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Driven to Protest: China’s Rural Unrest

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Today the Chinese countryside has become noticeably less stable. One indicator is that the number of “collective incidents”—a euphemism for popular protests—has jumped tenfold in the past dozen years, from 8,706 in 1993 to 87,000 in 2005, with about 40 percent occurring in the countryside. The number of people involved in such incidents also grew at a similar pace, from about 700,000 in 1993 to as many as 5 million in 2005. At the same time, large protests and the crackdowns that often ensue have become much more violent. Recent bloodshed in Guangdong and Hebei over insufficient compensation for valuable farmland is only the tip of an iceberg. Although no national data on casualties are available, scholarly research suggests a grim picture. In 2004, for instance, a research team at the Chinese Academy of Social Sciences found that hundreds of farmers were injured, 3 killed, and over 160 arrested in 87 clashes that year between farmers and police over land appropriation.

Political unrest in some parts of the countryside is no longer a distant danger, though few would argue that a political crisis is imminent. Chinese authorities, who almost always downplay political challenges, publicly admit that popular protests have become a major destabilizing factor. In 2004, the minister of public security acknowledged that “collective incidents” had become a prominent problem that threatened social stability. And just last year Prime Minister Wen Jiabao sternly warned local officials to avoid “historic blunders” when dealing with compensation for land seizures, hinting that such mistakes could drive peasants toward rebellion.

Research by the Chinese Academy of Social Sciences shows that land expropriation is now the most volatile issue in the countryside, particularly in coastal areas. Other issues near the top of the list

of villager grievances are rampant cadre corruption, rigged village elections, government violence against protesting villagers, and, until recently, thanks to the gradual abolition of agricultural taxes that began in 2004, excessive local taxation and the use of violence to collect taxes and fees. A 2003–2005 survey by this author of 1,314 rural petitioners from 28 Chinese provinces confirmed the wide range of peasant discontent, also noting grievances such as pollution of farmland and drinking water, illegal mining, and vote buying by the newly rich.

A closer look at these complaints suggests an interesting pattern. Chinese villagers have numerous grievances, some of which arise out of central policies—for example, Beijing’s birth control policy, a household registration system that still bars free migration to cities, and systematic discrimination against rural dwellers in education, medical care, and social welfare. Overall, however, rural protests have thus far been directed almost exclusively at local authorities, especially county and township governments. Protesters often accuse local officials of violating central policies or state laws that are designed to protect them. Moreover, they demand that the government respect their lawful rights and interests, which have been laid out in central policies or state laws.

THE VILLAGERS’ DILEMMA

If Chinese villagers are generally not proactively demanding new rights, why do they resort to disruptive protests and even, sometimes, violence? The authorities frequently accuse protesters of lacking “legal consciousness.” Zhou Yongkang, the public security minister, argues that a main reason the number of “collective incidents” has exploded is that “people’s consciousness of their lawful rights and interests has grown fast but their legal consciousness remains low.” According to Zhou, because of this gap between high rights consciousness and low legal consciousness, ordinary citizens do not express their views and make their claims

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through lawful procedures but instead “rashly take excessively radical actions to apply pressure on the party and government in [an] attempt to achieve reasonable objectives through illegal means.” Plausible as this might sound, this puts the cart before the horse. With few exceptions, Chinese villagers resort to disruptive protests only after they have exhausted all lawful procedures.

Chinese villagers have employed, usually without success, at least six lawful methods to defend their rights and interests in the past two decades. Most commonly, they petition. This typically involves visiting a government office to submit a letter of complaint against specified officials or a government. The Chinese constitution grants citizens a right to lodge complaints against officials who violate the law or neglect their duties. But this constitutional right is severely limited in practice. The State Council's Regulation Concerning Letters and Visits allows people to petition as a group, but does not allow them to send more than five representatives at once. It also allows petitioners to appeal to higher levels if they are unsatisfied with a ruling, but it requires that they petition level by level, while in effect allowing a government to take as much time as it would like to make a ruling. (In 2005 the council's regulation was revised to further restrict the right to petition by allowing petitioners to visit no more than three levels of government.)

