress minority resistance and unrest. The high international profile of the exiled Dalai Lama and the tension and military crackdown on Uyghurs in Xinjiang have propelled ethnic issues, including questions of national self-determination, on to the world stage. The worldwide Tibetan protests during the Beijing Olympic Games Torch relay in April–May 2008 illustrate the sensitivity of the issues. Whereas questions of ethno-nationalism and human rights now occupy a central place in China's relations with neighboring countries, as well as Europe and America, fluctuating Western discourse on ethnicity and nationalism, and particularly on terror, does not augur well for minorities in China and other regions of ethnic conflict.

The Chinese state has been quick to seize the opportunities opened up by 9–11 to change its terminology in framing ethnic activism: in addition to the conventional term "secessionism," or the more colorful "splittism," the Chinese authorities now routinely label ethnic protest as "terrorism"—with tacit US government support in the case of Xinjiang. The result has not simply been to delegitimize the East Turkestan civil rights and independence movements, but to enable the Chinese state to portray minority resistance *per se* as against "humanity," thereby ignoring the specific historical conditions that brew ethnic dissent.

Behind this terminological rectification are changes in conceptualizing not only ethnic resistance, but also the place of ethnicity and ethno-nationalism in an age in which new forms of governance other than national states are on the rise. Until recently, the dominant approach in the West has pitted ethno-nationalism against communist multinational states—the source of

much of the celebration of ethnic resistance against "Communism." This approach is predicated on moral instrumentalism: ethno-nationalism is deemed good and useful, emblematic of autonomy, democracy, and freedom when it challenges an "evil" or "totalitarian" state. But it also essentializes ethnicity as the exclusive definition of identity for minority peoples, and it isolates ethnicity from the complex and fluid socio-economic and political contexts of ethnic relations, including intra-ethnic divisions and diverse aspirations of minority peoples. Small wonder that when ethno-nationalism triumphed against communism in the Soviet Union and Yugoslavia, giving rise to bloody infighting among ethnic groups, it was frequently denounced as ethno-nationalism and labelled as ethnic cleansing. Suddenly, there was nostalgia for the good old empire, now wrapped up in new linguistic veneers such as multiculturalism. The consequence of such Manichean framing deprives humanity of the basic conceptual tools for a negotiated settlement of ethnic disputes. More importantly, throughout the world, regimes have taken advantage of this conceptual incoherence to ruthlessly crack down on minority resistance.

Anthropologists and sociologists have long highlighted the fluidity of ethnic identities and boundaries in China and elsewhere. Instead of positing an ineluctable conflict with the state's communist or modernist agenda, proponents of this perspective call attention to the fact that the size of the officially registered minority populations has increased dramatically in the post-Mao era, thanks in part to affirmative action policies that have given certain material advantages to minorities, such as exemption from the policy of limiting each family to one child, greater political representation in their own titular autonomous areas, and privileged access to higher education and official positions.[1] The result is both population growth rates exceeding those of the Han, and decisions by many to register their ethnicity as a minority. The role of the state in inventing and classifying minority "nationalities" (*minzu*) and the latter's response to the state have led Dru Gladney to argue for a dialogical interpretation of ethnicity in China. He notes that established ethnic groups and the state are engaged in ongoing processes of social and political negotiation mediated on the basis of relations of power and hierarchy. Ethnic resistance in this view is a product of the state's own making, yet one that it cannot completely control: "the role of the state must not be over-privileged. Even the most totalitarian of regimes has its limits. Ethnicity has a power and resilience of its own that acts in dialectical fashion with the state apparatus".[2]

There is much truth in this perspective. It must, however, be qualified in situations such as those of Inner Mongolia, Tibet and Xinjiang. What we see in Inner Mongolia, for instance, is not an invention of the Mongolian nationality by the Chinese state—the Mongolian nationality developed in a wider context, in relation to Russians, Manchus, Tibetans, Japanese and Chinese over hundreds of years—but the transformation of the Mongolian nationality in China from a "society" into a social category. At the heart of

the issue is the tension concerning whether to categorize the Mongols, Tibetans and Uyghurs in "national" terms, or in "ethnic" terms.

There is a clear distinction between the two approaches. The "national" approach presupposes that a nation or nationality exists as a "society" with a fully functional division of labor. Should one recognize them as "nationalities" *(minzu),* as they do themselves, one would highlight history, territoriality, state tradition, language, religion, and culture, as well as the process of "incorporation" or "colonization". The "ethnic" approach, on the other hand, treats minorities as a "category", whose legitimacy lies in its "relationship" to a dominant other, and whose analytical focus centres on the symbolic or discursive maintenance of "boundaries", rather than the "content" or nature of the group. One may say that "Tibetan Studies" or "Mongolian Studies" or "Uyghur Studies" adopt the former approach, whereas anthropological studies of Chinese ethnicities tend to emphasize the latter perspective. While protagonists of either approach seldom communicate with each other, they sometimes accuse the other of either "orientalism" or "post-modernism." I propose that contemporary ethnic or national minority conflicts and demands can be more fruitfully understood from a historically sensitive examination of the passage from nation or nationality to ethnic group, or from nationalism to ethnicity, not only in terminology, but also in substance.

This chapter examines the development and changing trajectory of the Mongolian nationality in the Inner Mongolia Autonomous Region. It highlights the discrepancy between the promised liberation and the abject reality, the conditions that shape Mongol complicity and resistance, and the changing nature of Chinese state policy towards minority nationalities. While not providing a general ethnoscape for China, it briefly locates Mongols within the broad parameters of nation and ethnicity.

China is a multinational state whose 100 million minority people constitute 8 percent of the population and occupy approximately 60 percent of the national territory, including its most sensitive border areas. The official recognition of fifty-five minorities indicates, however, that minority nationalities are fragmented and that each is numerically insignificant vis à vis the one-billion strong majority "Han" Chinese: the largest minority, the Zhuang, number just over 15 million, while the smallest only several thousand. There is no uniform pattern of minorities, as each has its distinct history, culture, language and territorial association. Nor are minority nationalities unified by any single religion. However, a study of the Mongols is warranted, for the Inner Mongolia Autonomous Region was the first instance of minority autonomy (instituted in May 1947), and it became a model that was subsequently applied to other non-Chinese peoples in the form of autonomous territorial institutions at the provincial level in Tibet, Xinjiang, Guangxi and Ningxia, and at lower levels within Chinese provinces. Likewise, many Tibetans and Uyghurs see in Inner Mongolia's fate important clues to their imminent future.

Remapping Inner Mongolia: from nationality to ethnic group

Mongols are traditionally a pastoral people who are distinct from agrarian Chinese in almost all aspects of culture and society. They have their own spoken and written language, which shares an affinity with Tungusic and Turkic languages as well as Japanese and Korean, and they practice shamanism and Tibetan Buddhism. Historically, the nomadic Mongols and sedentary Chinese clashed repeatedly, with the Chinese being conquered and incorporated in the Mongol empire in the thirteenth and fourteenth centuries, the largest land empire the world has seen. It was not until 1947 that Mongols of Inner Mongolia (along with smaller Mongol communities in Xinjiang, Qinghai and elsewhere)—one part of Mongolia—came formally under Chinese rule as a minority nationality.

Have the last six decades fulfilled the promise of a reborn Mongolian nationality blossoming in its own "autonomous" region? There has been an increase in the Mongol population, large numbers of Mongolian officials serve in all sectors throughout the autonomous region, and other positive signs point to a flourishing Mongolian nationality within the multinational People's Republic. Yet, how do we account for the discrepancy between Chinese government claims of gains achieved by the Mongols and other minorities, and the widely held Mongolian perception that the autonomous region has provided the institutional framework under which the very survival of the Mongolian nationality has been undermined? There can be no easy answer to this question, and I believe the crux of the matter lies precisely in how it is conceptualized. The official perspective ignores the overriding fact that until 1900, for all their problems, Mongols enjoyed far greater autonomy under the Qing dynasty than anything conceivable a century later. Although subjugated by the Manchus for over two and half centuries between the mid-seventeenth and early-twentieth centuries, and divided into two administrative regions, Outer and Inner Mongolia, Mongols were allies, if subordinate allies, of the Manchus, enjoying higher status within the Qing empire than other groups, including the Chinese. Above all, Mongols were autonomous of the Chinese, with the Great Wall the boundary between Mongolia and China, and with migration of Chinese to Inner and Outer Mongolia tightly controlled. It was this territorial-material foundation that enabled Outer Mongolia to achieve nominal independence when the Qing collapsed in 1911 and the Chinese set up their own "Republic of China" in January 1912.

Inner Mongolian nationalism was principally galvanized by two contrasting events. One was the Outer Mongolian victory in defending their homeland and surviving as a nation at a time when Inner Mongolia was overrun by Chinese warlords and inundated with Chinese immigrants who seized pastureland for cultivation. The other was the erasure of the very name "Inner Mongolia" from the map of China. In 1928, having conquered north

China and set up central government rule under the Chinese Nationalist Party (Guomindang), Jiang Jieshi placed all frontier territories under newly created provinces, such as Rehe, Chahar, Suiyuan, Ningxia and Qinghai, a process that divided the historic Mongol homeland into several provinces, and deprived Mongols of political and military control. Of all the territories of the former Qing empire, only Outer Mongolia and central Tibet remained beyond Chinese control.

In 1949, the People's Republic of China proclaimed a multinational state, promising autonomy for minority nationalities. China's national autonomy system is as much a projection of the Chinese Communist Party's (CCP) ideological commitment to equality as it is a concession to Mongol and other non-Chinese demands to recognize difference and autonomy. The latter goals emerged as the product of strategic alliances linking minority nationalities and the CCP in order to defeat the Guomindang. One group that made particularly important contributions to the Chinese Communist victory, and consequently was able to bargain for some form of "autonomy," were the Mongols of Inner Mongolia. The critical role played by Mongol communists in the consolidation of CCP power, and their strategic geographical location on the border of the independent Mongolian People's Republic (MPR) and the Soviet Union, as well as their ethnic affinity with the MPR, were central to this outcome. In this situation, Mongols sought to become a socialist "nationality" within an autonomous territory, while recognizing China's sovereignty.

This autonomy and the socialist nationality-building process lie at the heart of nationality problems in contemporary Inner Mongolia. The Mongols' vision of the autonomous region as an ethnic safe haven in which they would develop their own culture and economy clashed with a Communist Party commitment to developing "Chinese" socialism and consolidating Chinese national unity. Nationality autonomy was a temporary concession, the ultimate goal viewed from Beijing being full integration into China, rather than a commitment to equality and "liberation."

China's "regional national autonomy" concept, providing no constitutional right to secession, violates the very principle of "autonomy:" minorities were not granted exclusive rights to territory but were blended with Chinese, the ostensible goal being the latter "helping" the former, that is, the "advanced" showing the way to the "backward." The result was settlement and/or incorporation of large numbers of Chinese in many so-called nationality "autonomous areas" including Inner Mongolia; indeed, in many cases, the Chinese came to outnumber the titular minority *(zhuti minzu)* by far. This gerrymandering leaves both sides deeply aggrieved: minorities blame the Chinese for colonization by settlers, repeating Guomindang practices, while Chinese settlers lash out at the minorities for enjoying excessive privileges, appealing to majoritarian democratic principles. A fruitful analysis of ethnicity in China should heed this dual perception and the conflict that it embodies.

The Inner Mongolia Autonomous Government, established in May 1947 on Mongol territory previously incorporated in the Japanese puppet state Manchukuo, boldly called for return of all historic Mongol territory as Mao Zedong had promised in 1935. In soliciting Mongol help against Japanese invasion and the Guomindang shortly after the Long March, Mao promised:

> We maintain that the six leagues, twenty-four sections, and forty-nine banners of Inner Mongolia, Chahar, the two sections of Tumute as well as the whole area of the three special banners in Ningxia, whether they have changed their status into *xian* or have been designated as grassland, should be returned to the Inner Mongolian people as part of their territory. The titles of the three administrative provinces of Re[he], Cha[har], and Sui[yuan] and their de facto administrative offices should be abolished. Under no circumstances should other nationalities be allowed to occupy the land of the Inner Mongolian nation or expropriate it under various excuses.[3]

Mongols began their westward expansion from eastern Mongolia as soon as the People's Republic of China was proclaimed. In 1949, Jerim league of Liaobei province and Jo'uda league of Rehe province were incorporated into the Inner Mongolia Autonomous Region (IMAR). Moving from Ulanhot to Zhangjiakou, the capital of Chahar province in 1949, Inner Mongolian government personnel oversaw the incorporation of three ethnically mixed counties of Chahar province when the latter was abolished in 1952. In 1954, Suiyuan province was incorporated in the IMAR, not however without compromising the autonomy by mutual concessions in a scheme called opening "two doors". Under the terms of this incorporation, Suiyuan opened its door to Mongols, that is, allowing the IMAR to take over the Suiyuan administration, and Mongols opened their door to permit Chinese in Suiyuan to remain in an enlarged Inner Mongolia. It was not until 1956 that the IMAR took its current shape having reclaimed most of the historical Mongolian territories (see Figure 11.1).

Touted as "unified autonomy" (*tongyi zizhi*), this Inner Mongolian territorial expansion might be seen as a remarkable victory for the Mongols, especially compared to the fragmentation of Tibet into the Tibet Autonomous Region, the Kham region in Sichuan and Yunnan provinces, and the Amdo region in Qinghai and Gansu provinces, whose reunification as a single political entity called "Tibet" remains a priority of the Dalai Lama. However, the Mongol territorial victory was won at a huge cost, for it increased the already substantial demographic disparity between Mongols and Chinese, causing unexpected problems for Mongols in terms of cultural survival. Ironically, the Mongol territorial ambition to "recover" lost Inner Mongolian territory, leaving unsolved the demographic imbalance in favor of the Chinese within the recovered territory, resulted in the Mongols' ever deeper integration into China, making them a small minority even within their own autonomous

Figure 11.1 Inner Mongolia, 1945–49

Table 11.1 Population breakdowns by region and nationality in the territories of historical Inner Mongolia, 1937

Region	Chinese	Mongol	Total	Mongol (%)
Hingan East	47,868	19,980	67,848	29.4
Hingan South	303,573	314,447	618,020	50.8
Hingan West	339,224	114,583	453,807	25.2
Hingan North	24,032	28,176	52,208	53.9
Rehe	796,854	103,328	900,182	11.4
Suiyuan	2,064,565	195,435	2,260,000	8.6
Chahar	142,997	68,477	211,474	32.3
Total	3,719,113	844,429	4,563,542	18.5

Source: Adapted from Song Naigong (ed.), *Zhongguo Renkou: Nei Menggu Fence* (China's Population: Inner Mongolia) (Beijing: Zhongguo Caizheng Jingji Chubanshe, 1987), pp. 52, 54.

region. Table 11.1 shows the population breakdowns by region and nationality in 1937 in the territories of historical Inner Mongolia several decades after Chinese migration had reduced the percentage of Mongols in those areas.

As the table shows, there were 844,429 Mongols and 3,719,113 Chinese in "Inner Mongolia," Mongols constituting 18.5 percent of the total population. By 1949, however, while there were 835,000 Mongols, a reduction of 10,000, the Chinese population of entire Inner Mongolia had shot up to 5,154,000, an increase of almost 1.5 million, lowering the Mongol percentage to 13.7 percent.[4] As is clear from Table 11.1, as early as 1937 Suiyuan province already had over 2 million Chinese. The incorporation of this number of Chinese into the IMAR in 1954 severely reduced the overall population ratio which was 39.8 percent in eastern Mongolia where the Inner Mongolia Autonomous Government was first founded.

The territorial expansion of the IMAR was accompanied by a severe reduction in autonomous rights as the party's national programme of land reform, agricultural collectivization and nationalization of industry proceeded throughout China including Inner Mongolia. Moreover, whatever the constitutional guarantees of minority rights, the central reality in Inner Mongolia was a massive influx of Chinese migrants, whose arrival coincided with land reform and collectivization, as well as the transfer to Inner Mongolia of large and medium-sized factories from coastal and inland China. Between 1950 and 1957, 1,536,100 Chinese migrated to Inner Mongolia. An additional 1,926,600 Chinese moved in between 1958 and 1960 as famine refugees.[5] More pastures were reclaimed for agriculture during this period than in any previous time.

