



Reclaiming Chinese Society

The new social activism

Edited by You-tien Hsing
and Ching Kwan Lee

Reclaiming Chinese Society

Reclaiming Chinese Society analyzes the mechanisms, processes, and actors producing a wide spectrum of social and cultural changes in reform China. Contrary to most literature that emphasizes economic and political processes at the expense of Chinese society, this volume argues for the centrality of the social in understanding Chinese development.

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The wide range of research styles used in this collection, including ethnography, regional comparison, quantitative and statistical analysis, interviews, textual, and content analysis, offers students a methodologically rich vista to China studies.

Written by subject experts and covering all aspects of Chinese society, this book offers an authoritative overview of Chinese society. It is an invaluable resource for courses on Chinese society and culture and will be of interest to students and scholars in Chinese and Asian studies.

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Contents

<i>List of contributors</i>	xi
1 Social activism in China: agency and possibility CHING KWAN LEE AND YOU-TIEN HSING	1
PART I	
Politics of (re)distribution	15
2 Urban housing mobilizations YOU-TIEN HSING	17
3 Workers and the quest for citizenship CHING KWAN LEE	42
4 Barefoot lawyers and rural conflicts XING YING	64
5 Peasant resistance against nature reserves MELINDA HERROLD-MENZIES	83
PART II	
Politics of recognition	99
6 Feminist networks WANG ZHENG	101
7 Civic environmentalism GUOBIN YANG	119

8	Religious revival	140
	RICHARD MADSEN	
PART III		
	Politics of representation	157
9	Film as cultural politics	159
	SEIO NAKAJIMA	
10	Bounded innovations in the media	184
	ZHONGDANG PAN	
11	Inner city culture wars	207
	MAX D. WOODWORTH	
12	Politics of cultural heritage	225
	MAGNUS FISKESJÖ	
	<i>Index</i>	246

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1 Social activism in China

Agency and possibility

Ching Kwan Lee and You-tien Hsing

The thirtieth anniversary of the official launch of market reform in China coincided with a severe global financial crisis at the end of 2008. Bracing for a dramatic slowdown in economic growth after decades of reform-driven high speed growth and social change, which drew the country deep into the belly of global capitalism, “social stability” has become the most emphasized buzzword in political, policy, and academic circles. Chinese political legitimacy, observers caution, is so reliant on sustained economic growth that any interruption of the boom will call forth massive social unrest. Informing such a view is the assumption that political authoritarianism is the price that the Chinese populace has paid in exchange for economic development. Income growth buys consent and compliance, but once this bargain falters, rebellion is the likely consequence. This volume rejects this static view of Chinese society. The extensive research presented in these pages uncovers a broad array of modes of activism that is a product not of the current downturn but has been steadily developing over the past 30 years. In this process important elements of Chinese society have repeatedly asserted demands for rights, justice, accountability, and legality. Income growth is not a priori the sole, or even the central, concern of many of movements that have erupted throughout the reform era.

The rise in social activism has not escaped the attention of the Chinese leadership. A shift in official rhetoric toward “the social,” in the name of “constructing a harmonious society,” is a significant telltale sign, but the shift also masks a long and gradual process of responding to social ferment. Since the beginning of reform, the Communist leadership has struggled to balance “efficiency” and “justice.” By 1993, official rhetoric had settled on “efficiency first, and also justice.” By 2005, the pendulum had swung the other way, with the Hu Jintao-Wen Jiabao leadership proclaiming “the primacy of social justice” and the need to “let 1.3 billion people enjoy the fruit of socio-economic development.”¹ This shift in official discourse has been accompanied by a plethora of social policies, such as rural tax reform, pension funds for rural residents, education subsidies to poor families, reform of labor contract law, and access to AIDS treatment, to mention several of the most important. These moves seem to signal a sensibility among the political elite that reform has reached a point where market liberalization alone is not a panacea to social development and political stability. Like many economic policies, the drive

to achieve a “harmonious society” has appeared in the wake of and in response to an emergent tide of social discontent and agitation from below.

The changes in Chinese society during the reform era have always been deeply intertwined with, and as profound and complex as, those in the economic domain, since the two are so closely intertwined. China scholars have documented many of these social tendencies.² In this collection we zero in on processes, the various forms of activism, actors and strategies, ideas and interests – in short, the micro-foundations of an active society. We believe there is far more to “the social” realm than overt “mass disturbances,” the term employed by the Ministry of Public Security to label extra-legal protest. The chapters here demonstrate that legal mobilization, civic activism, and symbolic forms of subversion can provide avenues to change that are quieter, at times invisible, but may result in more sustainable progress than mass protest.

Micro-foundations: interest, identity, and idea

A premise of this volume is that collective social action is a prime mover of change. Society, including Chinese society, is not just a passive receptacle reacting to transformations in the economy or the state. For instance, a few researchers in this book discuss the rise and the role of social activists, or *shehui huodongjia* (社会活动家). Many of these individuals are fueled by an unusually strong civic impulse and commitment to promoting social justice and civic rights. These activist pioneers, some charismatic leaders, open new terrain for collective action and articulate new or suppressed identity claims. Sociological and political theories often slight individual-level explanations in favor of structural and institutional ones. Yet, our observation in this volume is that daring and driven individuals in reform China are pivotal to the formation of social movements, often transcending the boundary of the politically permissible, sowing the seeds for institutional change. In addition to these individuals, global social actors are increasingly salient. In tandem with the influx of capital, corporations, and goods – or globalization from above – China has also experienced a “globalization from below.”³ Transnational civil society furnishes discourses, values, cultural capital, funds, and organizational forms that Chinese citizens and groups have leveraged to create new communities of activism.

How then can we conceptualize or categorize the various types of activism in China? The reform period has witnessed an impressive rise in social activism by a wide range of social groups: workers, peasants, environmentalists, journalists, homeowners, feminists, religious communities, ethnic minorities, AIDS activists, and human rights advocates, among others. Parallel to these developments has been the rapid erosion of Communist Party-dominated social infrastructures, notably the work unit and urban neighborhood associations. The work unit, whether the factory or the rural work team, was formerly the foundational institution of state control over society, or what Michel Foucault would have deemed a powerful and ubiquitous conduit for achieving governmentality.⁴ The collapse of the work unit in step with large-scale layoffs from and privatization of state enterprises and

decollectivization in the countryside, together with the opening of channels for large-scale migration, challenges us to grapple with the fragmented, dispersed, and fluid modes of state–society relations that have dominated the reform era.

Thus far, there has been scant effort to reconceptualize “Chinese society,” although scholars have offered a number of conceptualizations of the Chinese state, such as “local state corporatism,” the “predatory state,” the “entrepreneurial state,” “Chinese-style federalism,” and “state capitalism.” In some writings, “post-socialism” or “late socialism” are used as a general description of Chinese society, but these terms are devoid of content. The general sociological literature offers other tantalizing candidates, such as “network society,” “civil society,” “transnational society,” “post-industrial society,” etc. Our goal here is not to coin another totalizing term that risks concealing rather than revealing the complexity and heterogeneity of China’s emergent social formations. Instead, we attempt an initial typology of activism, distinguishing among the politics of redistribution, recognition, and representation, and compare their respective relations to state, market, and global society. In the following section, we discuss some findings that result from this exercise which, no matter how tentative and speculative, may serve as a heuristic framework for illustrating the sources of social activism.