Restrictions like these often place villagers in a dilemma. If they pursue their claims strictly in accordance with the law, their likelihood of winning is slim because they cannot apply sufficient pressure on their foes. If they wish to be effective, they have to work around or brush against the law by, for example, sending multiple teams of representatives, bypassing levels of government, going to Beijing en masse, or camping out in a government compound and refusing to leave until a grievance is redressed.

Other than petitioning, Chinese villagers have also tried to make their voices heard by staging mass demonstrations. Here they find themselves in a similar predicament. The constitution grants Chinese citizens freedom of assembly, of procession, and of demonstration. These freedoms, however, exist almost exclusively on paper. The 1989 Law on Assembly, Procession, and Demonstration requires that all demonstrators obtain police

approval in advance. But the police rarely grant such a permit. A group of petitioners from Hunan, for instance, applied to the Beijing City Public Security Bureau in 2003 to hold a peaceful demonstration in Tiananmen Square. The application, in the words of a cosigner, was “like a clay ox entering the sea”—never to be heard from again. The petitioners went ahead with the demonstration, only to be rounded up immediately by the police as soon as they knelt down in front of the Monument to the People's Heroes.

A third lawful procedure through which China's rural residents have sought redress against abusive or negligent local officials is administrative lawsuits. The Administrative Litigation Law allows Chinese citizens to sue local governments for unlawful administrative acts. But this legal right is limited in important ways. There are a number of restrictions on whom villagers can sue.

They cannot sue any party committee or secretary, for example, because the party is not subject to administrative litigation—even though the party and government are often difficult to disentangle. Local

authorities sometimes try to use this overlap and the party's immunity to deflect lawsuits.

Villagers, moreover, can sue only for specific misdeeds, not “abstract” decisions. And party committees may issue internal orders forbidding courts to accept suits on sensitive matters. Even when such prohibitions do not exist, a local court will often consult the party committee and government at the same level before it accepts litigation on a hot-button issue.

When villagers have managed to get cases into court, officials may intervene directly in the legal proceedings, employ unlawful means to induce plaintiffs to drop an action, or apply pressure on the judge who presides over a case. Even when villagers emerge victorious from the courtroom, it does not mean their grievances will be redressed. Rulings for plaintiffs sometimes go unexecuted when local governments either ignore or subvert them.

In some cases where villagers prevail and the verdict is duly executed, their gains are soon lost when officials retaliate. A survey of rural petitioners who went all the way to Beijing produced a suggestive finding. Of 450 complainants from 28 provinces who had filed administrative lawsuits, 32 percent said the court rejected their cases, 63 percent said

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that the court did not rule according to law, and 6 percent said they won the suits but the rulings were never enforced.

HOLLOW RIGHTS

A fourth legal maneuver available to Chinese peasants is the right to reject unlawful fees imposed by local governments. In 1985 the central government granted villagers the right to reject financial demands that were not authorized by township people's congresses. The right was then reaffirmed in a 1991 State Council ruling and in the Agriculture Law, which was passed by the National People's Congress in 1993. Can Chinese villagers effectively exercise this right? Often they cannot because neither the 1991 regulation nor the 1993 law says anything about the procedure through which villagers may reject illicit impositions.

The right to reject illegal fees, significant as it is, amounts only to an individual, on-the-spot right to dodge excessive extraction if one can. It is not a right to actively resist a tax collector when he or she knocks down your door, let alone a license to engage in proactive prevention. Put another way, by granting this right the central government only allowed villagers to flee a fire that is coming their way. But it does not condone stomping out fires, or preventing them from starting in the first place. This is why local officials often feel free to ignore this right.

Local officials may even go so far as to employ coercion and explicit violence against those who insist on their rights. According to interviews conducted by Wang Xingfu, a well-known petitioner from Yiyang county, Henan province, over 200 villagers were badly beaten during a "strike-hard" campaign against "tax-resisters" in 2002. None of the victims owed any state tax, and they were beaten simply because they refused to pay illicit local fees.

If villagers can rarely defend their rights and interests alone, can they instead organize and negotiate with local governments over issues such as taxation and fees? By law they may. In practice they seldom can. The Chinese constitution grants all citizens freedom of association. Yet such freedom does not mean much, because the State Council's Regulation Concerning Registration and Management of Civil Organizations makes it virtually impossible

for peasants to legally establish an organization for the purpose of defending their rights and interests against government infringement.