Faced with the Chinese influx, Mongol cadres and intellectuals began to call for more stringent implementation of autonomous rights to the letter of the Constitution and party policies, guaranteeing equality and so on. After 1958, and particularly after 1966, however, demands for genuine and meaningful autonomy were attacked as treasonous to China and as undermining Chinese national unity. Chinese officials accused Mongols, especially Mongol communist officials, of conspiring to create a pan-Mongolian state. As a result, more than 20,000 Mongols were killed and more than 300,000 injured during the turmoil in Inner Mongolia from 1967 to 1969, according to official party figures released in 1982.[6] This was by far the highest number of officially acknowledged casualties and deaths in any single province or autonomous region during the Cultural Revolution. In 1969, as Sino-Soviet tension escalated, the territory of the IMAR was drastically reduced, with several leagues turned over for administrative purposes to Heilongjiang, Jilin, Liaoning and Gansu provinces, and Ningxia Hui Autonomous Region. As soon as the Cultural Revolution was over, Mongols mounted campaigns to reclaim their lost territories, and in 1979 they succeeded. However, this 1979 territorial unification, presented as both Mongol victory and the gift of a magnanimous party's great "nationality policy", left unresolved the old issue of territory and population. Even a small-scale effort in 1979–80 to oust Chinese settlers who had moved in during the Cultural Revolution, and

who had participated in brutally persecuting the Mongols, was halted by direct orders from the party centre, and the Mongol officials involved were punished.

Paradoxes of linguistic resistance

How did the Mongols develop their "nationality" under these circumstances? Nationality or *minzu* was initially defined by the CCP on the basis of Stalin's four criteria: common territory, common economy, common language and common psychological make-up manifested in common specific features of national culture. For Mongols, these four criteria occupy the central place in their *minzu* consciousness, and the success or failure to satisfy them has direct bearing on their perception of the Mongolian *minzu* as prospering or dying. I focus here on language and economy.

In the *minzu*-building project, the Chinese state went so far as to invent scripts for some minorities that had no written language, not primarily for the cultural reproduction of the *minzu* concerned as some seem to believe, but to enable them better to absorb communist-cum-Chinese ideas. There was no need to invent the Mongol written language, which has long existed. However, language is one of the criteria that creates "difference", thereby justifying "autonomy", and it can produce a drama of linguistic resistance, an outcome discussed on pp. 273–4 in the context of the processes through which Mongols lost their "society" and became an "ethnic group".

Towards the end of the Qing dynasty, as some Mongols settled down and took up farming, intermixed with growing numbers of Chinese settlers, they quickly lost their language, becoming Chinese speakers. Only those in the shrinking pastoral areas continued to speak Mongolian, a gift of the lack of Chinese penetration. Mongol language loss was thus concurrent with and a product in large part of Chinese settler colonization. Inner Mongolian nationalism in the early twentieth century developed precisely in response to both this cultural loss and colonization. It was those groups that had lost the language that became the most ardent nationalists or communists-cum-nationalists. For instance, the Harchin, a highly sinicized Mongol group scattered in today's eastern Inner Mongolia and Liaoning province, founded and staffed the bulk of the Inner Mongolian People's Revolutionary Party, a party launched in 1925 and disbanded in 1928–29. And it was the sinicized Tumed Mongols in today's central Inner Mongolia who provided leadership to the Inner Mongolian communist movement. Ulanhu, a Tumed and the paramount communist leader of Inner Mongolia who founded and led the Autonomous Region, could not even speak Mongolian, although he studied in Moscow and was fluent in Russian. The Horchin Mongols, many of whom were pidgin Mongol speakers, whose intellectuals were more at home in Chinese than Mongolian, became ardent nationalists and nationalistic communists, aspiring to Mongolian independence/autonomy. They constitute the majority of contemporary Mongolian leaders and intellectuals.

In short, it was largely sinicized or half-sinicized Mongols who became nationalists and communists, and took up the historic task of liberating the Mongols from Chinese rule, or achieving autonomy from and equality with the Chinese. As nationalists, they aspired to revive and develop the Mongol language, perhaps precisely because they were themselves largely bereft of it, and this they attempted in the IMAR as part of their *minzu*-building project.

Language became a major issue in 1952, as soon as the seat of government moved to Hohhot, originally a monastic town divided between Manchu (army), Chinese (merchants) and Mongol (monks and pilgrims) quarters, which quickly became overwhelmingly Chinese with the migration of tens of thousands of workers and officials from north China. Very soon, the children of Mongol cadres and intellectuals lost their language because of the combination of peer pressure from Chinese children and classroom instruction in Chinese rather than Mongol. The children of sinicized Mongol cadres and intellectuals, of course, had little chance of mastering Mongolian language in this new setting. This situation stirred strong resentment among Mongol officials and intellectuals, who voiced their criticism in the Hundred Flowers Movement in 1957. If, in old China, Mongols had lost their language because of the oppression of "Great Han Chauvinists," they asked, what could account for the loss of Mongol language in the New China in which ethnic oppression was supposed to have been eliminated and all nationalities were equal? One month later, this officially sanctioned criticism was crushed as a veiled attack on the party and the Chinese state. Language became an issue precisely when it was made one of the defining criteria of Mongol *minzu*.

The Chinese communist nationality policy has a built-in contradiction: it takes affirmative action towards minorities, but it simultaneously subscribes to an "ideology of contempt"[7] for minority languages and cultures. In a nationalizing communist regime such as China's, this "ideology of contempt" has taken on a strong Chinese chauvinist coloring. Therefore, no sooner did the Mongols begin to enjoy some of their newly gained rights, including the right to use their language, than this aspiration was considered by the Chinese as contravening Chinese national interest and communist ideology. An in-built majoritarian morality of communism enabled the Chinese leadership to make the Chinese, by virtue of their numerical majority, the chosen "people," and their language (*putonghua* or Mandarin, the officially recognized dialect of the Beijing area) the advanced language of destiny. Curiously, although constitutionally the term *minzu* or nationality refers to all officially recognized ethnic groups including the Chinese (Han), in practice it was reserved almost solely for minorities. By this logic, minority nationalities have been defined as "backward," meaning that their salvation lies in being assimilated by "the Chinese people." From this perspective, the initial promotion of minority languages, ostensibly presented to promote "nationality equality," had, in effect, put them on the lower rung of the Chinese communist ideological hierarchy of languages.

This association of political correctness and linguistic chauvinism posed a stark choice to Mongols: to remain politically and scientifically "backward" (thereby inevitably subjecting themselves to the Chinese civilizing mission)[8] or to "catch up," in the first instance by incorporating key loan words from Chinese and ultimately by abandoning the Mongol language in favor of Chinese. While a few Chinese-leaning Mongol linguists advocated taking in not only borrowed words from Chinese, but even sounds and grammatical components, most Mongol officials resisted this by forming a committee to borrow words from Cyrillic Mongolian used in the MPR. They rejected the idea that Chinese was the only appropriate source of loan words. Their unique link to the MPR, where a Communist government was established in 1921, the very year that the CCP was founded, provided a proud alternative. Mongols then not only resisted by affirming cultural difference, but also from an ideological and political high ground. However, tensions between China and its neighbouring MPR and the Soviet Union began to mount in the late 1950s. Ever politically acute, in 1957, Ulanhu said that the reason for Inner Mongolia to adopt MPR linguistic practices was to use Inner Mongolian newspapers and books to propagate Mao Zedong thought to the MPR, pandering to Mao's dream of recovering the lost "Outer Mongolia". For this reason, Inner Mongolia need not insist on retaining distinctive Inner Mongolian language practices, but would follow those of the MPR.[9] This "public transcript" conveniently disguised an Inner Mongolian aspiration for cultural unification with the MPR behind a façade of Chinese patriotism.

Mongol linguistic resistance was poignantly demonstrated by the Mongol response to Ulanhu, who delivered his speech in Mongolian in 1957 on the tenth anniversary of the founding of the IMAR. It was sensational because Ulanhu could not speak Mongolian, since he belonged to the Tumed Mongol group which had lost Mongolian language a century ago. He read his speech from a text written in Cyrillic that was translated from his original Chinese. Although Ulanhu's Mongolian speech might have been a sanctioned attempt to showcase China's "successful" implementation of nationalities policies, many Mongols were moved to tears, and could not forget his act even after his death in 1988. Mongols interpreted his Mongolian speech as defiance against a Chinese chauvinist onslaught against Mongol culture.

The limited minority language right granted in the package of regional nationality autonomy had a hidden trap. The Chinese majority might tolerate the continued use of minority languages if this was seen as useful to enhance communist consciousness, or if conditions were not "ripe," meaning not enough indigenous communists were trained, as in the case of Tibetans or Uyghurs. But how could Inner Mongolian communist cadres promote their language in their autonomous region, especially at a time when Mongols had become a shrinking numerical minority in their own autonomous region? Mongol cadres dominated the local political arena, but they were vastly outnumbered by Chinese cadres, some of them new arrivals. As early as 1953, Ulanhu reported that some Chinese cadres took offence at Mongols reading

Mongolian: "If you read only Mongolian, you still haven't overcome your narrow nationalist thought. Proletarians are not divided by nationality". He cited another example. "In the Ulanchab League, a public security officer spoke in Chinese. When some people suggested he speak in Mongolian, another cadre shouted a slogan against this suggestion: 'Oppose narrow nationalism!'"[10]

Against seemingly insurmountable obstacles to Mongols using their own language in Inner Mongolia, they devised an ingenious approach. Since they were the titular nationality, and Mongolian was an official language along with Chinese in Inner Mongolia, they held that it was the duty of Mongolians to learn Chinese, and for Chinese cadres in Inner Mongolia to learn Mongolian. In 1962, the Inner Mongolian government launched a programme financially to reward government employees and party cadres who learned Mongolian and used it in their everyday work. This program was applicable to Chinese and other nationalities in Inner Mongolia. If a Chinese demonstrated some level of Mongolian proficiency, he or she would be rewarded. However, this meagre material reward proved ineffective; attempts by Mongol leaders to bribe Chinese to learn "backward" Mongolian fell flat.

In the event, such efforts to strengthen Mongol language use were crushed in 1966, when Chinese was vigorously promoted as the "unified motherland language," and Mongolian, like all other minority languages in China, was prohibited in public arenas, its teaching in schools being either curtailed or even scrapped. Only a little more than a decade elapsed between inventing scripts for some minorities and banning minority languages. Such a contradictory course could not but provoke outrage and resistance.

Immediately after the Cultural Revolution formally ended in 1976, Mongols mounted strong campaigns to promote Mongolian language education. The prevailing mood at the time was an emotional resistance to learning Chinese as the hegemonic language in the wake of Mongol suffering during the Cultural Revolution. In 1981, Chuluun Bagan, a Mongol linguist, strongly argued in favor of preserving Mongolian, insisting that forcing Mongols to learn Chinese was assimilationism of the worst kind.[11] Shenamjil, another Mongolian linguist, made more serious charges:

> Encouraging those children who didn't know Chinese to study Chinese directly resulted in a dismal situation in which they learned well neither Chinese nor their nationality language. This practice has wasted minority talents, adversely impacted the development of the intelligence of the people of minority nationalities, negatively influencing the development of the economy and culture of minority regions.[12]

This post-Cultural Revolution reaction against the monopoly of the Chinese language spurred enthusiasm throughout Inner Mongolia to revive the use of Mongolian in public and in private, including the schools and government offices. Even some sinicized Mongols set out to reclaim their linguistic heritage.

The Tumed are a Chinese-speaking Mongolian group in Inner Mongolia who enjoy political leverage over both Chinese and other Mongol groups, thanks largely to the high profile role played by Ulanhu and other Tumed communists. Their success depended on their mastery of Chinese, their communist credentials, and an ethnic consciousness that enabled them to build ties to other Mongols. In the 1950s, they set up some *minzu* primary schools and middle schools that recruited only Mongol students. Where Mongol students were few, they made sure that a general school would have a "Mongolian students class" *(mengshengban),* separate from Chinese students. One of the aims for such "nationality" schools and classes was to facilitate the learning of Mongolian. But this was not quite successful. Mongol students were reluctant to learn Mongolian because of fears of social stigma in a predominantly Chinese social and political environment.

After 1976, with the end of the Cultural Revolution, however, Mongol officials who had been deposed and in many instances placed under house arrest or imprisoned, regained power across Inner Mongolia, and some even attained positions in Beijing. They then resumed and sought to expand Mongol education and cultural revival. The Mongol cultural sentiment of many of these Tumed officials surpassed that of many other Mongols, due perhaps to the fact that they suffered the fiercest attacks from the Chinese during the Cultural Revolution.

The new attempt to provide a Mongol education began in September 1979. The Tumed Left Banner Education Bureau then set up an experimental kindergarten at Nationality Primary School at Bagshi Commune, recruiting 59 6-year-olds who were taught everything from mathematics to history in Mongolian. Six Mongolian teachers were invited from the pastoral areas, so that the children could learn "pure" standard Mongolian. In order to create a good language environment, the kindergarten was located in a closed compound, where both children and teachers lived. It was complete immersion, with orders issued that conversations in everyday life as well as in the classroom be conducted in Mongolian. The following year, 50 children from the kindergarten entered first grade to continue their education in Mongolian. Chinese students moved to a separate newly built school. On this foundation, the banner built a "Mongolian Nationality Primary School" in October 1982 in the banner centre. Its eight classes divided into three grades and had 201 boarding pupils, all taught in Mongolian. What is interesting is that Chinese was taught only from the fifth grade, and then in the manner that a foreign language might be taught.[13] The students were not allowed to leave the compound without permission, and they returned home only on holidays. Lest they be contaminated by their Chinese-speaking parents and relatives or Chinese neighbours, during vacations they were sent to the pastoral areas to learn directly from pure Mongol-speaking herders.

The Tumed Mongolizing project was admired by many Mongols. It was remarkable in their eyes that, having lost the Mongol language for over a

century, the Tumed were determined to reclaim their cultural heritage. But the project was doomed from the start.

Note the practice of *fengbi shi jiaoyu* (closed-door education) as a means to create a small utopian community cut off from the polluting wider society in which a North China dialect of the Chinese language dominated. One might question the fundamental concept of such an educational method, resting as it did on a premise of seclusion that could only produce students unfamiliar with, and hence unable to cope with, a wider society. This Mongolizing educational enterprise turned out Mongol-speaking Tumed Mongols, who lacked the ability to succeed in the wider Inner Mongolian society increasingly dominated by Chinese in all sectors. The difficulty these students faced in obtaining employment contrasts sharply with that of their parents or grandparents, who were successful not only in the regional but also in the national political and economic arena in no small part because of their mastery of spoken and written Chinese. Understandably, some Mongols sharply criticized such schemes as crippling or wasting the talent of the younger generation of Tumed Mongols. Although these schools quickly lost students to Chinese schools in the 1990s, the project nevertheless continued to receive support from what Naran Bilik calls oldtimers, i.e. some Mongol intellectuals and cadres, "who supported the establishment of the school and invested much emotional capital with political metaphors".[14]

This case illustrates one approach by Mongol cadres/intellectuals to preserving the Mongol *minzu*. Rather than simply criticizing these cultural nationalists, we need to grasp the social context that impelled some Tumed Mongol intellectuals to take such desperate measures.

This romantic resistance failed precisely because it could not solve the material condition for the reproduction of nationality culture. Mongols, as a minority, have been unable to create favorable conditions for the use of Mongolian to pursue a career, achieve social mobility and, above all, realize social values. The propagation of linguistic-cultural values by Mongol political and cultural leaders diverged significantly from lived material reality, i.e. the pervasive market economy and a political order dominated by a Chinese-speaking majority within and without Inner Mongolia since the 1980s. In this market-driven situation, Mongols as a group have experienced the loss of their recently restored formal positional power even as a small number of adept individuals with social capital have managed to achieve marginal success. Market economy demands the ability to translate dwindling Mongol social capital into economic capital, to use French sociologist Pierre Bourdieu's helpful terms. The cruel reality is that in cities and banner centres there are hardly any work units in which Mongolian language is required or even useful. Since almost all jobs are controlled by Chinese, even university-level Mongolian knowledge is tantamount to illiteracy. It is such bitter personal experiences that now compel many parents to make sure that their tragedy will not be repeated by their children.

This experience sets in motion many processes. These include a unique "voluntary" drive to shed ethnic identity, leading many Mongols to intensify efforts to learn Chinese in their determination not to be left behind. Those who have learned Chinese well are admired, since they seem equipped, at least linguistically and socially, to join directly in economic development as well as to pursue official careers through the Party, government or military. In a 1997 tour of a banner in western Inner Mongolia, which is predominantly pastoral, and where local people speak Mongol and have only stammering proficiency in Chinese, I noted that a Mongol cadre who was trained from primary school to university in Mongolian chose to explain technical matters and policies in Chinese to herders who could barely understand him. There was also an overwhelming recognition that Chinese education was crucial. In a township-level middle school, 10 percent of the Mongol students applied to join Chinese language class, hoping to secure a factory or commercial job. The party secretary of the township complained to me that he did not write Chinese well. Not only did this hamper promotion, he also understood that the reports that he and fellow leaders wrote in Mongolian were ignored at the higher levels. As a result, there was scant hope that much-needed financial support for alleviating poverty would ever be allocated to his village. His "hidden transcript" did not translate into insisting on using Mongolian. Instead, he quietly honed his Chinese and made sure that his children attended Chinese schools.