Redistribution, recognition, and representation

As an initial framework, we propose a *spectrum of politics* defined by the goals at stake and out of which collective social actors are formed. They are the politics of redistribution, recognition, and representation. In reality, these strands of politics, far from being mutually exclusive, intertwine in multiple ways. But these ideal types are useful in accentuating the different grounds for social action and the varying trajectories they take.

The *politics of (re)distribution* entails struggles and claims for material interests among social groups or between social groups and state actors that spring from their common or differential class locations, whether these are defined by property ownership or productive roles. Not only does market competition bring a spectrum of results to various social groups, creating losers and winners, the market can also atomize and demobilize as much as constitute collective interests and provide resources and space for class-based and group-based activism. Also, redistributive struggles vary in terms of collective capacity and in their different relations to a diversity of government and enterprise and residential units. The chapters in this volume on rural conflicts, workers, homeowners, and urban residents show that economic interests are today playing out as much in public protests as in the legal and judicial systems and that some struggles are waged in both arenas whether simultaneously or sequentially. The law is a highly contested terrain to which conflicts of labor, land, and property are being channeled by the Chinese state. Making laws and reforming the legal system have led to some lively “rights protection” discourses and *legal mobilization*. The self-consciously articulated collective identities of the participants in these redistributive struggles are more grounded in citizenship than in class.

The second type of activism we term the *politics of recognition*, which is concerned with the discovery and articulation of needs previously denied or ignored, especially the demand for social recognition of certain groups' moral status, political position, and identity.⁵ These are often challenges against cultural domination and have roots in "difference" from the dominant segments of society. We find it useful to think about recognition of needs as a ground for social formations conceptually distinct from material interests, yet such formations may in turn affect the material interests of diverse groups. In China social agitation has appeared to articulate new needs, form identity-based communities, and renegotiate the boundary between public and private, normal and abnormal, legitimate and illegitimate. Three chapters in this volume offer instances of recognition politics, including that of religious communities, feminist groups, and environmentalism. These often take the form of *civic activism*, often, but not always, non-confrontational, community-focused, routine associational activities, at times becoming overt oppositional protests.

Finally, the *politics of representation* is about expression of ideas and symbols. In this information-saturated age, the news media, film, print, arts and electronic publications constitute vibrant sites of contending ideas, expression, and information. But the creation of these sites entails contestation with state and market ideologies and apparatuses of control. They also bring new pressures and liberties arising from the marketplace. Culture producers, like journalists, filmmakers, and artists all play pivotal roles in carrying out *symbolic contestations* in their various realms of operation.

This typology leads to the following observations of social activism in China today, concerning the connection of global civil society and domestic social activism, the scope and mode of mobilization, strategies for engaging the state, and the role of the market in generating collectivities.

Uneven global–local linkages

A salient theme that has emerged across the chapters in this book is the uneven influence of globalization on Chinese society. Transnational organizations, networks, ideas, and resources have significant impacts on various domains of recognition and representation struggles but are conspicuously absent in redistributive politics.

Wang Zheng's analysis of Chinese feminist campaigns to stop domestic violence points to the crucial influence of the United Nations, the Fourth World Women's Conference, Indian feminist forums, the financial support of the Ford Foundation, and the flow of ideas (e.g. gender, women's empowerment) and organizational forms (e.g. non-governmental organizations). Environmentalism, the focus of Guobin Yang, even more explicitly zeroes in on the critical role of "cultural translation" in the rise of China's civic environmentalism, i.e. voluntary, non-disruptive and self-organized citizen action. He maintains that the dynamism of China's environmental movement has roots in the skilled "social actors – cultural translators" in tapping global cultural resources in their efforts to negotiate China's

ambiguous political context. Seizing the moment created by two international events, specifically China's unsuccessful bid in 1993 for the 2000 Olympics and the UN Women's NGO forum in 1995, Chinese environmental activists appropriated the NGO form and applied a gamut of linguistic and symbolic tools to push their agenda. They speak of "sustainable development," "public participation," "grassroots initiatives," and "nature-human harmony," all of which point to a local appropriation of global idioms even though the substantive environmental values have indigenous origins. The Chinese state has even absorbed some of these terminologies into state policy.

Richard Madsen spotlights the difficult battle the Chinese state wages against competing global religious hierarchies in an age of porous borders and easy communication. The Chinese government staunchly reserves its monopoly on religious authority by recognizing only churches registered with the official Catholic and Protestant associations. The Vatican, however, has found ways of establishing communications with Catholics throughout China, appointing bishops and spawning a vigorous unregistered hierarchy claiming ultimate allegiance only to the Pope. Money flows into these churches through a global network of supporters. Pentecostalism is another case of fluid religious networks that have received a new lease on life in the reform period, energized by itinerant foreign evangelists now roaming the countryside and cities preaching to believers in private homes.

Researchers in the realm of cultural politics have likewise underscored the centrality of global connections and flows. Seio Nakajima finds an "international artistic logic of filmmaking" whereby directors not only depend on financial capital from overseas but also seek cultural capital accrued by winning recognition in international film festivals including Cannes, Venice, and Berlin. Moreover, the expanded importation of foreign films following China's accession to the World Trade Organization has triggered a sense of crisis for the domestic film industry which was long insulated from global competition. Officials in the Film Bureau and the State General Administration of Radio, Film and Television have responded to these challenges in part by liberalizing regulations on film production, distribution and exhibition.

Zhongdang Pan documents how "bounded innovations" in the news media, including investigative reporting and audience research, are heavily influenced by international models. China Central Television, for instance, formed a joint-venture with a British-French firm to conduct ratings surveys to then provide a patina of "international standards" for the station. The state uses this as a tool for content control and as currency for negotiating with advertisers. In another instance, watchdog journalism and investigative reporting in the Chinese media have been heavily influenced by the American newsmagazine *60 Minutes* in its format and spirit of in-depth investigation.

Max Woodworth analyzes the cultural politics surrounding redevelopment in Beijing by investigating a decade-long graffiti project by the artist Zhang Dali and a spate of heated online discussion over the demolition of the Qianmen neighborhood. Beginning in the mid-1990s, Zhang spray-painted thousands of heads around Beijing on the ruins of demolished buildings and on walls in residential

areas marked with a Chinese “*chai*” character – the public signal that the building was slated for demolition. Experimental art here becomes a medium for expressing popular ambivalence and grievances about demolition in the city. In online discussion over Qianmen, the public engages in lively debates over the meanings and representations of urban transformation. In both cases, Deng’s claim that “development is the only hard principle” undergoes deep scrutiny.

Magnus Fiskesjö’s chapter on “repatriation activism” by patriotic Chinese antique collectors in alliance with semi-autonomous civil society groups offers yet another example of how the international arena can be leveraged to serve the construction of Chinese nationalism. Here is an example of a case in which social actors complement rather than undermine state goals. He shows how the buy-back of Chinese treasures “lost” abroad by wealthy Chinese parallels the official campaign for the repatriation of Chinese artifacts, such as bronze pieces from the Yuanmingyuan plundered by invading foreigners at the end of the Qing Dynasty. These actions allow the Chinese state to claim for itself the role of protector of the Chinese past and restore to the motherland objects that had been spirited abroad.