The regulation requires that all organizations register at a local civil affairs bureau. To register, however, an organization must find a government department as its "professional supervisory unit" (*yewu zhuguan danwei*). Of course, it is usually impossible for villagers who wish to restrain government power to find such a unit in the same level of government they wish to charge with misconduct. In the words of a villager from Anhui who established a "peasant society for rights defense" without going through the formal registration procedure: "Where can we find such a unit? Nobody will accept us. If I want to find such a government department, I will have to beg the relevant officials. They will tell me: we can be your supervisory unit if you listen to us, pay all required fees, and do not engage in any excessive activities. Even if we find

a supervisory unit, the civil affairs bureau will find a reason not to register us. If we go to the civil affairs bureau, they will say, it is a good thing, but we cannot register the

organization for you because there is no precedent and there is no relevant regulation in the law."

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FIXED ELECTIONS

Finally, because Chinese villagers have found defending their rights and interests by themselves difficult, perhaps a better alternative is the election of their own political representatives through local elections. But here again, the door appears to be open yet in fact is barely cracked. Chinese villagers have three occasions to vote. The first allows them to elect the director and members of villagers' committees, which have a responsibility to "convey residents' opinions and demands and make suggestions to the people's government." Two other pieces of legislation allow Chinese villagers to elect deputies to township and county people's congresses, who in turn elect heads and deputy heads of township and county governments.

So in theory Chinese peasants can hold administrators at the county, township, and village levels accountable by voting malfeasant officials out of office. In fact, however, elections of township and county people's congress deputies have remained under tight control by the Communist Party and

government. Consequently, election of township and county government heads by people's deputies is little more than a formality in most places.

The exception is village elections, which have become freer and fairer since reasonably specific election procedures were laid out in the 1998 revised Organic Law of Villagers' Committees. In some places village elections have indeed improved the responsiveness of the village leadership and some elected cadres have become more assertive in raising objections to illicit taxes imposed by township governments. But the power of elected villagers' committee directors is still highly constrained because appointed village party secretaries remain by law the "leadership core" in the village. In other words, although a villagers' committee director may be popularly elected by hundreds or over a thousand villagers, he or she is, according to the Organic Law, only a lieutenant to the village party secretary, who is either handpicked by the township party committee or at best elected by several dozen party members in the village.

Furthermore, township governments in many places have continued to manipulate village elections to prevent independent-minded candidates from winning or even standing for election. Township governments have illegally recalled or suspended many popularly elected village leaders. In Shandong, Sichuan, and Hunan, some village directors who actively led the opposition to illicit fees and corrupt village party secretaries have even been jailed or sentenced to labor education.

OUTSIDE THE LAW

Chinese peasants engage in disruptive protests or even violence not because they lack "legal consciousness," but because lawful methods to redress their grievances generally do not work. They are fully aware of the risk of protest, but are, in the words of the Anhui villager quoted earlier, driven to protest, much like peasants in imperial China who were "forced to join the Liangshan Mountain rebels."

They petition in groups because individual petitioning or sending no more than five representatives to file a collective complaint typically takes them nowhere. They bypass lower levels of government because officials often procrastinate in making a ruling and protect each other. They take to the streets and hold demonstrations without police permission because they know they will never get permission. They petition Beijing in large numbers because they have failed to find a fair arbiter below.

They resort to disruptive measures such as blocking public transportation, besieging government compounds, and holding sit-ins in government offices because they have no other way to pursue their lawful claims.

Government repression also drives villagers who seek to defend their rights and interests through lawful procedures toward confrontation and opposition. Numerous peaceful petitioners, especially leaders of collective petitioning, have experienced harsh crackdowns over the past two decades. My survey conducted in 2003–2005 painted a grim portrait of government repression. Of 1,314 petitioners from 28 provinces, many said they had been fined. Others had their homes ransacked or destroyed, their properties confiscated, or their valuables taken away. Some were sent to political study classes, which were in fact detention centers.