A telling example is provided by Mongol language researchers and professors in several elite universities in Hohhot, the capital of Inner Mongolia, who send their own children to Chinese-language schools. Some may have sought to see that their children learn some Mongol outside the school track, but they make sure that they learn Chinese and specialize in science or computer courses taught exclusively in Chinese. This is ironic, because they are the gatekeepers of Mongolian language education. Through the combined weight of diverse institutions and social processes, people speaking non-Chinese languages are now induced, as Bourdieu puts it, "to collaborate in the destruction of their instruments of expression".[15]

But it is not inevitable that the Mongol language deprives its speakers of opportunities for advancement. This is the outcome of processes whereby the *minzu* project is subverted by chauvinism and settler colonialism as documented in this chapter. Because of this subversion, Mongols have lost the political and linguistic capital they had long accumulated. Nor can hard work enable them to re-accumulate this capital. As Bourdieu advises, capital is related to the specific field or arena in which a form is utilized. Political capital and linguistic capital take their form from the arena within which they are utilized. Since the "arena" has changed from socialist *minzu*-building to a capitalist market economy, in which *minzu* is more an obstacle than an advantage, and in which individualism is prioritized, it requires different forms of capital. The socialist Mongolian *minzu* subjects, only recently

surviving a devastating state-orchestrated assault, found themselves "bankrupt" in this transition initiated by the reformist Chinese party-state.

Grassland identity as resistance symbol for Mongols?

In the cases of linguistic aspiration and resistance examined above, pastoral areas were often imagined to be the ultimate cultural symbol defining the core of Mongol identity. In the process of developing socialist Mongolian *minzu,* other economic activities, such as farming, although practiced by a large proportion of the Mongol population, including some pastoralists, came to be associated with memories of Chinese colonization and thus were viewed by Mongols as alien to Mongolness.

Mobile pastoralism was the quintessential mode of production that lent advantage to the Mongols in the steppe in their interaction with the sedentary peoples historically. For two and a half centuries, from the seventeenth century, pastoralism was preserved and farming spurned among Mongols as the foundation for a Mongol military prowess in the service of Manchu rule of China, a prowess that secured Mongol position within the Qing empire. Mongols were unable, however, to cope with the avalanche of Chinese immigrants, agricultural expansion and cultural assimilation that resulted from the Qing dynasty's new immigration policy in 1902. Following the fall of the Qing in 1911, defending pasture against Chinese agricultural settler colonization became a battle cry that was the driving force behind Inner Mongolian nationalism. Numerous Mongol uprisings occurred between 1910 and the 1940s, including clashes with Mongol nobles for selling land, as well as resistance against Chinese land grabbing.

Agricultural expansion remained an extremely sensitive issue in Inner Mongolia after 1949. In 1958, in a major turn of policy towards minority nationalities, the Chinese state began a massive colonization programme that turned a large part of Mongol pasture into military farms along the northern borders with the MPR and the Soviet Union. Military farming and civilian agricultural expansion were informed by Chinese disdain towards pastoralism, a perspective that denigrates pasture as wild land *(huangdi),* as well as by a socialist evolutionary hierarchy that conveniently ranks farming above pastoralism in a hierarchy of economic activities that slights the nature of the steppe terrain and climate. Mongol herders were enjoined to abandon pastoral production in favor of farming under the slogan "Herders should not eat grain with a guilty conscience" *(mumin bu chi kuixin liang)*. In the frenzy of the Great Leap Forward, the Chinese exercised dominion over Mongols, attacking pastoralism and accelerating large-scale Chinese migration to the Mongol homeland.

The famine disaster of the Great Leap Forward and the Chinese admission of mistakes provided the first opportunity for Mongols to negotiate a settlement of the military farms directly with Beijing. By 1962, most of the military farms had been returned to pasture. Chinese immigration was also temporarily

halted. This move earned Ulanhu huge popularity among Mongol herders, and his feat remains legendary today when it is no longer possible to resist opening grassland for agricultural use. The success of this resistance in the early 1960s was predicated on the counter-critique developed by Mongols who argued that expansive military farming at the expense of grassland violated the party's nationality policy and showed disrespect for nationality autonomy. They also argued effectively that the policy turned valuable pasture land into desert.

It is possible that inter-ethnic confrontation between farming and herding in Inner Mongolia only strengthened ethnic polarization between these two modes of production in socialist China. The Mongol emotional tie linked to pastoralism may be described, following Fujitani, as a Mongolian "mnemonic site", referring to a "material vehicle of meaning that helped construct a memory . . . or that served as a symbolic marker".[16] Similarly, farming is a "mnemonic site" of the Chinese. Each side struggles to invest positive meaning to its site, and negative meaning to the opposing site.

We should be cautious not to invest Mongol resistance with too much romanticism. The binary ethnic divide between farming and pastoralism ultimately shaped a socialist Mongol identity based on the image of the herder, and yet, as Almaz Khan has shown, this hegemonic herder symbolism marginalizes the majority of eastern Mongols who have long been farmers.[17] Since farming is excluded from the cultural repertoire used to construct a socialist Mongol nationality identity in China's Inner Mongolia, Mongol farmers become an unnameable category in the Mongol imagination.

Nor were there other possibilities for forging Mongol identity, in contrast, for example, with the identity of Tibetans, many of whom looked to Buddhism and its Lamas as a foundation for identity. Attempts were made in the 1950s to create modernist categories, such as the industrial working class, but these ultimately failed not only because the small number of Mongol workers were soon engulfed by the much larger Chinese migrant population, but above all because industry came to be appropriated by the Chinese, in both practice and image. It was not modernization *per se* that was responsible for this outcome but its concurrent sinicization that has exacted a heavy toll on Mongols. Urbanization and modernization have led to loss of Mongol language and culture, as urbanity is defined as Chinese because of the overwhelming Chinese predominance in the cities. For example, about 90 percent of the residents of the capital, Hohhot, are Chinese. The image and the reality of a Mongolian industrial working class never developed.

Herders, grasslands and livestock consequently became the primary markers of Mongol *minzu* during the socialist period. The grasslands represent more than a homeland; they stand for pure "nature" *(baigal),* filled with fresh air and familiar smells, herds, yurts and mobility. This makes for the strongest possible contrast to Chinese culture, which is sedentary and agricultural with the predominance of grain, pig farming, commercial guile and dirt. The Mongol herder symbol is strategically boundary setting, and all its attributes

can be summed up in a single factor: difference from the Chinese. It is an essentialist symbol, naturalized, ahistoricized and sanitized.

This grassland identity, whatever its romantic nationalist overtones, offers a paucity of other attributes to which modern Mongols individually aspire, i.e. modernist values such as productivity, progress, social mobility, creativity, technological skills and excitement. Because of this, upwardly mobile elements of the Mongol population continue to move to the cities, and few aspire to return "home," that is to the grasslands. There is a striking disjuncture of increasing urbanization and sinicization together with the increasing romanticization of the pastoral. Few bridges are available to connect the two, which remain separated by the state's household registration system *(hukou)*. This only intensifies the rhetoric of Mongol "intellectuals" claiming to defend their "Mongol" identity in the grasslands. They sing songs, drink and cry, celebrating their pastoral identity. They also dream and yearn for power, re-imagining an "underground" Mongol identity, based on military prowess and the moral qualities of the fighter symbolized by Chinggis Khan, the world conqueror.

In short, bereft of territorial autonomy, the *minzu*-building project necessarily delineates, strengthens and distorts ethnic consciousness. It also defines what constitutes a member of a nationality, often blithely disregarding contemporary social reality and aspirations that may be independent of, or at odds with, stereotypical *minzu* categories. A *minzu* is no longer a "society" in its own right, but a minority location or positioning within the political economy of a nation-state.

When Chinese resist: rectifying the name of Inner Mongolia

I have so far discussed how China's dispensation of national autonomy in Inner Mongolia, while granting Mongols titular status, failed to provide for a material environment conducive to national reproduction of the Mongols. Putting the Mongols in a "relational" context imbues them with characteristics of ethnicity, rather than a society with full integrity. This does not mean that the Mongols are the only people who feel victimized. The Chinese, by virtue of being the non-titular majority in Inner Mongolia, feel oppressed by their ostensibly second-class status, even as they rule the Chinese state, dominate the market, and far outnumber Mongols in the autonomous region. For a long time, they have been represented by the state in Inner Mongolia as "helpers" or "guests", and while Mongols feel they have been colonized by these settlers, Chinese feel that their "construction" of the frontier did not bring them appropriate material or spiritual benefit. They now fight for a rightful place in their host minority region, much as immigrants to Western countries fight for equal political, economic and social rights.

The party-state long ago embarked on a process systematically to remove the foundations of minority autonomy by asserting native status for Chinese everywhere, including in minority autonomous regions. Ever since the removal

of Ulanhu from Inner Mongolia in 1966 at the start of the Cultural Revolution, the party secretary, the highest authority of Inner Mongolia, has been Chinese, a pattern found in all autonomous regions. Since 1994, in Inner Mongolia the top positions of both the People's Congress and the party have been held by Chinese, making an open mockery of claims of "regional national autonomy". A recent attempt to allay Mongol concerns resulted in a 1994 appointment to the post of party secretary of a Chinese from Shandong province with familial ties in Inner Mongolia, presenting him as a local "Inner Mongolian" *(Neimeng ren),* a new regional identity that has no foundation in ethnicity.

Indeed, in the 1990s the Mongols would find their historic claim based on a history as the indigenous people of the region questioned. In 1994 a Chinese party leader delivered a lecture at the Inner Mongolia Party School, asserting that Chinese, not Mongols, were indigenous to the region. Deploying extensive documentary sources and archaeological science, he sought to prove that Mongols settled in Inner Mongolia only 700 or 800 years ago, when they began to expand from their Siberian "homeland", whereas Chinese settled there before the Han dynasty 2,000 years ago. This spurious claim ignored the Mongols' *continuous physical occupation* of the land as their homeland for the past 700–800 years, which had long been recognized even by the Chinese as a "place" rather than an undifferentiated space: "Mongolia" or the "Mongolian plateau".

This is not an isolated case peculiar to Inner Mongolia, but part of a concerted effort by Chinese party leaders and academicians in minority regions. For instance, He Jihong, a Chinese scholar in Xinjiang, wrote that before the Han dynasty, only the Qiang, Saizhong, Dayueshi, Wusong, Yilan and Han were indigenous *(tuzhu)* to Xinjiang. All of these except Chinese subsequently disappeared without a trace. The Uyghurs, Mongols and other nationalities in Xinjiang, according to He, only migrated there after the Chinese.[18] He further asserted that China would never suffer the same fate of dismemberment as the former Soviet Union, not only because the Chinese are indigenous to Xinjiang, but because Chinese and minorities in Xinjiang are bound by blood relations nurtured through centuries of intermarriage.[19] This claim to indigenous status is the basis for asserting Chinese contributions to the "development" and "prosperity" of the region.

Perhaps the most successful Chinese area of "indigenization" lies in changing native Mongolian administrative names while pushing for munici-palization in the name of economic development. Until 1976, the IMAR had only three municipalities (*zhixiashi*), Baotou, Hohhot and Wuhai. Now six additional municipalities have been established under a program called "replacing league with municipality" (*che meng she shi*): Chifeng (formerly Jo'uda League) set up in 1981, Tongliao (formerly Jerim League) in 1999, Ordos (formerly Yekeju League) in 2001, Hulunbuir (formerly Hulunbuir League) in 2002, Ulanchab (formerly Ulanchab League) and Bayannur (formerly Bayannur League) in 2004, leaving only three prefecture-level leagues intact: Alasha, Silingol and Hingan (see Figure 11.2).

Figure 11.2 Map of the Inner Mongolia Autonomous Region

The proliferation of cities or municipalities in Inner Mongolia is, among other things, a reflection of this ethnic struggle, and a strategy of the Chinese to expand their territorial space. For cities are never classified as ethnic, or autonomous, as we can glean from the absence of "city" in the definition of "autonomous areas" in China's Law on Regional Ethnic Autonomy, and the fact that there are no autonomous cities in the People's Republic. I argue that although cities are also customarily associated with things "Chinese", this legal lacuna and the obvious benefits to local officials—both Mongols and Han— of being honoured by the rise to municipal status trumps ethnic sensitivity.

This "rectification of names" is of more than casual interest. Each change marked the brutal history of one group defeating the other, constituting in effect a regime change. Recall that Inner Mongolia had disappeared from the Chinese map by 1928, and the founding of the Inner Mongolia Autonomous Government in 1947 led to the dismantling of Chinese provinces built on Mongol territories. Restoration of the Mongol administration along with their names, such as the change of Guisui (Return to Civilization and Pacify Barbarians City) to Hohhot (Blue City) in 1954, was presented to Mongols as the blessing of the party and confirmation of Mongol pre-eminence in the Autonomous Region.

Less than thirty years later, in 1981, however, Mongolian leagues began to be dismantled, a process starting with Jo'uda League, which was renamed

Chifeng Municipality. At one stroke, a league with a Mongol name was turned into a city with a Chinese name. This did not go unchallenged. According to a senior Mongol official who participated in the meeting that discussed the choice of the name, the then party secretary Zhou Hui, a Chinese appointed by the CCP Central Committee, insisted on choosing Chifeng as the official name for the new municipality. A participant in the meeting suggested that even if the original Mongol name Jo'uda was not to be used, at least the Mongol word Ulaanhad for Chifeng be chosen, if only to show a token respect to the feelings of Mongols in this region. According to my informant, Zhou shouted angrily at the speaker for exhibiting Mongol nationalist sentiment. As it happened, the speaker was a Chinese, but Zhou mistook him for a Mongol, whose mistake was to call for respecting the historical fact that Jo'uda League was a Mongol administrative entity. Similarly, the change of Jerim League to Tongliao Municipality in October 1999 also replaces a Mongol name with a Chinese name meaning "penetrating or opening up the Liao," referring to the Liao dynasty (AD 916–1125) founded by non-Chinese Kitan people.

In contrast to these dismal stories of "rectification of names" at the expense of Mongol culture and autonomy, the change of Yekeju League to Ordos Municipality (E'erduosi Shi) appears encouraging, even gratifying, to Mongol sensibility. It is ostensibly the revival of the more authentic tribal name of the local Mongols, a name associated with the shrine of Chinggis Khan, replacing Yekeju, an administrative name imposed by the Qing dynasty and meaning "Great Monastery." Transformed into a municipality, Ordos appears to be authentically Mongol and modern.

The territory of Yekeju League, surrounded by the Great Wall to the south, and encircled by the Yellow River to the west, north and east, is known as Ordos internationally as well as within China. It was not until the post-Mao period, after the thorough destruction of the Chinggis Khan shrine during the Cultural Revolution, that Mongols in the region began to take the initiative to promote a local "Ordos culture" in relation to Chinggis Khan. Ordos songs, Ordos weddings and Ordos women's dresses have become the core of "Inner Mongolian" culture, due also in no small part to new folkloric aestheticization, but above all to the general identification with Chinggis Khan. Since the 1980s, Ordos and Chinggis Khan have been invested with symbolic significance serving the newly imagined Chinese nation, a unitary multicultural polity (*zhonghua minzu duoyuan yidi*) bounded against "western imperialists." In this vein, the so-called Chinggis Khan mausoleum has been promoted not so much as a Mongol cultural tradition of ancestral worship but as the apotheosis of a great *Chinese* hero, "the only Chinese who ever conquered the Europeans." The mausoleum has been renovated and expanded, attracting millions of Chinese, Mongolian and overseas tourists every year to experience the glory of China's racial victory over the Whites.[20]

But these ethnocultural developments alone would not be sufficient to transform a league into a municipality, for urbanization has to do with industrialization. Until the 1970s, the league had been a rather poor region,

with a dual economy of pastoralism and agriculture. In the 1980s, however, three major industries emerged: cashmere sweaters, coal mining and chemicals, all dominated by Chinese. They were so successful that within the decade they became the three most successful industries in all Inner Mongolia. They were also the first three Inner Mongolian industries to be listed on the stock markets in Shanghai and Shenzhen in 1994. Between 1995 and 1997 the core companies of the Erdos Group Corporation, Yekeju League Chemical Industrial Group Corporation and the Yekeju Coal Group Corporation made up one-third of all the stocks of Inner Mongolian companies in Shanghai and Shenzhen stock markets, and they raised funds exceeding 2 billion yuan, constituting over 70 percent of all the capital in Inner Mongolia raised in the stock market.[21] Today, these three industrial groups have become cross-regional and transnational companies.

The Erdos Group is particularly interesting. In the mid-1990s, Erdos brand cashmere sweaters became well known throughout China. Seductive advertisements with a one-line poem—"Erdos Cashmere Sweaters Warm the Entire World"—beam across TV screens in China, and Erdos cashmere sweater billboard posters are common sights in many urban centres. The Ordos, or rather its misspelled, though official, rendition "Erdos", brand trade mark, was formally recognized as a "Chinese famous trade mark" by the state Industrial and Commercial Administration Bureau of China on January 5, 1999. The brand value of Erdos topped 3.7 billion yuan in 2001, by which time it had become the most lucrative textile brand in China.[22]

Promoting the Erdos brand name became a successful strategy to capitalize on the ethnopolitical significance of this region's tribal name associated with Chinggis Khan. Indeed, this industrially promoted, lyrically aestheticized brand name continues to accrue tremendous value for the company. Unfortunately, however, the Erdos brand has neither promoted Mongol culture nor helped Mongols.