In stark contrast to the penetration of global flows of ideas and resources in the politics of recognition and representation, there is little evidence that foreign discourses and organizations have significantly impacted redistributed activism and protests by workers, peasants, or even middle-class homeowners. Redistributive politics entail the distribution of resources like land, wages, pensions, and property, and making claims to various legal rights accorded and enforced by the state. These often involve localized interests aggregating in the work unit, factory, village, or neighborhood. Local implementation of national law and policy, or failure thereof, is typically central to these actions. Unlike the amorphous flow of universal values, abstract ideas, and virtual images, material interests are constituted, defined, and shared locally, giving rise to geographically confined activism. There is no global property rights movement to inspire the new generation of homeowners, nor is there a global housing rights movement to leverage, emulate, or connect with. Even on the labor front, the transnational labor movement has hardly galloped to the aid of workers abandoned by state-owned enterprises. Being primarily concerned with China’s alleged contribution to a race to the bottom in wages, transnational labor organizations have had little impact on the new generation of Chinese workers toiling in global factories. Only recently have service-oriented Chinese NGOs receiving international funding sprung up, but their effects on labor activism will take time to show. All this is not to deny that the anti-sweatshop movements and Wal-Mart unions have targeted or come to China or that overseas housing movements are unheard of in China. Our point, based on empirical research documented in this volume, is that these have not asserted palpable impacts on Chinese workers’ or urban residents’ collective actions, as parallel movements do to their Chinese counterparts in the realms of recognition and representation politics.

Overall, as documented in chapters by You-tien Hsing, Ching Kwan Lee, and Xing Ying, aggrieved social classes appeal to local resources like barefoot lawyers, neighborhood solidarity, domestic Chinese law, and the courts while engaging in localized, cellular activism to pressure local officials. For instance, among rustbelt

workers, claims to lawful rights are mixed with Maoist rhetoric emphasizing the interests of the working class and the masses. Urban residents make claims based on the Constitution, the new property law, and formerly guaranteed rights to housing and a decent livelihood. Where international civil society groups do become involved in redistributive struggles, their relation with locals can become complicated. Melinda Herrold-Menzies' study of peasant resistance against a fishing ban in the black-neck crane nature reserve area in Caohai Lake, Guizhou, shows the conflict of interests between international environmental NGOs and local fishermen. Farmers at Caohai Nature Reserve have struggled to reclaim rights to natural resources expropriated by the state for environmental restoration. They have unsuccessfully lobbied for compensation for land lost in a lake restoration project and have engaged in collective action to protest the nature reserve's attempts to prevent farmers from engaging in activities such as fishing, waterfowl trapping, and land reclamation. Following violent confrontations between farmers and reserve managers in Caohai in the early 1990s, two US-based NGOs, the International Crane Foundation and the Trickle Up Program, in cooperation with Caohai Nature Reserve, sponsored a conservation and development program that aimed to promote local economic development, reduce farmers' dependency on natural resources, and improve relations between farmers and reserve managers. More than ten years later, even though violent confrontations have been reduced, reserve managers still unpredictably and intermittently enforce reserve regulations while farmers still disobey reserve regulations.

Networks, cells, and leadership

The second argument drawing on a comparative reading of the chapters in this volume and other studies concerns modes of mobilization. Redistributive struggles tend to be more spatially constricted than activism around recognition and representation, whose participants spin far-flung networks across regional and national boundaries. This is only partly due to the state's capacity and interest in containing the scope of various activisms. More important is the question of how interests and identities are constituted by social actors, which result in more or less inclusive and expansive mobilizations.

Place-based collective identities and mobilization are emphasized in urban protests involving property and housing rights analyzed by You-tien Hsing. The protestors' call for residents' rights to a livelihood in the city have attracted both property owners and tenants of public housing to join litigation against the city government and its development allies. Hsing shows that residents of inner-city Beijing, who are victims of forced demolition and relocation, have launched legal mobilization mostly based in their neighborhoods. The relatively loose and multi-nodal networks make possible the sustainability of their legal mobilizations and can account for the city government's tolerance of the mobilization. Even when they creatively orchestrate action across neighborhoods, participants are still limited by the physical and jurisdictional boundaries of the city.

Worker protests in the rustbelt and sunbelt, according to Ching Kwan Lee, are

even more cellular and localized, based most commonly in specific work-units or factories. She attributes this feature to economic decentralization, which generates locality-specific interests, workplace-bounded solidarity and resources, and a localized judiciary. The government's tolerance for enterprise-based activism is also one of the reasons for this cellular mode of activism.

Activists in religious, cultural, feminist, and environmentalist movements establish cross-locality, national, or even international networks. Wang Zheng's research shows that Chinese feminists have successfully embedded the national Stop Domestic Violence Network into the organizational infrastructure of the All China Women's Federation. From this position, the network is able to launch a multifaceted intervention program with a wide set of remits ranging from interviewing domestic violence victims, launching awareness campaigns through the media, setting up shelters for victims, and running gender training workshops for government officials, lawyers, and judges. Their strategy is to transform the state apparatus from within using the Women's Federation hybrid identity as both an NGO and a government organ. Along similar lines, Guobin Yang observes a network mode of environmental activism: "different groups have their own leaders and maintain close relations with one another. In fact, the overall structure of Chinese environmental NGOs resembles remarkably the SPIN structure characteristic of American environmental groups ... they are segmentary, polycentric and networked." In his studies of religious revival, Richard Madsen also finds networks of underground preachers and seminaries that help expand Christianity in rural China. Again, these networks are constructed and inspired by many religious entrepreneurs rather than a central leadership.

It is important to complicate the distinction between cellular or localized mobilization and network mobilization with three qualifications. First, cutting across both patterns is the fundamental significance of civic entrepreneurship embodied and practiced by adventurous individuals actively seeking to forge collectivities. Our authors independently find in disparate contexts charismatic and visionary figures who break barriers and experiment with new ideas and whose actions spark institutional change, as evidenced by "media entrepreneurs" (Pan), "skilled cultural translators" (Yang), "defiant" or "independent" filmmakers (Nakajima), "entrepreneurial missionaries" (Madsen), "barefoot lawyers" (Ying) and "nail households" (Hsing).

Second, in differentiating cellular and network mobilization, we do not wish to suggest they are immutable or mutually exclusive types, only that there are discernible tendencies related to different types of politics and demands under different circumstances. These forms of organization are fluid, tactical, and ever-changing. For instance, among urban housing protests, Hsing has found the prevalence of mostly cellular neighborhood activism but also uncovers an instance of cross-neighborhood networking behind the so-called Grand Litigation case. Similarly, Lee finds that labor protests almost always take cellular form, but cross-factory protests do occur in rare cases.

Finally, the Chinese state patrols the boundary of social activism with periodic, selective and at times violent repression. Its heightened sensitivity to linkages among

activists and organizations is most evident in its crackdown on Falungong and ethnic rebellion in Xinjiang and Tibet. Arrests and imprisonment of human rights lawyers and underground church leaders send strong messages about the limits of regime tolerance that reverberate through their respective activist networks.

Strategies for engaging the state

The image of the Chinese Communist regime as a totalitarian, single-mindedly repressive or omnipotent structure of power finds no validation in any of the chapters collected here. Nor is a blanket statement about state withdrawal from society an accurate description of dynamic state–society relations that prevail in China today. Other scholars have sought to rethink the state–society nexus. Peter Hays Gries and Stanley Rosen (2004), for instance, veer away from the idea of a unitary, Goliath state of uncontested authority by pluralizing both “state” and “society” to highlight the conflicts among state units and the alliances between the state and segments of society. Kevin O’Brien and Lianjiang Li (2006) elaborate on the bifurcation of central and local states.⁶ Elizabeth Perry and Merle Goldman (2007) attend to state-sponsored grassroots political reforms that transformed society; while Elizabeth Perry and Mark Selden (2003) examine a wide range of social conflicts and resistance by various social groups. In this volume, we seek to differentiate strategies for engaging the state and the market.