Cadres had beaten a fourth of the surveyed petitioners. Others were detained and arrested, sentenced to labor education camps or prisons, or paraded through the streets and publicly humiliated. A large number were framed for other crimes—for example, wrongfully accused of theft, tax evasion, or violation of the birth control policy. Some had family members beaten by cadres, or experienced retaliation by thugs hired by cadres. All together, over 60 percent of the petitioners suffered one or more forms of local repression.

In some places, grassroots officials have even used annual "strike-hard anti-crime campaigns" to suppress protest leaders in the name of maintaining stability and safeguarding law and order. In late 1998 and early 1999, the Hengyang county government in Hunan had hundreds of protest leaders and their family members rounded up, many of whom were beaten badly, paraded through the streets like criminals, and even put up on makeshift stages to be denounced in "mass struggle meetings."

Yet forceful repression, either by the police or hired local toughs, often backfires. Large meetings to denounce protest leaders can, for instance, generate even stronger popular support for "rightful resisters" and can inspire efforts to rescue them or mount large-scale protests on the subject of the initial grievance.

BEIJING'S BLINDNESS

Anxious to head off further rural unrest, China's leaders have greatly stepped up their efforts to appease popular discontent and rein in wayward local officials. In 2004, Prime Minister Wen pledged to abolish all agricultural taxes in five

years—and then followed through three years ahead of schedule. More recently, Beijing has launched a campaign to “build a new socialist countryside,” the centerpiece of which is a pledge to “give more and take less.”

So far, however, the leadership has been emphasizing making new promises rather than finding ways to secure better implementation of beneficial policies that are already on the books. Beijing does not seem to appreciate that, since most “collective incidents” aim to defend rights recognized by the center that are being violated locally, the only long-term solution is to narrow the gap between what the central government promises and what local officials deliver. Or perhaps the leaders do understand this, but have not yet figured out how to make local officials do their bidding. Top-down measures have so far generally proved ineffective, and Beijing remains unwilling to ally itself with mistreated villagers by introducing democratic elections at the township or county levels.

Instead of checking local misconduct through the rule of law, enlarging freedom of the press, and introducing local elections at higher levels, the current leaders have instituted one feeble campaign after another. They first launched a campaign to indoctrinate local officials with a “scientific view of development” and a “correct view of political achievement.” Then they initiated a campaign to “maintain the advanced nature of the party.” The most recent campaign has sought to educate people about the “eight honors and eight shames.” Even high-ranking central officials do not hide their contempt for such ineffective efforts to combat serious problems. Local officials, for their part, have innumerable political jokes about the “education” they have to endure, many of which spare no one and are frankly obscene.

The Chinese leadership has failed so far to address the political cause of mounting protests in the countryside: farmers do not have the right to act as a legitimate interest group. Beijing has done little more than allow villagers to defend

their “lawful rights and interests” individually. They have not responded to various proposals that aim to improve rural governance by empowering Chinese peasants—such as suggestions to open up the election of deputies to township and county people’s congresses, to introduce direct election of township heads, to reestablish “peasant societies,” and to merge the petitioning system with the peoples’ congress system so that local people’s congresses may acquire more power and resources to supervise local governments, courts, and procurators. This latter proposal would move offices of letters and visits (*xin fang ban*) that are currently affiliated with the government, the judiciary, the police, and similar entities to the people’s congress so that elected peoples deputies will be in charge of receiving petitions.

POLITICS BY OTHER MEANS

It remains to be seen whether current leaders have the courage and wisdom to overcome the party’s longstanding distrust of an organized citizenry. One thing, however, is certain. Until they secure the right to defend themselves in organized groups, Chinese villagers will continue to launch more and more “collective incidents” to uphold rights that they believe they have, but which are not being respected by local officials. Beijing may wish to keep the rural population as apolitical and passive as possible, but it must understand that this is fast becoming an impossible task.

As Chinese villagers become better educated and better informed about laws and policies, their “consciousness of their lawful rights and interests” will only continue to grow. As the income gap between rural residents and urban dwellers widens, rural residents will become increasingly aware of various kinds of discrimination they suffer. Some of them, then, will seek a political resolution of their problems. And if the villagers cannot find solutions through lawful procedures like petitioning, litigation, group negotiation, and the ballot box, they will naturally turn to politics by other means. ■