Local Mongols were initially encouraged to raise goats, but when this led to rapid desertification, the company looked to Mongol herders in Mongolia to provide the cashmere. Their recent domination of the Mongolian cashmere market has "aroused strong Mongolian nationalist feelings."[23] Nonetheless, this exploitation of cashmere resources, both locally and internationally, has not stopped the Erdos Group from imposing a corporate model on the Yekeju League, ultimately turning it into a municipality. In a hagiographic book promoting the Erdos Group, two Chinese authors, Cheng Li and Wang Xun, write as though the Erdos Group was the real force behind the Ordos renaissance: "Erdos is like a golden steed, soaring up, galloping in front in the picture of the Inner Mongolia Autonomous Region's rapidly advancing economy . . .".[24]

We are witnessing in China's peripheries a form of settler colonialism. The "indigenized" Chinese settlers are now able "legitimately" to enter areas previously reserved for "autonomous" minorities, not only as the defenders of the nation, but as co-developers or even as original developers of the

frontier. Secure and comfortable in their new homeland, they now appropriate minority cultural elements, some of them central resistance symbols, such as Chinggis Khan and pastoralism in the form of goats, not only as signs of civility and a taste for the exotic, but above all as contributing to the great cause of "multiculturalism" *(duoyuan wenhua)*.

Farewell nationality!

The socialist nationality of the *minzu* is to be constructed for the ultimate purpose of its destruction. Deemed backward, *minzu* is the name for minorities; the majority Han are "the people". Having made its contribution to national unity, *minzu*'s mission is complete, and its institutional autonomy obsolete. Although the term *minzu* still exists, it has no substance, indeed it is thoroughly divorced from its institutional form and promise—autonomy. *Minzu* thus highlights central contradictions of the Chinese socialist nationality–ethnicity continuum.

The demise of *minzu* has paradoxically provided an opportunity for its resuscitation. As a substitute for minority political, linguistic and economic autonomy, a new political mode called multiculturalism has recently been promoted, celebrating the colorful and diverse cultures of the "Chinese nation" (*Zhonghua minzu*). Minority cultures and arts, symbols precisely of their inferiority in an era of modernization, have been invested with intrinsic value in this multiculturalism. Existing not in their own right, but as part of the Chinese nation, minorities and their cultures now occupy prominent positions in specialized theme parks concocted for national and international consumption in Beijing, Shenzhen and Florida, among others.

However, Chinese multiculturalism is not so much a derivative discourse copying the modular multiculturalism of the West which was introduced in the 1970s as a result of anti-racist movements and the recognition of minority rights. Rather, multiculturalism has been anchored to Chinese nationalism, to a newly imagined Chinese nation predicated in part on a critique of the Chinese communist nationality policy which has been blamed for having created essentialized "nationalities." Chinese multiculturalism is thus an attempt to put the last nail in the coffin of nationalities, turning them into non-territorial, apolitical, cultural "ethnic groups," that is, from groups with separate identities from the Chinese to ones integral to the Chinese. Therefore, this multiculturalism serves to legitimize further Chinese inroads into minority internal affairs, prompting new rounds of minority protests and resistances, which routinely invite Chinese denunciation and suppression of minority secessionism or, to use a more fashionable term, "terrorism." In this new alternating celebratory and denunciatory mode of multiculturalism, history and ethnopolitics are conveniently forgotten.

History repeats itself. The Chinese Communists now evoke a concept of "Chinese nation" which they repudiated in the name of equality among nationalities when they were battling the Guomindang. As early as the 1920s,

the Guomindang, then ruling China, began to develop misgivings about the foundational pact of the original Republic, that is, one of a China that consisted of five *minzu:* Chinese (Han), Mongol, Manchu, Tibetan and Muslim (Hui). They proceeded to promote the idea of the Chinese nation based on the Han Chinese *minzu,* and designated the four other *minzu* as the *buzu* or subordinate "branches" of the "nation," a vision that culminated in Jiang Jieshi's *China's Destiny,* a Mein Kampfian blueprint for China's future. It was this redesignation that legitimated Republican China's agenda to assimilate all minority nationalities into the Chinese nation, by means of military conquest and massive Chinese migration into non-Chinese areas. For its part, in the 1930s-40s, the CCP, then a minority party seeking to survive in the hinterlands by carving out revolutionary bases, criticized Guomindang chauvinism and, in a bid for support, called for autonomy/national self-determination for non-Chinese minorities, including Mongols. A combination of various factors, viz. minority struggle against Chinese territorial annexation, the communist principle of class-national equality, the CCP use of minorities against the Guomindang and the moral obligation to fulfil promises, as well as policies pioneered in the wider communist world dominated by the Soviet Union, resulted in the massive state project of identifying nationalities and granting them autonomous territorial units.

In the aftermath of the Soviet and Yugoslavian collapse along ethnic lines in the early 1990s, there has been a subtle movement within Chinese political and academic circles to redefine the minorities not as nationalities, but rather as "ethnic groups." With nationality autonomy, the central promise of the Chinese state through which minorities have been organized, in disarray, a more effective vehicle for understanding ethnic processes is thought to lie in the study of "inter-ethnic relations" rather than "nationality questions". In 1995, the English name of China's flagship propaganda journal *Minzu Tuanjie* was changed from *Nationality Unity* to *Ethnic Unity*. Chinese laws have all been retranslated into English, replacing "nationality" with "ethnic group." Although officially the government continues to use *minzu* to refer to both nationalities and nation, in Chinese, within scholarly circles, there already is a clear terminological distinction, using *zuqun* to translate "ethnic group," and reserving *minzu* and/or *guozu* for nation. Behind the name change are questions of reconceptualizing the entire panoply of nationality issues, from the legal position of the nationalities to territorial and other rights associated with autonomy.

This chapter has documented important elements of the unique historically grounded processes whereby Inner Mongols have been transformed from a nationality to an ethnic group. The story of the conflicts surrounding Mongolian language revival and loss clearly indicates one of the important processes resulting in the disappearance of Mongols' *minzu* characteristics en route to becoming an ethnic group. As Mongols become urbanized, their homeland penetrated by Chinese settlers, they lose the vital conditions for developing as a fully fledged nationality that was once rooted in a pastoral

life and a distinct language and culture. They are now losing the very administrative names that were once the hallmark of their "liberation" and "rebirth." Ironically, although socialism and autonomy both promised to deliver national salvation, they became the very tomb to bury aspirations for developing as a nationality. Before we drop the use of "nationality" or *minzu* in favor of "ethnic group" or *zuqun* in a utopian multicultural China, or before we jump on the international bandwagon denouncing any ethnonationalist movement as "terrorist," it is necessary to examine the political economy of *minzu*-building and its demise in China's peripheries.

Acknowledgements

Notes

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18 He Jihong, *Xiyu Lungao* (Treatise on the Western Territory) (Urumqi: Xinjiang Renmin Chubanshe, 1996), pp. 14–26.

19 *Ibid.,* pp.53–63. But for a critical study of the inter-ethnic marriage *(heqin)* system and practice in China and Inner Asia, see Uradyn E. Bulag, *The Mongols at China's Edge: History and the Politics of National Unity* (Lanham: Rowman and Littlefield, 2002), chap. 3.

20 According to a recent Xinhua report ('Genghis Khan's Tomb Tourism Zone to Be Upgraded', Hohhot, December 10, 2001), Inner Mongolia plans to invest 200 million yuan to build the area of Chinggis Khan's Mausoleum into 'a world-class tourist destination.' The two-year project will cover 80 sq. km.

21 Cheng Li and Wang Xun, *Zhongxibu de Shuguang: E'erduosi Xianxiang Touxi* (The Dawn of Central and Western China: An Analysis of the Ordos Phenomenon) (Huhehaote: Nei Menggu Jiaoyu Chubanshe, 1998), p. 173.

22 http://www.chinaerdos.com/chinese/news/NewsDetail1.asp?NewsID = 137 (accessed April 13, 2009). In 2007, the brand was worth more than 10 billion yuan.

23 Morris Rossabi, A New Mongolia in a New World', *Proceedings of the Conference 'Mongolian Political and Economic Development During the Past Ten Years and Future Prospect'* (Taipei: Mongolian and Tibetan Affairs Commission, 2000), pp. 42–85.

24 Cheng Li and Wang Xun, *Zhongxibu de Shuguang: E'erduosi Xianxiang Touxi,* p. 210.

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12 The revolution of resistance

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The present chapter reviews the incipient growth of these activities in the 1980s and their significance during the second radical phase of party-initiated reforms through the 1990s and into the first decade of the new millennium. It also indicates ways in which resistance and compliance with cultural protocols have manifested themselves in the medium of the Chinese internet in the recent era of commercial nationalism.

This essay raises questions about the nature of resistance within the intellectual-cultural urban elites, and offers an overview of who is resisting what and why, and just who profits in the process.

> Revolution. To revolutionize revolution; to revolutionize the revolution of revolution; to rev . . .[1]

In late December 1991, Zhou Lunyou, a poet of the "Not-not" school in Sichuan, produced a manifesto entitled "A Stance of Rejection." Written in response to what he saw as the cultural capitulation that had followed in the wake of the June 4 1989 Beijing massacre, Zhou called on his fellows to resist the blandishments of the state. "In the name of history and reality," he wrote,

> *in the name of human decency, in the name of the absolute dignity and conscience of the poet, and in the name of pure art, we declare:*

We will not cooperate with a phoney value system—

* Reject their magazines and payments.
* Reject their critiques and acceptance.
* Reject their publishers and their censors.
* Reject their lecterns and "academic" meetings.
* Reject their "writers' associations," "artists' associations," "poets' associations," for they are all sham artistic yamen that corrupt art and repress creativity.[2]

The stifling of cultural experimentation and intellectual debate that occurred in the wake of June 4 1989 was neither as extreme nor as widespread as anti-liberals in Beijing had hoped, nor, indeed, as overseas dissidents and exiles claimed. That purge came after a decade of radical economic policies that had undermined the ideological certainties of high socialism and fostered, among other things, an environment of intellectual and cultural debate outside the stifling confines of political agitprop. The scope and effect of the 1989 purge was circumscribed by many factors: a revulsion against Cultural Revolution-style denunciations, internal dissension within the party, the impact of administrative reforms and weakening of the mechanisms of social and political surveillance, widespread public disinterest, political fatigue and opposition, as well as the stark economic imperatives of the party's own program.

Zhou Lunyou's romantic call for resistance itself came at an intriguing and crucial moment for Chinese culture. It was on the cusp of Deng Xiaoping's vaunted "tour of the south" (*nanxun*) of early 1992. During his inspection of economic reformist centres in Guangdong province, Deng made a series of speeches and comments that not only had a radical impact on the economic life of the nation, but also further transformed the nature of cultural dissent and intellectual opposition to the party.

In the years prior to Zhou's appeal to reject the state-sanctioned arts world, cultural practitioners and activists had evolved complex relationships with the official overculture that made any simple gestures of rebellion seem quixotic, if not nugatory. Forthright oppositionist acts, while sometimes meaningful, were generally also part of a larger, highly-nuanced skein of activity that could not be easily classified in terms of clumsy dichotomies. Furthermore, from 1989 mainland Chinese cultural and intellectual discord more than ever before developed an international dimension. The 1989 protest movement and its bloody denouement served to globalize further the debate and dissent, a process that worked in tandem with the internationalization of the economy.

For a time, Hong Kong, Taiwan, as well as international media attention was now fixated on the issues related to the 1989 protests and subsequent massacre, the fate of activists, any hints of a change in official government policy and the possibility of further mass unrest. Key participants in the movement escaped, or were subsequently sent, into exile, and while some continued agitating for political change in China, many more turned their energies to other, often business, pursuits from 1990–91. The Chinese government and its avowed opponents throughout the 1990s engaged in a "mimetic violence" against each other—rhetorical attacks, purges and dissident resistance—that entrenched their mutual opposition. Meanwhile, in the larger realms of intellectual, cultural and commercial life debate flourished. New Chinese-language forums (newspapers, magazines, semi-academic and internet journals) strengthened an environment for discussion and contention within the "Chinese commonwealth." This involved mainland writers, as well as

offshore and overseas commentators, in a direct dialogue about future scenarios for China and the region in a manner—as some pointed out—that was reminiscent of the "internationalization" of political dissension in late-Qing China at the end of the nineteenth century when the frustration of the 1898 reforms of the Guangxu Emperor had forced his supporters into exiled activism overseas.

The economic boom of the 1990s challenged thinkers and critics of all schools to re-evaluate the modern history of the Chinese party-state; it also drew scholars and activists into a series of discussions about the impact of the party's program on issues of official corruption, cronyism, the growth of a new underclass, commodification-consumerism and globalization, as well as media freedom and democratization. Some of these issues were central to the inchoate protests of 1989; however, a decade later they were being debated in the mainland media in unprecedented detail and with considerable candor. By 2009, with a resilient Chinese economy and an increasingly assertive kind of state-private nationalism, such debates were developing a global relevance.

In the 1980s vague reformist visions had been at the centre of much intellectual and political debate. During the 1990s the integration of China's economy into the global system (and the global system's infiltration into China), as well as the cutthroat commerce of the decade, confronted intellectuals and lent an impetus to the revolution of resistance. In the new millennium some, like the historian Qin Hui, would cogently argue that Chinese thinking people would also have to consider the ramifications of their country's global economy and the moral, as well as the commercial, responsibilities that went with it.

Also after 1989, for a time the romantic posture of failed resistance achieved a certain social and commercial éclat. This was particularly true in the cultural sphere where transgressive activities—that is, actions that were "naughty but not dangerous"[3] to the entrenched power holders and new elites—flourished. A number of successful careers in cinema, art, theatre and literature were launched on the basis of alternative cultural activity, sporadic state repression, and offshore investment in avant-garde cultural activities. The crushing of flagrant dissent gave these more anodyne activities a highly visible media profile. Non-official arts activists continued to plunder state resources in a fashion not dissimilar to the vampirization of state (that is "public") sector assets by bureaucratic cronies and the super-rich. Film-makers and artists who joined the international exhibition and cultural carnival circuit during the 1990s, for example, were generally trained in state institutions, cultivated alliances with associates and used (or "privatized") state and semi-official resources (equipment, locales, networks) to pursue their activities. The works of filmmakers like Zhang Yuan (director of MTVs and feature films like *Beijing Bastards* and *East Palace, West Palace*) and a slew of painters were in the artistic avant-garde of those diverting state resources to their private (and increasingly profitable) ventures. Over time, more mature artists

like Jia Zhuangke would produce important work, even though they remained in thrall to the party-state when participating in international cultural events.

The arrest or harassment of activists who attempted to organize a concerted opposition to one-party rule, or who petitioned the government to undertake democratic reform, to reassess the events of 1989, or at least to honor the national constitution, made clear that political confrontation, rather than image marketing, continued to be regarded by the power-holders as illegitimate and dangerous. This was particularly evident in 2008 and during the "year of anniversaries", 2009.[4]

For a time after 1989, consumerism was viewed popularly, and among many segments of the political and intellectual elite, as possessing a near revolutionary significance[5] —and for some years many of the most celebrated cultural fads drew upon revolutionary images.[6] Over time, however, the revolutionary history of the party was further "domesticated" by the market and the propaganda-PR industry to create an amalgam version of the country's modern history that, while eschewing the radicalism of the past, incorporated the party's central, and by and large, benign role throughout China's twentieth century. For those on the frontline of shopping, however, the romance of resistance included now a belief that quotidian activities were the site of struggle and cloaked socio-political retail therapy (that is, shopping for new lifestyles and accessorizing the self in contradistinction to the official nation-state inculcated guise of identity). It was a development acceptable to economic reformers, the business elite, crony cadres, wannabe rebels, kids with " 'tude," and the displaced literati many of whose members felt they had been sidelined by economic developments and political stability after 1989. The rise of this discourse of consumer-as-revolutionary also dovetailed neatly with a liberal teleology that now saw the ascendancy of the middle-class and the democracy of Taiwan as part of the overall trajectory of Chinese modernity, and not just as a hotly-contested alternative. While ballot-box democracy might be deferred until a sizeable middle-class existed, the free-range republic of shopping could be realized immediately. Not surprisingly, the party-state found no argument with behaviors that entrenched its legitimacy as an economic manager.