First, many social groups engaging in struggles over recognition and representation appeal, with palpable results, to global norms of sustainable development, gender equity and empowerment, religious freedom, artistic autonomy and achievement, and public participation. Their experience suggests that the Chinese state does not and cannot remain impervious to international standards of governance and justice. It takes an active interest in projecting itself as a modern and civilized power, capable of acquiring the status and enjoying the legitimacy bestowed through links with the international community in political, social, and cultural affairs, and by projecting its own self-images to the world as in the Olympic Games and promotion worldwide of Confucian Institutes. Yet this sensitivity to international norms also spells problems for certain kinds of social activism in China. While China is often targeted for its violation of environmental, gender, and religious rights, the sway of global neo-liberalism leads to little criticism against rising inequality and redistributive injustice in China.⁷ This may also go some way to account for why the Chinese government is under increasing pressure to show more tolerance for activism focusing on representation and recognition and not redistribution.

Quite distinct from recognition and representation politics, redistributive struggles engage the state mainly through legal channels and through collective mobilization. Contrary to the clichéd characterization of the withdrawal of the Communist state apparatus, this volume finds an expansion of the legal apparatus or a “fetishization of the law,” after Jean and John Comaroff, as a tool of neo-liberal state social regulation.⁸ But law is not just a tool of governance; it is also a resource that may be appropriated by social groups which utilize the law as a terrain for

political contestation, that is, to pressure the state to honor its legal, contractual, and ethical obligations to the working people. The rapid increase in the number of laws and regulations extending to land use, property, labor, and associational rights for NGOs serve to activate class formation as people with shared economic interests strive to use the law to protect against encroachment of legal rights. Paradoxically, the same development can be seen as a form of intensified regulation of social life, not a retraction of state power. The expansion of the legal field into all kinds of social relations bureaucratizes and depoliticizes conflicts that have origins in the imbalance of political power between the Communist Party and Chinese citizens.

Xing Ying's study of "barefoot lawyers" in Shandong province spotlights the centrality of the legal system and legal knowledge in rural conflicts. The Chinese court allows litigants to be represented by "citizen-representatives," and barefoot lawyers are those that provide *de facto* legal services without the *de jure* title of legal service workers. Ying finds a significant number of barefoot lawyers in Shandong and his chapter follows the personal and professional trajectories of one of the most renowned, Zhou Guangli. Between September 1995 and December 2005, Zhou served as representative in 1,674 lawsuits, including 1,479 administrative cases and 195 economic or civil cases. Besides serving in his native Yanggu County, Zhou served in more than ten other counties in Shandong, Henan, Hebei, and Shanxi. Zhou's actions drew attention from the provincial and county governments, which launched an in-depth investigation, concluding that the "Zhou Guangli Phenomenon" was beneficial to society. Ying's findings demonstrate the complex and internally conflicted nature of the state at various levels. Zhou's success rate (about 90 percent) in mounting litigation gave rise to a barefoot lawyer network in Yanggu County and its periphery. With this, the state's position took a sharp negative turn and Zhou became the target of violence, which ended his career. However, Ying also concludes that because barefoot lawyers are frequently motivated by personal suffering at the hands of the state and by a desire borne of a deep understanding of local problems to render justice, rather than by the pursuit of abstract principles like the rule of law or personal wealth, they are often highly committed to providing effective legal services and thus serve as powerful role models to fellow villagers. Ying finds that villagers in the area have displayed a robust interest in learning and using the law in the wake of Zhou's actions.

In her chapter on labor unrest, Ching Kwan Lee analyzes the limitations and possibilities of workers' evocation of an ideology of legalism. As the state shifts the grounds for political legitimation toward "law-based government," workers seeking legal protection are often disillusioned by the uneven implementation of law. Disenchantment notwithstanding, many rural migrant workers and state workers continue working through and around the law, viewing it as the only means through which to restore rights. According to Lee, workers direct their actions through the legal system because the law remains the only legitimate channel to frame workers' grievances and demands under China's current regime of "decentralized legal authoritarianism." Meanwhile, by accusing corrupt cadres of violating the law, workers put pressure on the state, which seeks to re-establish legitimacy on the basis of the law.

You-tien Hsing's study of pre-Revolution private homeowners' protest in Beijing is another example that shows the dilemma raised by engaging the state through law and regulation. While protesters succeeded in pressuring the city government to implement its policy to return private property to pre-Revolution owners, they have so far failed to effectively challenge state land tenure claims and the massive demolition of homes. Local and central authorities have largely ignored their demands for the right to live in their neighborhoods and to retain their way of life and communities, or what may also be called the right to the city. In response, they wage battle against local governments, land developers, and real estate management companies and insist on their rights enshrined in the Property Rights Law (2007) and the State Council Regulation on Real Estate Management (2003). Homeowners also seek to exercise their right to form homeowners' associations to manage affairs within new commercial housing neighborhoods. This emergent form of community citizenship comes up against the entrenched interests of land developers and their affiliated real estate management companies, and challenges the power of a basic governmental unit, the neighborhood committee. These trends observed in Beijing dovetail with property rights agitation by middle-class homeowners in major cities across China.

Beyond the legal system, aggrieved farmers, workers, city residents, and homeowners stage protests that challenge or engage the state. Some of their more confrontational tactics include blocking traffic, obstruction against demolition, even riots and ransacking of government offices. The state responds to such popular resistance by periodically closing down vocal newspapers or removing journalists and editors, publicly denouncing influential intellectuals, arresting underground religious leaders, or harassing and directing violence against eviction resisters. But the chapters in this book also point to an impressive degree of flexibility and versatility on the part of the Chinese state. Though results are rarely immediate, mobilization by the public has forced various state agencies to respond with concessions and reforms down the line, such as rural taxation and medical reform, revisions to labor and property rights law, expansion of social security into the countryside, etc.

Leveraging the market

Finally, the market is a double-edged sword for social activism. In the politics of representation, cultural entrepreneurs carve out spaces of creative and critical autonomy. In Nakajima's analysis of film production, the logic of the market has overwhelmed that of artistic achievement and political correctness, spurring the growth of the commercial film industry. But while the market liberates cultural expression to some extent, it also sets limits on artistic autonomy, now that domestic films are forced to compete with Hollywood imports.

In the politics of redistribution, the picture is equally multifaceted. In many cases, the market is at once destructive and generative of community. In the rustbelt, market reform hastens the unmaking of the working class, but even communities in decline can lend workers solidarity and organizational capacity for

staging protests (Lee). Hsing's chapter likewise notes the making and breaking of communities in the process of commodifying land and housing.

Beyond the general question of how the market makes or breaks collective action, the specific *institutional* characteristics of the market economy may lead to particular dynamics of social activism. Lee's chapter on labor protests links the cellular mode of worker mobilization to the decentralized strategy of accumulation. Marketization brings uneven investment and market outcomes to different localities and factories, and therefore fragments the interests of workers across localities and factories. At the same time, the decentralization of economic and political power makes local state officials responsible for enforcing labor regulations, turning them into targets of worker protests. Both forces converge to shape the cellular mode of resistance.

We can pose similar questions in the case of rural unrest: will a different class structure, created by varying marketization patterns, give rise to increasing prevalence of land grabs and farmer resistance and engender different patterns of rural mobilization? A related question is whether institutional features of the market economy only impact on redistributive struggles, and not on struggles over recognition and representation.

In short, the chapters collected here offer some comparative preliminary insights into the types of social activism evident in China today, and the range of interests, identities, and ideas that inspire them, as well as the local and global resources that enable and constrain them. The popular notion of "social unrest" used by the Chinese government and Western media captures only a singular moment of public protest out of a much more momentous and multifaceted refashioning of Chinese society. Perhaps it is time to jettison the static conception of "social unrest," (mis)understood as the antithesis of social order. In its place, we should envision a Chinese society in a state of "dynamic stability," where social activism is constitutive of an evolving social order.

Notes

- 1 Lou Jiwei (2006) "On efficiency, fairness and justice", *Xuexi Shibao*, June 19: 1; Yang Shengming (2006) "Rational reflection does not mean rejecting reform", *Shehui Kexuebao*, April 20: 4.
- 2 Recent collective efforts include: Elizabeth Perry and Mark Selden (eds.) (2003) *Chinese Society: change, conflict and resistance*, 2nd edn., London: Routledge; Peter Hays Gries and Stanley Rosen (eds.) (2004) *State and Society in 21st Century China*, London: RoutledgeCurzon; Elizabeth Perry and Merle Goldman (eds.) (2007) *Grassroots Political Reform in Contemporary China*, Cambridge: Harvard University Press.
- 3 Peter Evans (2005) "Counter-hegemonic globalization", in Thomas Janoski, Alexander M. Hicks, and Mildred Schwartz (eds.) *Handbook of Political Sociology*, Cambridge: Cambridge University Press.
- 4 Understood as "state rationalities and management over the population through practices and sciences of policing, population, urban planning, welfare, education, accounting," etc.
- 5 Nancy Fraser (1997) *Justice Interruptus*, New York: Routledge; Barbara Hobson

(ed.) (2003) *Recognition Struggles and Social Movements*, Cambridge: Cambridge University Press.

6 Kevin O'Brien and Lianjiang Li (2006) *Rightful Resistance in Rural China*, New York: Cambridge University Press.

7 Thanks to Mark Selden for this insight.

8 Jean Comaroff and John L. Comaroff (eds.) (2006) *Law and Disorder in the Postcolony*, Chicago: University of Chicago Press.

Part I

Politics of (re)distribution

2 Urban housing mobilizations

You-tien Hsing

Land-dependent regime of accumulation in Chinese cities

State land tenure, widely presumed to be a defining feature of state socialism, was, in fact, never formally legalized during the Mao era. The stipulation that “all urban land belongs to the state” did not enter China’s Constitution until 1982 at the outset of the country’s market reforms. With the establishment of the land lease market in 1988, the state’s control over land tenure rights was further reinforced through its monopolistic authority over land acquisition and land circulation. The legalization of the state’s land tenure and the state-monopolized process of land commodification were followed by accelerated urban growth and skyrocketing urban land prices in the 1990s. The combination of state land tenure and a state-controlled land market gave rise to a new form of urban politics in China. The new politics includes a variety of state actors, such as large state-owned enterprises, military units, functional government agencies, and territorial governments all competing against one another to represent the state and exercise the state’s land rights in the expanding urban land market. The urban government gained the upper hand in this battle over land between state actors. By the late 1990s, land-dependent regimes of local accumulation organized by urban governments had taken shape in China’s rapidly growing cities.¹

The land-dependent local accumulation project has generated two legitimation dilemmas for urban governments.

The first legitimation dilemma stems from the *ambiguity of state land tenure* amid China’s market transition. Under state socialism, private property was socialized through political campaigns, not legislation, and did not present a legitimacy issue at the height of state socialism. But, since the 1990s, skyrocketing land rents have been reaped by urban governments and their development branches. Widespread social contention began to challenge urban governments’ abuse of their poorly defined authority to represent the state’s claim over urban land and the monopolization of profits derived thereby.

The second dilemma posed by the land-dependent and local state-organized mode of accumulation arises through the *process of land acquisition*, one that may involve physical destruction of property. Contention of various sorts and scales escalates at the moment of physical destruction of places. Large-scale land acquisition to clear space for urban mega-projects cannot proceed without

abrupt and massive destruction of homes, jobs, and communities. In their pursuit of rapid accumulation through massive destruction, urban governments have at the same time been reluctant to take responsibility for social protection. This second legitimation dilemma is thus two-fold: massive destruction in the process of constructing modernity, and the absence of social protection at the moment of destruction.

These legitimation dilemmas have generated protest over housing in Beijing.

The dilemma of ambiguous state land tenure has triggered *property rights protests*. Under a collective identity as deprived property owners, these protestors were private homeowners in the pre-Revolution era, whose property was appropriated by the Beijing Municipal Government. In the 1990s, these homeowners launched protests against the municipal government and demanded property restitution while framing their grievances historically. Under state socialism, they were excluded from welfare housing because of their status as members of the propertied class. Under market reform, they were excluded a second time from the land lease market because of the state's declared monopoly over land rents. Property rights protestors thus demanded the government pay back the historical debt and provide restitution of their pre-Revolution property. While some of the property rights protestors were successful in recovering their family homes, their success was constrained by a sterilization and bureaucratization of their rights claims.

The dilemma generated by massive destruction and the absence of social protections triggered *residents' rights protests*. Under the name of "*chaiqianhu*" (that is, evicted households whose homes were demolished), this group of protestors included both property owners and tenants. Unlike property rights protestors, who had a shared class identity as property owners, *chaiqianhu* protestors shared territorial identity as urban residents. Their residency was the physical anchor to the range of life-support networks such as jobs, family, community, and urban services, or what I call "life-worlds." These life-worlds were constructed and sustained in specific places in the city. The physical destruction of the homes was therefore a simultaneous destruction of the life-world of *chaiqianhu*. Based on such framing, *chaiqianhu* protestors demanded that their life-worlds be rebuilt in places of their choosing and in places that allowed them to do so. At the core of their claims were not simply legal rights over private property, but social rights to places in the city.

Housing protests proved to be most explosive in inner-city areas. Inner-city neighborhoods typically have a very high population density consisting of long-term resident households and complex land use patterns, housing arrangements and ownership rights entanglements. Inner-city areas are also highly coveted for redevelopment because of their premium location and for the land's high commercial value. Inner-city residents have been among the most vocal protestors to challenge the legitimacy of the urban government and its land-dominated logic of accumulation. In this chapter I will focus on property rights protests and residents' rights protests in inner-city Beijing in the 1990s and 2000s.

Property rights protest of *biaozhunzu* owners²

The group that best represented *property rights protest* in Beijing was that of *biaozhunzu* homeowners. *Biaozhunzu* refers to rental housing at municipal government-imposed standardized rents. These houses were privately owned in the pre-Revolution era and were subsequently confiscated by the municipal government and turned into welfare housing managed by municipal housing agencies.