Along with cultural transgression, consumption was also a key zone for the affirmation of avant-garde scouts. Consumption directs desires and enlists resistance within itself as product promotion and placement usurp edgy non-mainstream, or state-sanctioned, phenomena. Cultural or social developments that once seemed antipathetic and threatening could, in the guise of marketing strategies or sound street commercial sense, be incorporated in the domain of product and purchase. Some might well claim that this does not necessarily "make commodified resistance 'packaged', tame or lame. It simply makes it tactical and potentially effective."[7] But, effective for what? Arguments about shopper-as-rebel and promoter-as-revolutionary are certainly suggestive if the seditious subaltern or canny consumer was chiefly construed as existing and acting in some closed system embraced by the market-party-state.

If viewed within the larger, multipolar environment of the Kong-Tai world, as well as in the thrall of the international media and transcultural sphere, however, the "new ways and new things 'to market', consume, subvert, rebel against or steal"[8] so noteworthy on the mainland during the 1990s and the 2000s, could also be appreciated in terms of promotion, positioning and redefinition of elitist norms in the guise of subaltern strategies. For the mavens of international academic theory, China was fallow territory, a "blank page" as Chairman Mao once had it, on which new texts could be written or at least divined.

After 1992, it was initially the old "Maoist-style" Left[9] which, through internal lobbying and public propagandizing, continued to articulate most coherently a position of opposition to the reformist status quo. From the middle of the decade, however, a number of "new-leftist" thinkers joined pro-party conservatives to respond both to the predicament of mainstream social and political thinking, and to the glaring inequities resulting from the economic libertarian agenda. Many of these thinkers —who were based both in the US and China—emphasized the threats posed by the declining fiscal viability of the Beijing authorities and growing social inequities that had resulted from decentralization and marketization. They envisaged a range of dire scenarios that invoked the plangent fate of the former Yugoslavia or Soviet Union and grudgingly argued that a strong and economically competent Communist Party was, for the moment at least, a necessary bulwark against national collapse.

The post-1976 period of the officially sponsored "movement to liberate thinking" (*sixiang jiefang yundong*) from Maoist strictures was a time during which official ideology underwent a transformation that freed the authorities from past dogma while also providing a rationale for economic reform and new directions for social growth. In a retrospective analysis of the intellectual developments on the mainland over the two decades from 1978 to 1998, Xu Jilin, a leading scholar of twentieth-century intellectual history based in Shanghai, observed that the party's previous reliance on a utopian political program was gradually replaced by theoretical justifications for the "secular socialism" (*shisuhua shehuizhuyi*) of the economic reforms.

The process continued with a complex intellectual and cultural mutation that extended far beyond the earlier limited aims of pro-party revisionists. From the mid-1980s, the mainland experienced a cultural effervescence that some called "another 'May Fourth' movement", a "Chinese Enlightenment".[10] Like that earlier period of cultural and political debate and furor during the 1910s and '20s, this post-Cultural Revolution "New Enlightenment" was supposedly witness to an initial period of broad agreement among thinkers who rejected the old state ideology and propounded instead various alternative models for modernization. It was a period in which intellectual traditions were invoked, invented and reclaimed as part of intellectuals' attempts to define themselves within the Chinese polity and claim a role in its evolution. This supposed consensus, however, also contained within it a critical response

to the various international discourses that were being introduced piecemeal through translation projects, young scholars studying overseas, conferences, seminars and a wealth of publications; and it was a response that carried also the seeds of a major reassessment of China's post-Cultural Revolution fascination with the West (or global commercial and political culture) itself.

Moreover, the debates of the 1980s were influenced by an intermittent series of cultural and political campaigns, or purges, in particular the nation-wide attacks on "spiritual pollution" and "bourgeois liberalization" in 1980–81, 1983–84, 1987, and 1989–90.[11] These administrative and ideological condem-nations included attacks on Marxist-style humanism and the efforts by loyalists to construct a new rationale for the party beyond the confines of its economic program. The purges more often than not had the effect of silencing establishment intellectuals (*tizhinei zhishifenzi*) and critics who stepped out of line, or resulted in their isolation within or banishment from its ranks. In conjunction with economic reform and more general social transforma-tions, however, a semi-independent sphere of intellectual activity gradually blossomed, and it found outlets in the deregulated publishing market. At the same time, a revival of the educational sphere and academic standards saw a rapid increase in tertiary enrolments and a college-trained urban stratum that enjoyed unprecedented (in post-1949 terms, at least) access to information and a range of media. As a consequence, they provided a ready audience for the products of the *Kulturkampf*.

The period of the 1980s New Enlightenment was, to use Xu Jilin's description,

> A major historical turning point for Chinese intellectuals in that through cultural debate they gradually withdrew from and, in some cases, entirely broke free of the politico-ideological establishment and the state system of specialized knowledge production [that is, the strictures of official academia]. This enabled them to create intellectual spaces and attain a new cultural independence.

It was a kind of autonomy more akin to the situation that had existed prior to the founding of the People's Republic in 1949.[12]

While avoiding direct confrontation with the official ideology, these intellectuals in effect began to challenge its dominance in every field of thought, and by so doing would over time provide canny *status quo* thinkers with a new vocabulary for their own project of party–state renovation. The public realm for intellectual debate was to flourish in the 1990s although the consensual environment shared by different schools of thinkers and cultural activists was ruptured first by the 1989 protest movement and the subsequent purge of elitist activists, and then again by the effects of the economic boom that followed in the wake of Deng Xiaoping's 1992 "tour of the south." During the Jiang Zemin era (effectively ending in 2002), this relative efflorescence would continue, although with the rise of Hu Jintao–Wen Jiaobao

a more interventionist form of ideological policing became evident, although far from always efficacious.

In the 1980s, intellectual contestation had generally centerd on debates about abstract ideas and theoretical issues in the belief that it was through cultural and national transformation that China would be revitalized. Educated urbanites long excoriated under Maoist cultural policy presumed that this new "Enlightenment project" was their responsibility, and members of the intelligentsia were anxious to play the role of patriot-savant supposedly central to the identity of the traditional educated caste. Following the successes, and excesses, of the economic reforms during the 1990s and after, however, engaged intellectuals related their disagreements more directly to economic and political programs, as well as to class or caste differences. In an age during which much of the "capital accumulation," that is, superficial economic prosperity, that had been the goal of earlier reforms and revolutions seemed to have been realized, the nature of this affluence and the inequities it presented now came to the fore as an issue of pressing importance. The intelligentsia had, throughout the twentieth century, argued bitterly over the merits of a dizzying array of developmental theories, political programs, economic systems and cultural paradigms. Now, in the new millennium, debates and intellectual programs began to revolve around not simply on how to achieve power and prosperity, but the dilemmas of power and prosperity *per se*, as well as the issues related to China's global role.

It was now relevant to consider how the wealth of Chinese experience— an experience as vital, continuous, nuanced and multifarious as the Chinese world itself—engages both with some of the big and the small questions related to the human condition. By 2007, some international interlocutors also thought it timely to explore jointly with Chinese thinkers how, while pursuing the needs of an intelligentsia in the specific socio-political and historical framework of the present, they were engaging more deeply with issues related to a shared humanity.[13]

Economic wealth and the vision of a strong and prosperous China—or even the reverse, the looming menace of an economically imperiled, crisis-ridden and socially divided nation—made the debates about the history of modernity in China and the future it faced both relevant and urgent. Although past controversies had been launched from a common ground, and a general wariness of monopolistic party rule had existed among diverse cultural and intellectual worlds from the late 1970s, now questions were disputed on the basis of vastly different, even mutually exclusive, academic and theoretical frameworks, as well as social experiences and personal agendas.

The growth of popular market spaces was not as revolutionary vis à vis the ordained cultural order as many observers would claim. Nonetheless, the rise of a local rock and pop (dubbed by some "Mandopop"—that is, Mandarin rock-pop) scene, the mass publishing market with its plethora of entertainment and lifestyle journals, mainland commercial and party advertising, etc., did constitute an active response by local culture producers to the incursion of

off-shore cultural forms and capital. Many of these phenomena were covered in the new millennium by such websites as Danwei.org, founded by Jeremy Goldkorn. However, in the years following Deng Xiaoping's 1992 tour, during which he openly criticized "leftist" thinking (that is, political opposition to the accelerated market reforms, the privatization of state industries, etc.), the most vocal and concerted attacks on the Communist Party's reformist agenda and its socio-political impact came not from the semi-independent intelligentsia, or fringe cultural figures, but from within the party itself.

The hostility of the official left, a group of establishment thinkers and writers who were derided by their public critics as "red fundamentalists" (*yuan hongzhizhuyizhe*), also found expression in a number of public forums that had been created following June 4. As they were routed by policy shifts and marginalized during the 1990s, many of the true believers decamped to institutions and publications on the fringes of power. Their journals covered both cultural and ideological issues and, throughout the decade, they produced a constant stream of criticism—and in many cases vitriol—aimed at the most divisive elements of the party's program.[14] They also launched attacks on an array of ideological soft-targets, in particular individuals whom they regarded as being dangerous revisionists, the chief object of their spleen being Wang Meng, the writer and former Minister of Culture (1986–89).

In the mid-1990s, the Australian-based Chinese journalist and oral historian Sang Ye questioned one retired high-level cadre about his views of the degeneration of the revolution and his opposition to the reform policies. He said that,

> . . . starting with the Third Plenum of the Eleventh Party Congress in 1978, we have pursued a dangerous rightist policy. We've now gone so far to the right that we've abandoned the basic principles of Marxism and the objective rules of social development.
>   . . . [T]hings have reached a point that anyone with a conscience, anyone who cares about the fate of our nation, just has to weep at the dire predicament we are in.[15]

Retirees like this former minister muttered glum condemnations in private while some of their colleagues memorialized the Central Committee through secret petitions, but from the mid-1990s a number of writers chose to speak out publicly against the market reforms that they argued were undermining what remained of both the ethos and the rationale of the revolution.

Their protests were aired in a media debate about what was called the "humanist spirit" and "kowtowing to the vulgar." The burgeoning of mass-market popular culture led to despair among people who had only recently regained their faith in (and affirmed their identification with) the tradition of the Chinese literati-scholars, the political and cultural mandarins of the past. It was a self-identification that reinforced an abiding belief in the socialist dogma of the artist as prophet. Having borne witness to the decay of the

cultural welfare state over the past decade, they now saw their own influence waning. They felt that writers who profited from the tide of commercialization were prostituting their talents and betraying the cause of a revived literati culture.

Among the most outspoken critics of the new marketplace and its advocates were two ex-Red Guard novelists, Liang Xiaosheng and Zhang Chengzhi. They issued dark warnings about the effect that mass commercial culture was having on the "soul of China". As Zhang wrote in an alarmist hyperbole partially inspired by Samuel P. Huntington's writings on "the clash of civilizations",

> After the war of the civilizations, they should at least find in the rubble of the defeated a few bodies of intellectuals who fought to the death. I despise surrender. In particular, in this war of civilizations, I loathe intellectuals who have made a vocation out of capitulation.[16]

Appeals for a moral rearmament that would find its ordnance in the Maoist past were part of a strategy used by writers like Zhang to critique contemporary social, political and artistic realities. To question the status quo, the incursion of capital and the consumer tendencies of the society was a shrewd tactic in an avowed "war of resistance". In the new century, these forms of opposition would help fuel the mass nationalism that would find increasingly virulent expression in 2008 (in particular in response to the uprising in Tibetan China during the international leg of the Olympic Torch Relay[17]) and again in the media and blogosphere attacks on Australia in mid-2009. For their part, Hu-Wen proved relatively adroit in availing themselves of ideas from both the old and the new left to support their policy of forging an "harmonious society" (*hexie shehui*). That is, a heavily policed, acquiescent but cashed up and smug China.

Opponents of the high dudgeon of self-styled patriots, however, were deeply suspicious of the presumption of the reform-era intelligentsia to harangue their fellows. Of these clear-headed critics, the most noteworthy was the novelist and essayist Wang Xiaobo (d. 1997), an important figure who perhaps, more than any other 1990s writer, represented the urbane skepticism of people both weary and wary of that abiding afflatus of China's chattering classes. "I respect your high-sounding ideas," he wrote, "but I'm less than anxious to have them shoved down my throat." Or as he remarked on the habits of the educated caste: "Chinese intellectuals particularly enjoy using moralistic paradigms to lecture others."[18]

Indeed how useful or reliable were the tainted resources of high-socialist "leftism", that were by the very nature of their place in contemporary Chinese life compromised and disingenuous? Was the objectivization of the past simply distorted and clouded by the subjectivist caste of those who lived and remember it, or needed to use it to justify themselves in the reformist era of collaboration? Again, a number of writers were equivocal about

intellectual grandstanding and instead turned their attention to the detail of the past and attempted, through the writing of local histories for a general readership, to fill in some of the gaps of public knowledge, a fraught process that continues today.[19]

Not all critics of either the moral revivalists or the "new leftists" however, were as phlegmatic as Wang Xiaobo. The ideological control of the party had been such that many had suffered, or continued to suffer, directly from its manipulations, or at the hands of the people's democratic dictatorship (the main organs of which were the police, the penal system, the armed police, the army and the judiciary). There were those who had been arrested for their unorthodox activities or views, denied publishing opportunities, or chances to travel, or refused improved housing conditions and promotion, as well as those who had been jailed, harassed by the police, and placed under surveillance. The draconian treatment of dissent did, if anything, increase in the new millennium, reaching an apogee (perhaps) in the 2008 Olympic Year and during the "anniversary year" of 2009. They were emotionally and intellectually determined to see the one-party state weakened and undermined no matter what the cost. For them the marketplace was a welcomed ally in their quest. They preferred an enfeebled party-state that permitted direct resistance even if it meant that the new dominant market might well make that resistance little more than cosmetic.

For some publishers and editors, trepidation about the continued ability of the CCP to maintain national integrity, as well as to shore up its ideological and cultural hegemony, was virtually on a par with fears about the inundation of overseas capital and the multinational corporations that were energetically expanding into the Chinese cultural market. As one publisher remarked to me in late 1998: "If you are a responsible intellectual you have to consider whether you are willing to live with the consequences of your opposition to the relatively free-wheeling status quo." Individuals like my interlocutor contemplated a future ruled by the kind of Great Leader that the American journalist P.J. O'Rourke encountered during his late 1990s "worst of both worlds" sojourn in *fin-de-siècle* Shanghai,

> . . . omnipresent amid all the frenzy of Shanghai is that famous portrait, that modern icon. The faintly smiling, bland, yet somehow threatening visage appears in brilliant red hues on placards and posters, and is painted huge on the sides of buildings. Some call him a genius. Others blame him for the deaths of millions. There are those who say his military reputation was inflated, yet he conquered the mainland in short order. Yes, it's Colonel Sanders.[20]

In the new millennium, the Colonel would be joined by China's own burgeoning brands, like Heng Yuan Xiang (a major Olympic sponsor), Lenovo, Hai'er, to mention but a few.

Modernization and prosperity had been central to the aspirations and public discourse not only of the Chinese intelligentsia but also to the concerns of the broader population throughout the twentieth century. When, from the 1990s, the economic reforms created a version of modernization as well as its attendant problems in the urban centres of the nation, the debates about it took a new turn.

If the 1980s saw intellectuals and broad segments of the population gradually breaking away from the thrall of the socialist nation-state to articulate visions of the society and its future at variance with the official world, in the 1990s, a gradual reformulation of controversies and issues that had first resurfaced in the intellectual and cultural worlds took place. The topics of political reform, Enlightenment values and modernity were now interrogated in more comprehensive terms and in relation to the history of modern Chinese history, conventionally dated from the Opium War of 1840.

A number of the key intellectual critics—as well as some of the most controversial participants in the debates—were themselves historians, or specialists in aspects of intellectual history. Their number included academics like Xiao Gongqin, Lei Yi, Wang Hui, Xu Jilin, Qin Hui and Zhu Xueqin. They were thinkers who constantly shifted between their studies of socio-political issues of the past, the development of historical narratives during the century, and an engagement in contemporary polemics. Although these individuals were attracted to different academic schools of thought, from the early 1990s they were all active as media cultural commentators. Writers like Xu Jilin recognized that even though the intelligentsia no longer enjoyed its previous prominence, there was still a place for the socially engaged cultural commentator.