In the late 1950s, as the number of state agencies and employees in the capital grew rapidly, the Beijing municipal government adopted a series of measures to accommodate the rising population's housing needs. Socialization of private homes was a primary solution. In the 1960s, as the socialist construction campaign heated up, the State Council announced that "all private-state joint ventures should be reconstructed (*gaizao*) as state-owned enterprises, and capitalists' interests should be totally abolished."³ Party officials likened privately owned homes to privately owned enterprises and set out to reform both under the movement of socialist *gaizao*. The policy to socialize private property and the subsequent Cultural Revolution built upon each other in politicizing property ownership and radicalizing the campaign against private ownership.⁴

During the Cultural Revolution, Red Guards posted red signs on the doors of private homes that read: "Order: Private homeowners should submit their deeds. Those who disobey this order shall be killed without exception." Private homeowners handed over deeds to their homes to avoid further harassment and humiliation by Red Guards. Upon submitting their deeds, they received small wooden plaques that read: "submitted" (*jiao*), which they would hang on the front door, hoping to keep the Red Guards away. Many of them were subsequently forced out of their houses and out of Beijing following Red Guard campaigns in which homeowners were targets.

As a result of political campaigns during the Cultural Revolution, one-third of Beijing's housing stock, about 510,000 rooms of courtyard-style houses belonging to over 80,000 families, were converted into rental housing and came under the management of the Municipal Housing Bureau. If permitted to stay in their own homes after the campaigns, homeowners were forced to cede the larger and brighter main rooms of the houses to their tenants, while they were forced to move into the darker, smaller, damper north-facing rooms used by servants in the pre-Revolution days. Socialization of private property was thus completed through political marginalization, social mortification, and moral degradation of private homeowners.

Historically framed grievances of double exclusion

In 1983, at the onset of market reforms, the Beijing Municipal Government announced a policy to restore houses to their pre-1949 owners. But the restitution policy had a catch: current tenants of these housing units had the right to continue to live in the units while paying government-imposed standardized rents, which were between one-tenth to one-twentieth of market rates.⁵ The owner and tenant would sign a government-issued standard lease that specified the rent rates but

not the duration of the lease.⁶ The term “*biaozhunzu*,” (标准租), or “standard-rent housing,” was thus adopted.⁷

Biaozhunzu owners resented the fact that the municipal government’s restitution policy offered only nominal property ownership without offering the substance of ownership rights, namely the right to use, dispose, and profit from their property.

Resentment among *biaozhunzu* owners ran deep. Under socialism, their status as private property owners not only became a political stigma, but also deprived them of welfare housing allocation. Property ownership had been a serious political liability and the cause of great suffering. Neither their work units nor the municipal housing bureau acknowledged responsibility for their housing allocation. Housing conditions in neighborhoods occupied by *biaozhunzu* homeowners were among the worst in Beijing in the pre-reform period. The return policy of 1983 gave hope but not homes. As land values in the urban center skyrocketed in the 1990s and the government and its development arms reaped windfall profits from redevelopment, *biaozhunzu* owners were denied the use and profits generated from their family property. The double exclusion from socialist welfare housing in the 1960s and 1970s and from the property market in the 1990s enraged *biaozhunzu* owners.

In the late 1990s, the pace and scale of inner-city redevelopment started to accelerate. Large areas of traditional courtyard housing within the second ring road in Beijing, where most of the *biaozhunzu* housing was located, were demolished. The demolition of inner-city homes alarmed *biaozhunzu* homeowners in two ways. First, according to the relocation compensation scheme endorsed by the municipal government, *biaozhunzu* rental tenants who lived in the houses that were to be demolished were offered relocation compensation between 100,000 and 200,000 yuan per household and some received relocation housing elsewhere. But *biaozhunzu* homeowners, most of whom by that point lived elsewhere, were entitled to only monetary compensation for the building materials of the house. *Biaozhunzu* owners did not receive compensation for the land, based on the premise that “all urban land belongs to the state.” Nor were *biaozhunzu* owners entitled to relocation compensation, because they did not live in the house that was to be demolished. Second, the demolition effectively terminated *biaozhunzu* owners’ property rights. Most *biaozhunzu* homeowners had handed over their property deeds to the Red Guards during the Cultural Revolution, so the only proof of their ownership was the house itself. The 1983 return policy gave homeowners legitimacy and raised expectations that their claims would be vindicated and that they would reclaim ownership rights, as long as the house still stood. However, if the house were razed, the evidence and embodiment of their property rights claims would disappear. While *biaozhunzu* owners’ grievances originated in the socialist past and intensified during the initial phase of market reforms, it is the contemporary phase of massive destruction of old homes that created a sense of urgency for *biaozhunzu* owners.

Strategies

Facing the immediate threat of losing their family homes to bulldozers, *biaozhunzu* owners started to demand recovery of their historical private property. Their

legitimacy as property owners had been granted by the government's restitution policy, and their goal was mainly to ensure policy implementation.

Biaozhunzu owners' collective protest action did not emerge until the late 1990s, when half of the original *biaozhunzu* housing had already been demolished. Because of the strings attached to the restitution policy to protect tenants' interests, *biaozhunzu* homeowners who disagreed with these conditions either abandoned their house or sold the house to the Municipal Housing Management Bureau for as little as 150 to 200 yuan per room. Consequently, half of the 510,000 rooms fell under direct control of the housing bureaus and were demolished for redevelopment projects. By the late 1990s, with skyrocketing land prices in the inner city, the stakes in losing a house had grown much higher for the remaining *biaozhunzu* homeowners. In the meantime, amid the changing national political discourse toward the "rule of law" and with the constitutional amendment and the creating of the Property Rights Law in the early 2000s, the risks involved in mounting protest over property rights seemed to have decreased.

Biaozhunzu owners began the protest by filing lawsuits individually against unqualified tenants. The private home return policy of 1983 stipulated that if tenants or their spouse had allocated housing elsewhere, tenants must return the *biaozhunzu* rental units to the original owners. Tenants' adult children had to move out of the units too. Many *biaozhunzu* tenants had other housing allocated by their work units. But very few volunteered to relinquish and move out of their conveniently located *biaozhunzu* low-rent housing, which also offered the prospect of earning compensation as high as 100,000–200,000 yuan if and when redevelopment came to the neighborhood. Tenants were discreet about their allocated housing elsewhere in order to keep their *biaozhunzu* rental units (Huang 2006).⁸ The burden of proof to disqualify tenants fell on individual *biaozhunzu* owners. Owners would visit tenants' *danwei* to inquire on tenants' other allocated housing. In order to investigate the housing situation of the tenants without exposing their identity, owners organized mutual aid networks to spy on each other's tenants and their family members. But even when the owners managed to collect sufficient evidence for litigation against unqualified tenants, the tenants would plead in court that their allocated housing elsewhere was too small, and the family had to continue to live in *biaozhunzu* units because the family could not be divided into separate households. These conditions often exempted tenants from the rules regarding the return of their *biaozhunzu* units to the original owners.⁹ As a result, very few *biaozhunzu* owners won individual litigation against unqualified tenants.

Biaozhunzu owners came to realize that in order to reclaim their property, they needed to change their approach of individualized legal fights. They saw the key to resolving their problem in the municipal government's commitment to provide relocation housing for *biaozhunzu* tenants, which they would refer to as a means to persuade tenants to vacate their houses. In the early 2000s, *biaozhunzu* owners began to shift the focus of their action from individual litigation against tenants to collective protest pressing the municipal government for policy implementation.

Biaozhunzu owners launched their first collective protests in February 2001 in the form of *xinfang* (writing petition letters) and *shangfang* (visiting government

agencies), and made three initial demands that included: first, an increase of rental rates and eventually a lifting of the rent cap; second, inclusion of owners in the relocation compensation package; and, third, use of government funds to relocate the tenants and restitution of *biaozhunzu* housing to their pre-Revolution owners. Over a course of four years, they insisted on “lawful resistance,” visiting various government offices¹⁰ and writing letters and making petitions to them persistently and regularly. They also organized themselves into several *shangfang* groups that would go to every pre-scheduled weekly or bi-weekly visitor reception day at different government agencies.

Biaozhunzu protestors’ persistent and routinized *xinfang* and *shangfang* moves were also accompanied by less typical forms of protest. For instance, they submitted an application to organize a Private Property Owner Association and twice requested permission from the Public Security Bureau to hold street rallies involving several hundred people. As *biaozhunzu* protestors had expected, none of these applications was approved. But the message seemed, nonetheless, to have gotten through. Meanwhile, *biaozhunzu* owners had managed to attract media coverage, and won support from cultural elites who were concerned about historical preservation of courtyard housing in inner-city neighborhoods. In August 2001, the Beijing Municipal Government announced that *biaozhunzu* homeowners were entitled to 15 percent of the total relocation compensation. *Biaozhunzu* protestors pressed harder, and the rate went up to 20 percent. “It was like a tube of toothpaste,” one protestor representative commented. “Each time you squeeze it, you get a bit more”.¹¹

Conditional success

By the end of 2002, pressure on the Beijing Municipal Government to resolve urban conflicts began to mount. The increasing frequency and scale of urban protests had slowed redevelopment projects. Inner-city protests became not just a legitimation concern but also an accumulation one for the municipal government. Beijing government leaders started to take steps toward resolving urban social conflicts, among them the restitution of *biaozhunzu* homes to pre-Revolution owners was given priority. In 2003, a new policy entitled *biaozhunzu* owners to full relocation compensation, equal to what *biaozhunzu* tenants received. *Biaozhunzu* owners carried on their drive, extracting more concessions from the municipal government, including a rise in rent rates and eventually the lifting of the rent cap.¹²

Also between 2002 and 2003, more than a dozen implementation guidelines were issued by various municipal agencies to district offices responsible for financing and building relocation housing for *biaozhunzu* tenants. Some of these guidelines, called alternately “notices” or “opinions,” were issued by high-level offices, such as the Municipal Government Office, which have the authority to coordinate tasks and assign responsibilities to various functional agencies. Other guidelines were issued by individual functional departments that focused on operational details, such as deriving the formula for calculating relocation compensation, or for determining the eligibility of tenant families for various compensation and

subsidy packages. Seven *biaozhunzu* protestors' representatives were even invited to participate in a "communication meeting" with government officials organized by the Municipal Office of Letters and Visits. The purpose of the meeting was to review *biaozhunzu* owners' suggestions on housing restitution policies. Public relations gains for the municipal government notwithstanding, these government actions also delivered concrete results.

Between September 2003 and February 2004, the first groups of *biaozhunzu* tenants moved into relocation housing built by the municipal and district governments, and 4,000 *biaozhunzu* homeowners, including the protestors' representatives, got their houses back. In 2004, the Beijing Municipal Government listed the restitution of all *biaozhunzu* homes on the list of "Fifty-Six Concrete Tasks" that the municipal government would focus on that year. The municipal government announced it would spend 2 billion yuan in housing subsidies and relocation housing for *biaozhunzu* tenants in order to persuade them to move out of *biaozhunzu* units, and return the homes to their pre-Revolution owners. By the end of 2004, a total of 13,095 units, or 95.7 percent of existing *biaozhunzu* homes in Beijing, were returned to their pre-Revolution owners. The term "*biaozhunzu*," according to the media, "became a term relegated to history."¹³

Biaozhunzu homeowners' collective action has been the most, if not the only, successful urban protest in Beijing to date. But their success requires qualification. The successful result of *biaozhunzu* homeowners' mobilization is based on the sterilization and bureaucratization of the increasingly controversial issue of state encroachment on individuals' property. Since 2000, at the beginning of each year, the Beijing Municipal Government has announced a list of "concrete tasks" for the year. While most of the tasks list desirable improvements to the urban environment, they are also highly visible, performance-oriented, and well-defined and confined projects. While these projects spread widely and thinly across various policy areas, the financial costs exacted by these listed "tasks" are relatively low compared to the political gains they bring for municipal leaders. The restitution of *biaozhunzu* houses, as one of the Fifty-Six Concrete Tasks of 2004, was listed side by side with other programs such as providing more public Internet and Wi-Fi access under the "Digital Beijing" campaign; standardizing city bus passes; building more public toilets, more express roads, highway exits, and waste-water treatment plants; expanding job placement programs; and abolishing bicycle license fees.¹⁴ The results of these bureaucratized programs can be measured in quantitative terms, itemized in achievement reports and converted into point scales in municipal leaders' performance evaluations. Selection of the "key tasks" automatically marginalizes other issues in the city, and achieving the target figures means the end of the problem and closing of the case. Once the "historical debt" was paid off and *biaozhunzu* became "a term relegated to history," the historically framed protest movement loses its legitimacy in the present. The success therefore ironically restricts, if not delegitimizes, further pursuit of the issue.

Two episodes of property rights protest in inner-city Beijing were particularly illuminating of such constraints.

Biaozhunzu owners' success was accompanied by the marginalization and

failure of another group of protestors, so-called *jingzufang* owners who were also pre-Revolution homeowners. “*Jingzufang*” literally means (state-)managed rental housing. Like *biaozhunzu*, *jingzufang* housing was socialized in the 1950s and 1960s through the issuance of “policy opinions” and successive political campaigns. Like *biaozhunzu* owners, *jingzufang* owners suffered political marginalization under socialism and were enraged by the double exclusion from socialist welfare housing and from the property market under the reform. They also felt the urgency of losing their houses and hoped to regain them as the redevelopment bulldozer approached.

But unlike *biaozhunzu*, which was a local practice specific to Beijing, the socialization of *jingzufang* started as a national campaign sponsored by national policies and was implemented and institutionalized in large cities throughout China. Under the socialization policy all private homeowners were to lease their houses to the state and the state would reallocate the houses to tenants, thus the term “(state-)managed rental housing.” While the state was responsible for maintenance and kept 60 to 80 percent of the rental income, homeowners received the rest of the rent. During the Cultural Revolution, like *biaozhunzu*, private ownership was further politicized and private property owners were socially marginalized and morally condemned. The Housing Management Bureau stopped paying rents, the sign of capitalist exploitation, to *jingzufang* homeowners. It was also an indication of the denial of their property rights. The termination of rent payments to homeowners was further supported by several central policies that stripped *jingzufang* homeowners’ entitlements to rent and their rights to request return of their houses. Their ownership rights to use, dispose, and profit from their homes were effectively abolished. And, similar to *biaozhunzu* owners, *jingzufang* homeowners were also excluded from welfare housing under state socialism. But, unlike what *biaozhunzu* owners experienced, reform in the 1980s brought more explicit central policies that affirmed the state ownership of *jingzufang*.