> One can take on the role of observer, a person whose particular intellectual and cultural standpoint attempts an independent critique of various social phenomena. You try to participate actively in the cultural evolution of your world . . . and try to use the mass media to give voice to your conscience.[21]

Others were not so much concerned with conscience as with the age-old sense of intellectual entitlement to guide, incite and pander to public opinion. Writers like Wang Xiaodong, Song Qiang, Zhang Xiaobo and their ilk followed in the footsteps of 1980s firebrands like He Xin and mined the rich vein of xenophobia that they expressed in the colorful Chinese idiom of high dudgeon. It meshed nicely with broader party–state prerogatives and allowed its advocates to cloak themselves as independent thinkers who were just patriots at heart. In the profitable media environment of the new millennium the rabid declamations of writers like Wang (he and his fellows produced a grumpy bestseller in 2009 titled *China Is Unhappy*) were something of a mass-media bellwether.[22]

After 1989, various divisions within the intellectual and cultural worlds laid the basis for the conflicts of the 1990s and beyond. One group of intellectuals, academics, writers and propagandists tended to devote its energies to developing theoretical approaches and formulating practical policy strategies to serve the party-state, to participate in what was called "systemic innovation" (*zhidu chuangxin*). Supporting the secular socialism of post-totalitarianism, these strategists and academic thinkers-cum-advisors concentrated their efforts on aiding the emerging market–socialist state to modernize, augmenting its efforts at legitimacy as well as helping it respond effectively to the problems that the reforms (as well as its disavowed utopian socialist project) had created. Their aim was to achieve some form of "ideological hegemony" for themselves while also helping buttress the legitimacy of the Communist Party.[23] Beyond the calculated good will and efforts of these image and policy consultants, non-aligned critics were more generally drawn to ponder the questions of whether the party leadership could renew itself effectively, or if it was simply fatally burdened with the political talents of what John Maynard Keynes would have recognized as "third-generation men". With the continued economic efflorescence of the country in the new millennium, the party may have been riven by scandals involving corruption and nepotism, but its renovation as a cogent political entity continued apace, despite repeated predictions of its premature demise by international commentators.

Some thinkers who were not necessarily unconditional supporters of the status quo wrote policy papers both for the political and the new economic elites. Their motivations were complex, they combined a sense of duty to the nation-state with the hope of achieving a public profile while at the same time providing a rationale for the activities of (or a reasoned limitation on) the power holders. The issues that many of these thinkers tussled with concerned the balance between equity and liberalism, market power and political stability, social order and legal reform, national sovereignty and global capital. Concocting strategies that could help the party renovate itself and possibly move towards greater plurality was, for many of these activists, the best way China could avoid going through another revolution and suffering the social dislocation, mass deprivation and political confusion that they felt would inevitably result. National crisis was not some distant or inchoate fear, but an overshadowing specter reinforced both by China's history from the 1840s onwards and the more recent collapse of the former socialist countries to the West. This was further reinforced from 2000 by the threat of "color revolutions" in the old Soviet Bloc in which protesters (students, NGOs and public intellectuals) used nonviolent means to effect political change.

For many other writers, however, the fate of the party and its immediate future were no longer issues of particular relevance. Broad-based political, social and cultural criticism became one of the fundamental ways in which circumspect dissent was expressed. Authors of historical tracts, as well as publishers, took advantage of the commercial market to help fill in the

"white spots" of history and inform contemporary debates. As a range of analysts within China warned that the economic reform strategy in its 1990s' form had all but run its course, many publicly active intellectuals—that is academics and writers who engaged in the major intellectual and cultural disputes of the decade in the print media and at specialist forums—were tending to form into two camps. These were divergent, even opposing, groups in the debates surrounding the central issues of twentieth century Chinese cultural and political polemics.

In the 1990s, the formerly dominant state-sponsored ideology experienced further transformation; the fustian party credo still maintained a notional media hegemony, even though the actual pursuit of political cohesion was increasingly limited to party organs and official discourse. In administrative terms, the aging and retirement of staunch traditional propagandists left the way open to a cadre of younger men and women who functioned more as party PR people than political watchdogs. The downsizing (or "rightsizing") of the party apparat also meant that there were fewer reliable apparatchiki devoted to the persecution of clandestine or even egregious ideological errors. Added to this was the ravenous publishing market hungry for new books and periodicals, as well as the commercialization of transgressive thought. As a result writers and thinkers had to compete openly for the approval of like-minded activists, a share of public attention, media success and even official approbation. All of these developments had a significant impact on the commercialized controversies of the past twenty years, such as the clash over humanistic values of 1993 onwards, the strife regarding the "kowtowing to the vulgar" a few years later and the furore surrounding pop nationalistic screeds like *China Through the Third Eye* and *China, Just Say No!* and *China Is Unhappy*. In the late 1990s, a number of factors had given a focus to the last major intellectual clash of the century while setting the scene for continued contestation in the new millennium: a previously buoyant economy coupled with a looming fiscal crisis and social upheavals; concerns about the agendas of the entrenched party bureaucrats and its big business allies; US hegemony and the impact of global capital; and the effects these were having on the population at large.[24]

The mainland characterization, or even assumed self-description, of the two major opposing groups of independent intellectuals that developed from the mid-1990s was that they consisted of neo-liberals and neo-leftists, or to follow Xu Jilin's early 1999 appellation of the latter group, the new left-wing.[25] The initial public conflict between these schools of thought was sparked by Wang Hui, the then editor of *Reading* who was also a prominent intellectual historian.[26] In a lengthy analysis of the post-Cultural Revolution Chinese intelligentsia and its relationship to the question of modernity published in late 1997, Wang interrogated the ability of contemporary mainland thinkers to respond to the complex issues related to China's modernization and involvement in the global economy.[27] A year later, he further challenged his fellows by issuing a theoretical discussion of scientism,

the accepted socio-political and historical paradigms of modernity, and the nation-state in twentieth-century Chinese intellectual history.[28] It was from the publication of Wang's 1997 essay in particular that the two polemical groupings developed contending public positions and thereafter engaged in a high-profile "confrontation of caricatures."

An extensive and widespread theoretical interest in liberalism had developed from the 1980s. This body of thought and theory was influenced by the introduction, or popularization, of the writings of a range of thinkers from John Locke and Jean Jacques Rousseau, to Karl Popper and F. A. von Hayek, as well as by the efforts of writers in Beijing, Shanghai and elsewhere to "unearth" and write about Chinese proponents of liberal thought from earlier in the century.[29] By the mid-1990s, there was, as Xu Jilin observed, a de facto "thorough-going victory of liberalism in the realm of popular ideas. The word 'liberalism' itself had achieved a cultural cachet previously enjoyed by such terms as democracy and science."[30] Writers of all backgrounds and persuasions, philosophers, historians, as well as literary critics, were gradually drawn in to considering the impact of these ideas and employing them, as well as other theoretical models, to come to terms with the vast changes China was experiencing.

Finding inspiration in particular in the neo-classical liberalism of von Hayek, thinkers and writers advocated the pursuit of an Enlightenment agenda: their concern was to see the project of modernization in China fulfill its promise to allow for independent thinking and democratic reform, as well as providing a legal framework for the protection of property rights and economic freedoms. As ideological policing waned for a time in 1997–98, writers in this camp gave voice to their opposition to the Communist Party and called for further market reforms. They talked directly of the need for a program of political change, along with democratic and legal reforms, that would bring the nation into line with what they identified as accepted international practice.[31] Such ideas continued to flourish in the new millennium, even as the Bush presidency did much to discredit the image of the US both as a democracy and as an international leader. With the 2008–9 Global Financial Crisis, the neo-liberal triumph of the West was brought into question, paradoxically along with the post-Enlightenment values that neo-liberalism had done so much to undermine.

Many thinkers entered the fray, and their writings covered a range of positions that reflected a spectrum of opinion that actually belied the overall impression that there was agreement even within these avowedly opposing groups. A number of observers remarked that they thought the controversy between neo-liberals and neo-leftists rather bizarre, given the fact that, as they put it: "In you there is a little bit of me, and in me there is a little bit of you" (*nizhong you wo, wozhong you ni*). Be that as it may, while the neo-liberals were more than willing to be identified as such, the neo-leftists generally shied away from the label of leftism; it was a reluctance influenced by the negative connotation that "the left" had acquired in China due to its

historical associations with the extremism of the Maoist past.[32] And here we should be mindful of the fact that all participants in Chinese intellectual debates were functioning in an environment that was both less ideologically confrontational (the authorities were generally reluctant to interfere directly, although this would change to an extent under Hu Jintao from 2002 on) and more commercially driven than ever before. In other words, well-articulated intellectual positions could accrue dividends in a range of ways within academia, the media and in terms of public exposure and intellectual profile.

The symbiotic relationship of dissenting individuals and groups could also be evaluated in terms of both group dynamics and long-term "outcomes" and credibility. A person's status and position during the next period of liberalization could be influenced if one did not perform in a manner acceptable to their intellectual-cultural peers during the previous phase of activism and repression. While we should be alert to the need to avoid assertions that there was some crude collective mentality at the heart of this performative activism, it would nonetheless be naive to ignore the realities of group dynamics when considering the style as well as the content of cultural and political apostasy.

The thinkers identified as the left-wing had first found their voice among overseas scholars and writers based in particular in the USA. Although they initially published their views in Hong Kong journals like *Twenty-first Century*, which was founded in 1990,[33] gradually they came to enjoy overt support among mainland-based writers. Their stance, one particularly informed by their position in US academia, provided "a vigorous critique of the liberal ideology of the West and a call to transcend socialism and capitalism by developing a strategy for 'systemic innovation' based on China's particular path of modernization."[34] Their credentials and post-colonial superiority did not impress everyone, however, and in 1995 the voluble philosopher Liu Dong dubbed their writings a product of a "pidgin academic style".[35] Others, like Gloria Davies, have cogently argued that a range of Western-originated theories were employed as "a theoretical template for freeing Chinese scholarship from Western intellectual hegemony."[36]

As they gradually formulated a general position in the Hong Kong and mainland media, and in sympathetic international academic journals, the "left-wing" writers were particularly attentive to what they saw as being the collaboration between the socialist state and international global capital (although they were not particularly self-reflexive about how they profited from this Faustian compact). Some of their number analyzed how intellectuals had been disarmed by their acceptance of an economic (and ideological) program that would not necessarily lead to a real social and market liberalization, or a democratization that could be enjoyed by all equally. They stressed that the reforms were fostering extreme inequalities, inequities both of class within China and in relation to international geopolitics in which the mainland would be dominated by overseas capital. They pointed to a new form of mass dictatorship by a cartel of international capital, the super-

rich oligarchy, or "monopoly elite" (*longduan jingying*) of China and party cronies. And they warned that the liberal intellectuals would, by default, provide a cultural and historical justification for the power holders as this process unfolded.

If the neo-liberals championed the middle class and the "level playing field" of the market, aiding (as their critics saw it) the interests of both domestic and international capital—and saw in the rise of the market the possibility for equitable modernization that would eventually benefit society as a whole—then the new left-wing was deeply skeptical about the democratizing benefits of market reforms. They increasingly took a position in defence of "mass participatory democracy" (*quanmian minzhu*), a vague formulation that notionally favored the exploited masses and the rapidly-growing underclass. As Cui Zhiyuan, an outspoken thinker of the "new left" then based at the Massachusetts Institute of Technology, put it, "The real struggle today is between reformers out for the people as a whole, and reformers out for themselves."[37] Some on the left stressed the need for a stronger state that could effectively limit inequities, prevent domination by foreign/private capital, and shore up national unity. According to the Tsinghua University historian Qin Hui, an active participant in the debates, the irony of the situation was that both sides in this rhetorical stand-off should have been able to find common cause in opposing extremist positions; that is to say, the liberals should have concentrated on opposing authoritarianism, while the left-wing "social democrats" should have been on guard against populism. Instead, they identified a common enemy in each other. But the issues involved in this intellectual jostling were rooted in a complex heritage of thinker as moral exemplar. Again, as Gloria Davies has noted,

> The polemicity of Chinese critical inquiry is indicative of the moral significance that Chinese intellectuals attach to the dissemination of beneficial ideas, and this moral significance is itself a centuries-old Confucian legacy that idealizes intellectual praxis as spiritual and political stewardship.[38]

Something that added an edge to these acrimonious debates was the crucial issue of perceived political impotence. Communist Party monopoly rule effectively deprived participants in the rancorous intellectual exchanges from utilizing any direct political or systemic mechanism through which they could implement their ideas beyond exercising a measure of influence on party leaders. For their part, the powerholders increasingly took up some of the ideas generated by left-leaning writers, in particular those related to the rural economy and social justice. Elements of these discussions were incorporated into the formal party platform in October 2007 and even feature the "concept of scientific development" (*kexue fazhanguan*) promoted during the Hu Jintao era.

The hegemony of the one-party state both frustrated the intelligentsia and at the same time afforded them an unprecedented freedom to debate the abstract issues central to twentieth-century Chinese intellectual life. The left-wing, while energetic in its critiques of liberalism and the market, remained unenthusiastic about joining forces or openly advocating any concrete political program or strategy to deal with what they perceived as being a continuing parlous situation. Certainly, some of their number advocated a reinvigorated central government and putting a brake on the market and foreign capital, while expanding the state's redistributive role. Similarly, the spectrum of liberal thinkers actively advocated change within the context of the existing political system—and their demands in this context were not that different from the protesters of 1989, or the small number of public dissidents during the 1990s[39]—but they shied away from direct political action or the forming of public lobby groups, let alone finding fellowship with the laboring masses, as so many left-leaning thinkers in the 1920s had done. When liberal thinkers made even the most modest attempts to unite in common cause, and for the common good, the results were dire. This was particularly evident in 2008 when the outspoken critic Liu Xiaobo and others organized a manifesto, Charter 08 (*Lingba xianzhang*), a petition signed by over 300 intellectuals and human rights activists to promote political reform and democratization. Some 70 signatories were questioned by the police, and Liu himself was detained and eventually arrested in June 2009 on "suspicion of inciting the subversion of state power."

Han Yuhai, a professor of literature at Peking University, became one of the most extreme public opponents of liberalism. His critiques were so splenetic that one was reminded of the "sulphorous stench" (*huoyaowei*) of Cultural Revolution-period denunciations. Han declared that the market liberals' support for social and political stability for the sake of economic development (and, theoretically, long-term societal transformation) was little more than a justification for market rapaciousness; it served to protect and further the interests of entrenched elites, mitigated against majority political participation and indeed frustrated attempts at bona fide democratization. In one particular screed entitled "Behind the 'liberal' pose," Han stated, "liberalism has enjoyed ascendancy because it proffers a theoretical framework that allows right-wing politics to overcome its legitimacy crisis."[40] Han insisted that the liberals were giving succour to the party-state and the status quo; stability was essential for economic prosperity, and the threat of a collapse in China was being used by *soi-disant* liberals as an argument against democratic rebellion, concerted and organized opposition, or radical resistance. In the new millennium, Han was one of those who argued in favor of reassessing the Maoist cultural purges of the early 1950s, calling for a rewriting history not from a liberal angle (as advocated by non-official historians like Dai Qing) but from the left.

Han Yuhai proclaimed the so-called liberal intelligentsia of China to be bankrupt; they had lost any claim to legitimacy themselves and a role in the

(presumably more democratic and egalitarian) future of the nation. But even for extremists like Han, not all liberalism was bad—even if, as a label, it was useful for tagging one's opponents and condemning them holus-bolus. In the same article Han referred positively to Isaiah Berlin, the political philosopher whose death in 1997 was widely commented on in China, and who was recalled as a "great herald of liberalism." Indeed, in Berlin's writings we find a clear articulation of the issues that hound Chinese intellectual debate,

> Both liberty and equality are among the primary goals pursued by human beings throughout many centuries; but total liberty for wolves is death to the lambs, total liberty of the powerful, the gifted, is not compatible with the rights to a decent existence of the weak and the less gifted. . . . Equality may demand the restraint of the liberty of those who wish to dominate; liberty—without some modicum of which there is not choice and therefore no possibility of remaining human as we understand the word—may have to be curtailed in order to make room for social welfare, to feed the hungry, to clothe the naked, to shelter the homeless, to leave room for the liberty of others, to allow justice or fairness to be exercised.[41]

Although both sides could quote Berlin at each other, the glaring disparity in the intellectual underpinnings of the groups made a dialogue between them problematic. The neo-liberals identified with the post-May Fourth tradition of cultural renewal in China and basically accepted celebratory views of the Western Enlightenment and late-twentieth century Euro-American market democracy. For their part, the neo-leftists generally drew on post-modernist, post-colonial and neo-Marxist theories, as well as on more conventional Marxism-Leninism and Mao Thought.

Critics like Xu Jilin were intent on maintaining independence from these two, notionally opposed, polemical camps. In 1989, Xu had written an essay on the "vicious cycle of the May Fourth movement" in which he reviewed the history of the first decade of the reform era and expressed concern that the nation was entering another period similar to that of the May Fourth when the opposing forces of iconoclasm and conservatism had led to bitter intellectual and cultural infighting. The strife of the 1920s had become endemic to public debates thereafter, and politicized academic life in China for decades.[42] Writing again in 1998, this time in retrospect over the intellectual history of the past twenty years, Xu concluded,

> A unified intellectual sphere in which people can engage in profitable dialogue no longer exists. The consensus of the New Enlightenment [of the 1980s] has collapsed, very much in the way that it did during the original May Fourth movement. Does this mean we are to experience some inescapable historical destiny?[43]

Although I would be tempted to question whether such a consensus ever really existed,[44] a nightmarish vision that predicted that the present would disappear in such a circular motion up itself made for an appealing cultural trope. Confrontations could aid and abet ideological opponents in a media environment still circumscribed by the Communist Party. Indeed, the public clash of competing views tended to enhance extreme positions and led to "a certain idiom of outrage and vituperation that belongs to the levels of escalation at which debate is no longer possible."[45] During the late-1990s, each side became more extreme in its critique of the other; where a middle ground existed it was often undermined by rhetorical overkill. Both sides felt that their opponents were conspiring (*hemou*) with the authorities. Thus, "leftists" were identified as being part of the party–state status quo; while "rightists" were seen as serving the interests of international capital and new commercial elites within China.

In early-1999, a number of non-aligned Shanghai-based scholars including Xu Jilin gathered to discuss the contest between the new left and the new right. Xu in particular pointed out that there were traditional intellectual resources, a lineage of liberalism that dated back to the 1920s that could perhaps help foster a new environment for rational disputation.[46] What was required was, and here Xu referred to the political philosopher John Rawls, an "overlapping consensus," that is to say, an "overlapping consensus of reasonable comprehensive doctrines."[47]

Just where that consensus could be found could not easily be articulated in public. As Joseph Brodsky observed in an open letter to the former Czech dissident Václav Havel shortly after the latter's rise to political power in the early 1990s, "in the police state absolutes compromise each other since they engender each other." For one point of commonality among the disputants described above appeared to be a shared opposition to the one-party state as it was presently constituted. And although writers would meditate in their long analyses on the multifarious crises facing China, direct confrontation with the authorities was still limited to a relatively small, and at times highly public and vocal, coalition of dissidents, people of conscience and professionals (their number increased in the 2000s). Again, as Brodsky noted about dissidents in socialist Czechoslovakia, overt opponents to the powers-that-be were often a "convenient example of the wrong deportment and thus a source of considerable moral comfort, the way the sick are for the healthy majority."[48] Their existence cautioned others not to catch cold. In the left-wing stance, however, there was also an explicit critique of the monism of globalization and liberalism current in China from the early 1990s. It was a critique that went back to the origins of the 1970s reform policy itself when the incipient economic policies were justified not only as a necessity, but as part of a continued effort to link the nation with the grand trends of market-oriented developmentalism. The 1990s left-wing questioned the new holism, the view that there was one program or rationale that

promised through its realization the resolution of the myriad of problems of contemporary life—political, social, cultural and economic. Thus the loose collective of Chinese left-wing thinkers came to articulate an opposition to democratic capitalism and the ideology of a universal civilization that John Gray identified as the 'last false Utopia of the twentieth-century': globalization.[49]

But to accept at face value the wholesale (perhaps even ritualistic) condemnation of liberals by writers like Han Yuhai is easily misleading. Liu Junning, for example, was a prominent Beijing-based advocate of liberalism and the editor of the main liberal journal, *Res Publica* (Liu subsequently lost his job and traveled to the USA for an extended period of "research" as an independent scholar). In his editorial introduction to a collection of essays on pre-1949 liberalism and the history of Peking University published at the time of the school's centenary in 1998, Liu noted that, although the Chinese intelligentsia had been captivated by holistic projects from the 1920s, when it came to the economic realities of their own environment they were often at a complete loss. Throughout the century they shared a skepticism regarding the role of free markets and the need for the growth of a strong middle-class. For them "the allure of totalitarian patterns of thought was paramount." Liu argued that although the intelligentsia had at times shown itself to be passionately interested in cultural liberalism and a measure of political freedom, in regard to socio-economic realities the disparate members of the nation's liberal thinkers had always "been basically out of touch with their environment. They have never really been part of the normal Chinese community, rather they have been sequestered in an ivory tower."[50]

Intellectuals debating these issues in the pages of learned journals, often employing the guarded language required by an environment of official censorship, was one thing. But change would not necessarily come from the refined "wonking" of the chattering classes or *trahison des clercs*. Dissidents felt that only popular agitation would allow disparate social forces to have a say in the direction and protection of their own lives, as well as in national politics. [See Chapter 1 by Minxin Pei.] Other nonaligned intellectuals, professionals (in particular lawyers) and social activists attempted in a myriad of ways—through private, small-scale charity projects, covert foundation activities, legal cases, and so on—to engage actively in civic actions that would benefit their fellows. In the Hu-Wen "harmonious society" they were identified and sequestered or silenced by means of various state sanctions, or just by sheer brute intimidation. However, for those imbued with the ideologies of national salvation and participation, to be materially well-off but politically dispossessed, a member of the underclass or itinerant labor force, or being engaged but compromised within a system that would allow the acquisition of capital but maintained electoral disenfranchisement and political impotence, was deeply frustrating. The hope, follies and failure of 1989 and the quest for systemic change and political reform that was central

to the concerns of thinkers, cultural activists, progressive politicians and people of conscience at the time remained issues central to the political agenda twenty years on. Enforced political impuissance and the internecine warfare obsessed the intelligentsia, and for moderate thinkers like Xu Jilin and his fellows, it was increasingly evident that when major changes did come the niceties of political discussion could once more be overridden by restive mass sentiment. This was something made evident during the powerful, and vitriolic, extrusions of "mainstream opinion" (*zhuliu minyi*) in relation to the Tibetan rebellion, the Western media reporting on China and the Xinjiang upheaval in 2008–9.

At the advent of the new millennium, as the Communist Party held its Sixteenth Congress in late 2002, here was the dilemma that the intelligentsia and cultural activists would continue to face: Was the role of the independent critic or feisty artist enough to satisfy participants in the bitter debates about the state of the nation and its future? Was the twentieth-century tradition of political agitation to remain obscured by the Communist Party's purges of the early-1950s, the repression of the Hundred Flowers, the "mass democracy" of the Cultural Revolution, the crushing of the Democracy Wall dissidents, and the purges of the 1980s, as well as the bloodshed of 1989, and the quelling of dissidents in the late 1990s? Would elite intellectuals who proffered analyses of the nation's woes find fellowship with dissidents who were willing to confront the government, or workers and peasants whose outrage at exploitation led them to rebel? Or was the reconstitution of the intellectuals' mission something that encouraged circumspection and inactivity? Did international cachet count more for local street-cred? This "cult of transgression without risk"[51] found adherents at all points of the political spectrum, while a cult that did not really transgress, like that of the Buddho-Daoist Falun Gong meditation sect that was outlawed in mid-1999, ironically posed risks for its adherents, and was celebrated by many internationally as a misunderstood force for good. While Falun Dafa's pastiche of religious practice appealed to some, others cleaved to an electronic *deus ex machina*. [See Chapter 9 by Patricia Thornton.]

The year 2009 was one of weighty remembrance in China. The major party–state anniversary of October 1 marked the sixtieth year since the founding of the People's Republic of China. Earlier in the year May 4 marked the ninetieth anniversary of a student protest movement that is a symbol of national awakening, as well as of democratic aspiration. During 2009, such significant anniversaries were commemorated with due pomp and circumstance in the official media and dissected at length by learned gatherings. Others—those events best thought of as "dark anniversaries"—passed by in an atmosphere of heightened alertness, security crackdowns and official anxiety. These dark anniversaries are the silent markers of quelled protests, social unrest and state violence: events like those of 1959 in Lhasa, the closing down of the Xidan Democracy Wall in 1979, the tragedy of 1989

and the religious repression of 1999. They all offer other stories, and a contentious heritage, that continue to play a role in the unsteady growth of the strong unitary modern state.

These years and the days within them offer a penumbra of history; they stand in shaded contrast to the vaunted moments of commemoration, those anniversaries which bask in the merciless glare of publicity and enjoy official largesse. Although formally ignored, or recalled only in verse, dark anniversaries cast a gloomy shadow over the orchestrated *son et lumière* of state occasions. The *Doppelgängers* of these dead anniversaries haunt the living.[52]

Xu Zhiyuan, a prominent young Beijing-based journalist and blogger, commented in the lead up to May 4 2009 on the abiding relevance of the May Fourth era of the early Republic (1917–27) to the politics and society of China today:

> A year ago I happened to read an article by Chen Duxiu entitled "Patriotism and Self-awareness". It was written in November 1914 on the eve of Yuan Shikai's attempted restoration [of the monarchy]. It was a period of extreme intellectual confusion in China. The 1911 Xinhai Revolution and the hope ushered in by the promise of republican form of government had ended in a mood of profound despair. . . . Many people found themselves at a complete loss. Meanwhile, the foreign powers were pressing on China while Europe itself became embroiled in the First World War giving an opening for Japan to advance its own agenda. All of this fostered a rising tide of patriotism.
>
> It was at such a juncture that Chen Duxiu confronted the issue of the relationship between the individual and the nation-state. He was of the view that the individual should not be swept up blindly in the wave of patriotism, or allow themselves to be subsumed by the nation. He believed that everyone needed to make a rational determination as to whether the nation was working to safeguard the individual. Only a country that focused on the weal of its citizens was worthy of the individual's love and support.
>
> I read Chen Duxiu's essay at a time when "patriotism" (*aiguo*) was fashionable once more [in the 2008 build-up to the Olympics], a time when young people were adding a red heart to their MSN messenger tags and were in a frenzy denouncing Carrefour [the French department store chain]. . . . Once more the individual was subsumed into the collective; but this patriotism was itself evacuated of content, it became little more than a form of sloganizing emotionalism.
>
> Thereafter, I read Hu Shi, Lu Xun and Cai Yuanpei. I was amazed that essays written ninety years ago read as though they were about China today. The individual and society, the individual and the nation, the attitude to the outside world, the shortcomings of the national character, the issue of the tradition, individual liberation, the aims of education.

> . . . These are all topics that they discussed widely. The new vernacular form of Chinese was still not a particularly mature written language, and the people who lived between the old world of tradition and the new world used a language replete in classicisms. The resulting style was often repetitive, prolix, scatty and simplistic. Nonetheless, reading these authors today one is often astonished by their insight.[53]

In particular, Xu was thinking of the baleful profile and influence of the *aiguozei* ("nationalist scum")—the vociferous patriots inhabiting the net.

For some—both in China and internationally—it has been an article of faith that the growth of a Sinophone intellectual and information-oriented web-culture from the 1990s would herald the transformation of cultural protocols and even political possibility in the Chinese world. Certainly, it has allowed new outlets of younger thoughtful writers like Xu Zhiyuan. Moreover, webzine editors, writers, activists and default-censors include some of the most prominent established "independent" and "critical intellectuals" active since the 1980s. Many participate in the web-culture that they also critique and play a key role in mediating and shaping. Some have extended into cyberspace an intellectual stance and self-imposed role that has evolved in the complex arena of "reformist-era" media (publishing, editing and writing, in particular, in the 1990s).[54] Many of its producers are guided by the notion that using cyberspace to discuss problems and issues in Chinese intellectual praxis will nurture a virtual civil society into being, one that they assume will see enlightened public opinion winning out in the end over ill-informed ideas and misconceptions essayed both by the official media and populist discourse in China. That this parallels a cluster of views within international cyber-discussion which sees the net as creating an open community of netizens who will obviate socio-political and historical boundaries is, perhaps, no coincidence. It goes without saying that this notion is akin to a guiding principle to which most producers of cyber-texts subscribe, wherever they are physically located and whichever language they use.

An unprecedented openness and frankness seems to be apparent when one surveys the debates generated on the plethora of Chinese websites. In the years when web-debate has flourished (roughly from 1999), a glut of electronic text has appeared on diverse topics like the Cheung Kong *Reading* Awards of 2000, intellectual plagiarism, the awarding of the Nobel Literature Prize to the French-based writer Gao Xingjian, September 11, the China tours of Jacques Derrida and Jürgen Habermas, to name but a few of these topics. The discussions that have taken place around such current affairs issues and prominent intellectual tourists are textually uneven. Some authors publish under their own names while others assume pseudonyms, or both; some provide essay-length accounts, others script paragraph-length critiques, while some others contribute no more than a sentence or two, or lend support to or show disapproval of any one declared position through an appropriately worded subject heading. The unsolicited text-bite, as opposed to the media-

massaged sound-bites generated by ordained experts, gives a currency to the kind of utterances previously sequestered in narrow specialist cultural journals while making public the private discussions of the culturally concerned.

In engaging with this new technologically enabled and enhanced mode of discourse, it is arguable that the mode of production (that is, cyberspace publishing via internet technology) can and does determine (although one must also be wary of technological determinism) the contents of the resulting discourse significantly more than print technology did for what we now regard as conventional print texts. The speed at which an electronic text can be composed and posted to draw almost immediate responses, composed and published in like manner in mere minutes, appears at first glance to alter in a radical way the nature and function of discourse as it has operated within a conventional print medium. The proliferation of critical themes and targets in supra-border Chinese intellectual cyberspace offers its readers, among other things, the novel experience of observing and participating in spectacles of disagreement that reflect existing rivalries between individuals and intellectual "factions" and in the range of current opinions circulating in Chinese intellectual cultural circles. The speed of exchange and the opportunities for participation, or at least mud-raking and flaming, with sometimes only the limited filtering of messages make internet acrimony more immediate and incendiary than print exchanges.[55] There is a crucial difference between the economies that govern the production of conventional print and electronic publications, and the regulative controls to which these are subjected by publishers, the media authorities and the marketplace.

Newspaper and journal editorial boards deliberate on what is suitable for publication, mindful of the often vague but sometimes quite pointed and specific guidelines that issue through the party–state chain of command, and what "sells" (or in the case of academic journals, what is "relevant" to the field's concerns, or indeed what can create a potentially rich new sub-area of inquiry) within the physical limits imposed by available page space, in accordance with publication deadlines and printing schedules that can be met only through reliance on a sizeable number of support staff. The webmaster, web editorial team or list owner, however, skims through postings, forced by the sheer quantities and types of responses received to reach quick decisions on what to post. In the context of cyberspace "freedom" from the spatial constraints of the printed page, electronic textual arbiters would seem to be generally inclined towards favoring an inclusiveness as comprehensive as their websites are able to accommodate, while observing rudimentary protocols of discursive interaction derived from existing conventions that guide embodied exchanges in the seminar room or textual encounters in the pages of journals and newspapers.

But does the greatly accelerated rate of publication and access, increased space for plural commentaries and the transformed nature of what can be acknowledged as intellectual or critical discourse lead, as it were, *naturally*, to the emergence of an unprecedented degree of intellectual freedom and

greater accountability? Increased access to textual production and consumption and a seemingly inexhaustible wealth of electronic publications on manifold themes and topics, might end up doing little more than shift existing modes of intellectual discourse and well-established structures of intellectual authority into a new virtual realm of expanded combative interaction of a kind that first found market validity in the humanism debate of the mid-1990s.

For the China academic (that is, the ethnic or non-ethnic scholar of Chinese studies), on the net there is a virtual assemblage akin to all-that-can-be-said on a given topic of interest displayed as a long list of subject headings that tempt, along with those filed under the hot-buttons "next" and "previous", with the seductive promise of new important "findings" only a cursor click away, supposedly providing immediate full-immersion into "Chinese" opinion on a given topic or controversy. Prominent academic careers are being forged on the basis of interpretive mastery of issues debated on Chinese web forums. A new research industry unfolds (in China and abroad), one that harnesses techniques of empirical scholarship and textual analysis to the enterprise of charting an emergent virtual Chinese "public sphere" whose perceived salient features could be variously represented, distilled as these are from the ongoing accrual of textual riches deposited at different sites, providing a republic of opinion in the guise of equal and equitable exchange with which to gauge the state of "Chineseness", or at least to plumb the depths of concern and interest of the Chinese "internal audience" of intellectual practitioners, at any given moment. For the Chinese cybertext reader and producer, this particular form of low-risk but circumvented public participation in debates that were hitherto largely the exclusive province of select groups of elite intellectuals is tempered by considerations of the consequences that attend such participation. And here we return to the circularity of notional resistance: if the market place of ideas is a bazaar for intellectual haggling where the rate of exchange depends on notoriety or recognition-value, is "resistance" a performative act for the sake of other audience-participants? Long ago the proto-intellectual of twentieth century China, Mao Zedong, had seen that determined acts of opposition required people to "get organized." In the twenty-first century who is getting organized, and for what end? From the Olympic era, resisting "the West" has gained a new cachet, and in part it is the fruit of the carefully inculcated patriotism that the party–state began investing in following the tragedy of 1989.

In his 1991 manifesto, "A Stance of Rejection", Zhou Lunyou had advocated cultural disengagement and disobedience. In the years since, market reforms as well as expanding areas of civil debate and social agitation have blurred the simple cultural antagonisms of the past. By 2009, the romance of resistance had taken on a new mien. As a result of foreign recognition, largesse and state tolerance the avowedly avant-garde culture of the 1980s and early '90s had been increasingly domesticated (and through state-supported "cultural creativity zones" turned into a tourist attraction). In the terms of the revolution of resistance outspoken members of the intelligentsia found themselves

variously on the defensive and on the offensive, participants in and opponents to the reforms that had given them a new lease on life, as well as a profile and income that none could have previously imagined. In the first decade of the new millennium an economically strong and politically stable People's Republic of China stoked the resistance of those who would now rather speak out against the Old World Order rather than challenge the harmonious society that promised prosperity for the mere price of complicity.

Notes

* During the research I did for this chapter, I profited from discussions with the following individuals in Shanghai and Beijing: Chris Buckley, He Ping, Li Shulei, Liang Xiaoyan, Liu Naiyuan, Liu Qing, Lu Yuegang, Tang Xiaodu, Wang Dingding, Wang Hui, Wang Xiaoming, Xu Jilin, Yan Bofei and Zang Di. My thanks also to the editors of this volume for their numerous useful suggestions on the earlier versions of this chapter, as well as to Chris Buckley for his incisive and acerbic comments. The material that deals with Sino-cyberculture are based on material from a paper that I co-authored with Gloria Davies entitled 'Have We Been Noticed Yet—Intellectual Contestation and the Chinese Web', subsequently included in Edward X. Gu and Merle Goldman, eds, *Chinese Intellectuals Between State and Market*, London: RoutledgeCurzon, 2004, pp. 75–108.

1 Lu Xun, 'Xiao zagan', *Eryiji*, collected in *Lu Xun quanji*, Beijing, Renmin wenxue chubanshe, 1981, vol. 3, p. 532. From the translation by Simon Leys in his *The Burning Forest: Essays on Chinese Culture and Politics*, New York, Holt, Rinehart and Winston, 1985, p. 222. The first part of the quotation is:

> Revolution, counterrevolution, nonrevolution.
> Revolutionaries are massacred by counterrevolutionaries.
>
> Counterrevolutionaries are massacred by revolutionaries. Nonrevolutionaries are sometimes taken for revolutionaries, and then they are massacred by counter-revolutionaries, or again they are taken for counterrevolutionaries, and then they are massacred by revolutionaries. Sometimes, also, they are not taken for anything in particular, but they are still massacred by revolutionaries and by counter-revolutionaries.

2 Quoted in Geremie R. Barmé, *In the Red, on Contemporary Chinese Culture*, New York, Columbia University Press, 1999, p. 37. For more on the 'Not-not' poets, see G. Barmé and John Minford, eds, *Seeds of Fire: Chinese Voices of Conscience*, New York, Hill & Wang, 1988, 2nd ed., pp. 405–6; and 'Feifei zhuyi zhuanji' in *Jintian*, 1998: 3, no. 42, pp. 55–96.

3 This is W.J.F. Jenner's gloss on the term 'transgressive'.

4 For details of what I call the 'dark and light anniversaries' of 2009, see *China Heritage Quarterly* (www.chinaheritagequarterly.org), Issues 17 and 18, March and June 2009 respectively.

5 After 1989, a number of dispirited cultural activists turned to money-making in the south. It was a trend obvious in intellectual discourse from around 1992, at first particularly in Shanghai where a number of intellectuals began playing the stock market and speculated on the real estate boom.

6 Evinced in the new Mao cult, revolutionary *karaoke* numbers, popular interest in pre-1966 feature films, and so on.

7 Michael Dutton, *Streetlife China*, New York, Cambridge University Press, 1998, p. 282.

8 Ibid.

9 That is, ideocrats who supported elements of traditional Marxist-Leninist-Maoist theory, although few of the public, or internal, pronouncements by these figures was 'Maoist' in the pre-1976 or high-Cultural Revolution sense of the word.

10 Xu Jilin, 'Qimengde mingyun—ershi nianlaide Zhongguo sixiangjie', *Ershiyi shiji*, 1998: 12, no. 50, pp. 4–13, at p. 5; translated by Barmé with Gloria Davies as 'The Fate of an Enlightenment—Twenty Years in the Chinese Intellectual Sphere (1978–98)', *East Asian History*, vol. 20 (December 2000). For a detailed study of the 1980s' cultural foment, see Chen Fong-ching and Jin Guantao, *From Youthful Manuscripts to River Elegy: The Chinese Popular Cultural Movement and Political Transformation 1979–1989*, Hong Kong, Chinese University Press, 1997.

11 For an overview of responses to the intellectual and cultural ructions of the late 1980s, see *On The Eve: China Symposium '89, Bolinas, California, 27–29 April, 1989*, edited and annotated by Barmé, 1996 cyberpublication, at: www.tsquare.tv/film/Bolinas1.html.

12 Xu Jilin, op. cit., p. 6.

13 See Gloria Davies, Geremie R. Barmé and Timothy Cheek, 'Chinese Visions: A Provocation', in *China Heritage Quarterly*, Issue 16 (December 2008), at: http://www.chinaheritagequarterly.org/scholarship.php?searchterm=016_provocation.inc&issue=016.

14 Two leading oppositionist journals were *The Pursuit of Truth* (Zhenlide zhuiqiu) and *Currents in Contemporary Thought* (Dangdai sichao).

15 From the interview 'The Non-dissident', in Sang Ye, *China Candid: The People on the People's Republic*, Berkeley, University of California Press, 2006.

16 Zhang Chengzhi, *Wuyuande sixiang*, edited by Xiao Xialin, Beijing, Huayi chubanshe, 1995, pp. 24–25, quoted in Barmé, *In the Red*, p. 308. Samuel P. Huntington's *The Clash of Civilizations and the Remaking of World Order*, New York, Simon & Schuster, 1996, had and continues to have an inordinate impact in China.

17 See my 'Torching the Relay' posted by *China Beat* on 4 May 2008, at: http://thechinabeat.blogspot.com/2008/05/torching-relay.html.

18 Wang Xiaobo, 'Zhishifenzide buxing', in his *Wode jingshen jiayuan: Wang Xiaobo zawen zixuan ji*, Beijing, Wenhua yishu chubanshe, 1997, p. 18; and 'Zhongguo zhishifenzi yu zhonggu yifeng', in his *Siweide lequ*, Taiyuan, Beiyue wenyi chubanshe, 1996, p. 21 respectively.

19 An example of this kind of work was the journalist Lu Yuegang's work on the state-induced famine in Fenghuo Village, Shaanxi Province. See Lu, *Daguo guamin*, Beijing, Zhongguo dianying chubanshe, 1998. More recent is the work of the journalist and historian Dai Qing on the fate of the public intellectual and philosopher Zhang Dongsun at the hands of Mao and his colleagues. See, for example, the 68th Morrison Lecture, '1948: How Peaceful was the Liberation of Beiping?', *China Heritage Quarterly*, Issue 14 (June 2008), online at: http://www.chinaheritagequarterly.org/features.php?searchterm = 014_daiqing.inc&issue = 014.

20 P.J. O'Rourke, 'How to have the worst of both worlds: Shanghai', in his *Eat the Rich: a Treatise on Economics*, New York, Atlantic Monthly Press, 1998, pp. 220–21. For a discussion of the impact of another US food giant, Ronald McDonald, in the north, see Yan Yunxiang, 'McDonald's in Beijing; The Localization of Americana', in James L. Watson, ed., *Golden Arches East: McDonald's in East Asia*, Stanford, California, Stanford University Press, 1997, pp. 39–76.

21 Meng Meng, ed., *1999 dubai (juan yi)*, Shanghai, Shanghai yuandong chubanshe, 1998, pp. 57–58.

22 See Joel Martinsen, 'When China learned to say no', in *Danwei*, 21 April 2008, at: http://www.danwei.org/nationalism/godfathers_of_todays_angry_you.php.

23 Xu Jilin, 'Qimengde mingyun', p. 11.

24 For an articulate presentation of these issues by well-informed mainland analysts, see Zhongguo zhanlüe yu guanli yanjiuhui shehui jiegou zhuanxing keti zu, 'Zhongguo shehui jiegou zhuanxingde zhongjinqi qushi yu yinhuan', *Zhanlüe yu guanli*, 1998: 5, pp. 1–17; Yang Fan, 'Zhongguo jingji mianlinde weiji yu fanweiji duice', *Zhanlüe yu guanli*, 1998: 5, pp. 18–27; and He Qinglian, *Xiandaihuede xianjing—dangdai Zhongguode jingji shehui wenti*, Beijing: *Jinri Zhongguo* chubanshe, 1998.

25 The terms in Chinese are *ziyouzhuyipai*, *xinzuopai* and *xinzuoyi* respectively.

26 *Dushu*, produced by Sanlian Publishing in Beijing, was founded by Fan Yong in the late 1970s and, for twenty years, was a leading forum for public intellectual discussion. Wang Hui's eventual removal from the editorship in July 2007 became in its own right a *cause célèbre*.

27 Wang Hui, 'Dangdai Zhongguode sixiang zhuangkuang yu xiandaixing wenti', *Tianya*, 1997: 5, pp. 133–50; translated by Rebecca E. Karl as 'Contemporary Chinese Thought and the Question of Modernity', in *Social Text* 55, Vol. 16, No. 2, Summer 1998, pp. 9–44.

28 Wang Hui, 'Kexuezhuyi yu shehui lilunde jige wenti', *Tianya*, 1998: 6, pp. 132–60.

29 During the 1980s, prominent works on this subject were translated from English, and writers like the journalist Dai Qing and Xu Jilin, among others, began introducing the reading public to the variety of liberal thought and leading pre-1949 liberal activists.

30 Ibid. Xu identifies the idolization of the Cultural Revolution-period writings of Gu Zhun (both essays and diaries, for reactions to Gu Zhun's posthumous literary debut, see Ding Dong and Chen Minzhi, eds, *Gu Zhun xunsi lu*, Beijing, Zuojia chubanshe, 1998) and the best-seller status of the 1997 translations of von Hayek's *The Road to Serfdom* and *The Constitution of Liberty*, as well as the influence of *Res Publica* (Gonggong luncong), a journal edited by Liu Junning, as aiding the theoretical and public rise of liberalist thinking in China.

31 See, in particular, the introductory essays of Li Shenzhi and Liu Junning in Liu Junning, ed., *Ziyouzhuyide xiansheng: Beida chuantong yu jindai Zhongguo*, Beijing, Zhongguo renshi chubanshe, 1998, pp. 1–5; and the essays by a range of prominent thinkers in Dong Yuyu and Shi Binhai, eds, *Zhengzhi Zhongguo: mianxiang xintizhi xuanzede shidai*, Beijing, *Jinri Zhongguo* chubanshe, 1998.

32 Xu, op. cit., p. 13, note 14. See also Ren Jiantao, 'Jiedu "xin zuopai"', *Tianya*, 1999: 1, pp. 35–46.

33 Based at The Institute of Chinese Studies, The Chinese University of Hong Kong, *Twenty-first Century* was edited by Liu Qingfeng and Jin Guantao. Throughout the decade this journal, which was increasingly available on the mainland, was one of the major forums for intellectual and cultural debate in the Chinese-reading world.

34 Xu Jilin, op. cit., p. 11. These writers included, in particular, Gan Yang, Cui Zhiyuan, Sheng Hong, Wang Shaoguang and Hu Angang. For details of their early writings, see Xu, op. cit., p. 13, n. 15. See also Xudong Zhang's introduction to 'Intellectual Politics in Post-Tiananmen China', in *Social Text* 55, op.cit., pp. 1–8.

35 *yangjingbang xuefeng*. See Liu Dong, 'Jingti renweide "yang jingbang xuefeng"', *Ershiyi shiji*, 1995: 12, pp. 4–13, and a response from Gan Yang, 'Shei shi Zhongguo yanjiuzhongde "women"?', *Ershiyi shiji*, 1995: 12, pp. 21–25.

36 Gloria Davies, *Worrying About China: The Language of Chinese Critical Inquiry*, Cambridge, Ma.: Harvard University Press, 2007, p. 94.

37 Quoted in Erik Eckholm, 'Detour on Capitalist Road: Die-Hard Maoist Collective', *The New York Times*, 7 January 1999.

38 Davies, *Worrying About China*, p. 102.

39 For a range of the opinions regarding media freedom, as well as legal and democratic reform, see the 1998 volume of essays by leading liberal thinkers edited by Dong Yuyu and Shi Binhai, *Zhongguo zhengzhi*, op. cit.

40 Han Yuhai, 'Zai "Ziyouzhuyi" zitaide beihou', *Tianya*, 1998: 5, p. 17.

41 Isaiah Berlin, 'The Pursuit of the Ideal', in his *The Crooked Timber of Humanity: Chapters in the History of Ideas*, ed. Henry Hardy, London, Fontana Press, 1990, pp. 12–13. See also David Kelly, 'The Chinese Search for Freedom as a Universal Value' in *Asian Freedoms: The Idea of Freedom in East and Southeast Asia*, edited by David Kelly and Anthony Reid, New York, Cambridge University Press, 1998, pp. 99–114.

42 See Xu's comments as translated in Geremie Barmé and Linda Jaivin, eds, *New Ghosts, Old Dreams: China's Rebel Voices*, New York, Times Books, 1992, pp. 345–50.

43 Xu Jilin, op. cit., p. 12.

44 In regard to the 1980s, for example, one thinks of the overlapping but often antagonistic agendas of various intellectuals and cultural figures. There were also those dissidents, old and young, who rejected the elitist consensus entirely.

45 J.M. Coetzee, *Giving Offense, Essays on Censorship*, Chicago, University of Chicago Press, 1996, p. 134.

46 See, for example, Xu Jilin, 'Shehui minzhuzhuyide lishi yichan—xiandai Zhongguo ziyouzhuyide huigu', *Kaifang shidai*, 1998: 4, pp. 13–20; and Jerome B. Grieder, *Hu Shih and the Chinese Renaissance: Liberalism in the Revolution, 1917–1937*, Cambridge, Ma., Harvard University Press, 1970; and, Barmé, 'Time's Arrows: Imaginative Pasts and Nostalgic Futures', in Gloria Davies, ed., *Voicing Concerns: Contemporary Chinese Critical Inquiry*, Boulder, Rowman & Littlefield, 2001, pp. 226–57.

47 John Rawls, *Political Liberalism*, New York, Columbia University Press, 1993, p. 43. See also, pp. 140, 144ff. The Qinghua University historian Qin Hui was, in particular, an advocate of such an 'overlapping consensus'. For a further discussion of this and related issues, see 'In Search of a "Third Way": A Conversation Regarding "Liberalism" and the "New Left Wing" by Xu Jilin, Liu Qing, Luo Gang, and Xue Yi', translated by Barmé in Davies, *Voicing Concerns*, pp.199–226.

48 Joseph Brodsky, 'Letter to a President', written as a response to a speech by Václav Havel published in *The New York Review of Books*, 27 May 1993. For these quotes, see Brodsky, *On Grief and Reason: Essays*, London, Hamish Hamilton, 1996, pp. 215 and 214 respectively.

49 John Gray, *False Dawn: The Dilemmas of Global Capitalism*, London, Granta Books, 1998, pp. 3 and 191 respectively.

50 Liu Junning, 'Beida chuantong yu jinxiandai Zhongguode ziyouzhuyi', editor's preface to *Beida chuantong yu jindai Zhongguo*, p. 9.

51 This formulation comes from Pierre Bourdieu. See his *Acts of Resistance: Against the Tyranny of the Market*, New York: The New Press, 1998, p. 12.

52 From my 'Anniversaries in the light, and in the dark', Editorial, *China Heritage Quarterly*, Issue 17 (March 2009), at: http://www.chinaheritagequarterly.org/editorial.php?issue = 017.

53 Quoted in 'Living the Heritage', Editorial, *China Heritage Quarterly*, Issue 18 (June 2009), at: http://www.chinaheritagequarterly.org/editorial.php?issue = 018.

54 For more on this environment, see Barmé, *In the Red*, pp.46–48, and Davies, *Voicing Concerns*, pp.18–21.

55 This kind of rapid-fire exchange was, as Gloria Davies and I argue in 'Have We Been Noticed Yet', presaged in the big-character poster wars of the early Cultural Revolution period.

Suggested reading

Barmé, Geremie R. *In the Red, on contemporary Chinese culture*, New York: Columbia University Press, 1999.

'I'm so ronree', revised review-essay for *Was Mao Really a Monster?*

The Academic Response to Chang and Halliday's "Mao: The Unknown Story", edited by Gregor Benton, Lin Chun, London: Routledge, 2009.

Davies, Gloria, *Worrying About China*, Cambridge, Ma.: Harvard University Press, 2007.

Davies, Gloria, Geremie R. Barmé and Timothy Cheek, 'Chinese Visions: A Provocation', in *China Heritage Quarterly*, Issue 16 (December 2008), at: www.chinaheritagequarterly.org.

Xu, Jilin, Historical Memories of May Fourth: Patriotism, but of what kind?, translated by Duncan Campbell, *China Heritage Quarterly*, Issue 17 (March 2009) at: http://www.chinaheritagequarterly.org/features.php?searchterm=017_mayfourth memories.inc&issue=017.

'The Heritage of Commemoration', parts I & II in Issues 17 & 18 (March & September 2009) of *The China Heritage Quarterly*, www.chinaheritagequarterly.org.

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