In short, the main difference between the practice of *biaozhunzu* and *jingzufang* lies in the roots of their political legitimacy. *Biaozhunzu*, as a local practice, was legitimized by socialist ideology and imposed through political campaigns during the Cultural Revolution. Much of its legitimacy faded away under the market reform and the reassessment of the Cultural Revolution in the post-reform era. On the other hand, *jingzufang*, as a national policy, has enjoyed systematic endorsement by central authorities even after the market reform started. The political legitimacy of *jingzufang* practice was reaffirmed by a series of central policies that adopted an increasingly explicit language to affirm its state ownership. The legitimacy of *jingzufang*, despite its outdated socialist origin, was renewed and reinforced by the central authority in the era of market reform.

The central authority’s endorsement of state ownership of *jingzufang* had also provided legitimacy to local state representatives to exercise authority over these prime pieces of Beijing real estate. The municipal housing agency, the Housing and Property Management Bureau, subsequently established Housing Management Centers at the district levels. These financially independent centers had strong incentives to monopolize the process of inner-city redevelopment. They

would remove residents, clear sites, and sell the land use rights to developers for commercial projects. Because of the proclaimed state ownership of *jingzufang*, business-minded officials in Housing Management Centers would negotiate relocation compensation with the tenants of *jingzufang* to make them move.¹⁵ Many of the tenants were long-term state employees with extensive connections in Beijing's bureaucratic networks, and some were high-ranking government officials in influential state agencies. Because they had lived in *jingzufang* units for two or three decades and many had built additional rooms in the courtyard as investments, tenants had come to see the rental housing as their own. When some tenants moved out of the old neighborhoods in the 1990s, they would act as owners and lease out the house, thus further complicating the property rights entanglements of *jingzufang*. In the meantime, officials at the Housing Management Center would not bother to involve the pre-Revolution *jingzufang* homeowners in the negotiation process, since the rights of these owners were not officially recognized, nor were they physically occupying the house.

Jingzufang homeowners found it difficult to legitimize their claim over their houses because of the proclaimed state ownership of *jingzufang*, local state agencies' embedded interests in these prime pieces of real estate, and the homes' occupation by well-positioned tenants. These factors help to explain why, between two very similar cases, it was the *biaozhunzu* instead of *jingzufang* issue that was listed as one of the Fifty-Six Concrete Tasks of the municipal government. These factors also explain the very different results of *jingzufang* owners' protests. Encouraged by the success of *biaozhunzu* owners, who eventually won their houses back, *jingzufang* owners began to mobilize in the early 2000s. They adopted similar strategies of protest, including a shift from individual litigation against tenants to collective visits and sending petition letters to government agencies, trying to attract media attention, and allying with professionals and local preservationists. However, despite persistent efforts by *jingzufang* owners, the restitution of *jingzufang* was never placed on the Beijing Municipal Government's policy agenda, and their collective action has not brought them any closer to recovering their property.

The much-marginalized *jingzufang* issue and the failure of their mobilization illustrates the limits of the success of *biaozhunzu* mobilization. Their success was not transferable, but rather was confined to a particular group of residents of Beijing. Nor does the success of *biaozhunzu* protests represent a challenge to the property rights regime that gives state representatives a dominant position in the exercise of property rights. On the contrary, it was because of the bureaucratization and sterilization of the issue that *biaozhunzu* owners won their houses back.

The limits of *biaozhunzu* protestors' success were also evident in their inability to sustain success. After their initial breakthrough, *biaozhunzu* protestors tried to expand their agenda from the return of their houses to a more complete set of property rights over the house they now owned. By the mid-2000s, with the 2008 Olympic Games approaching, housing and land prices in Beijing had continued to soar. There was a renewed frenzy of demolition of old housing in the inner city. *Biaozhunzu* homeowners, who had just moved back to their inner-city homes after

years of struggle, found themselves under heightened threat of losing their homes once again to redevelopment. Encouraged by their earlier success and prompted by the immediate threat of demolition, *biaozhunzu* owners, now identifying themselves as private homeowners, launched a new campaign demanding land use rights certificates, and a clarification and redefinition of “land use rights.”

Under China’s state land tenure system, land users have land use rights but not ownership rights. Private homeowners’ property rights are limited to the ownership of the house. As for the land underneath the house, the owners have only “use rights.” While the substance of homeowners’ “land use rights” was left ambiguous, the issue was neglected and taken advantage of by urban government officials. During the first 20 years of inner-city demolition for redevelopment, compensation for dislocated households was calculated on the basis of relocation compensation for current residents, and building material compensation for homeowners. The value of land was not included in the compensation package. Low compensation helped reduce the cost of premium land parcels in the urban core to about 1 to 5 percent of market value.¹⁶

Biaozhunzu homeowners perceived as grossly unfair the immense gap between the compensation they received and the value that the land commanded in the market. They took up the issue of clarifying use rights over the land, not just ownership of the house. Opting to eschew head-on confrontation with the constitutional stipulation that “the state has the *ownership* rights of urban land,” private homeowners confined their agenda to clarification of land *use* rights. However, they have framed such *use* rights over land to include the right to dispose of the land, and the right to profits generated from land disposal. In other words, by avoiding the explicit language of *ownership* rights in relation to land, which was politically sensitive, private homeowners chose to expand the meaning of “use rights” to include *de facto* ownership rights.

Notwithstanding the protestors’ rhetorical strategy to frame their demand as a land use rights issue, their agenda posed a direct challenge to the legitimacy of the land-dependent regime of local accumulation. Because it touched upon the core of the mode of accumulation, the new battle proved to be much tougher. Earlier success did not guarantee subsequent success, nor did it lend legitimacy to *biaozhunzu* homeowners’ new cause aimed at redefining and clarifying land use rights.

The first step towards clarification of land use rights is the affirmation of such rights. According to the Land Management Law, Land Management Bureaus should issue land use right certificates to legitimate land users. *Biaozhunzu* owners-turned-private homeowners were entitled to such certificates. But *biaozhunzu* homeowners found that, although they had won their houses back physically, the municipal government was reluctant to issue them the critical land use rights certificates. Without such certificates, the homeowners would be in a weak bargaining position when it came to negotiating demolition and relocation compensation. After much protest, by 2006, only about 200, including the protest representatives, out of 40,000 legitimate private homeowners were granted land use rights certificates. Contained in those 200 certificates, however, was a crucial caveat. On the certificate, the type of land use rights needed to be specified. There were only

four legally recognized categories of land use rights to choose from: administrative allocated land, leased land, land as an equity share, and rental land. But none of these four categories fits the case of *biaozhunzu*. Officials of the Municipal Land Management Bureau first entered *biaozhunzu* under the category of “administrative allocated land.” But administratively allocated land can be taken back by the state whenever the state claims it. There was also small print on the certificate indicating that the land use rights certificates could not be used as collateral for bank loans. *Biaozhunzu* owners protested again through letters and visits. Eventually, the Land Management Bureau and the owners compromised by deciding to leave the land use rights box on the certificates blank.¹⁷

The unsuccessful attempts of *jingzufang* owners to recover their houses, and the predicament of *biaozhunzu* owners’ struggle to redefine and defend their land use rights, revealed the limits of *biaozhunzu* owners’ initial success. The success was neither transferable nor sustainable. But this conclusion is by no means a trivialization of the effort and achievement of their property rights mobilization. As they moved from recovering family property to challenging the foundation of the land-dependent regime of local accumulation, property rights protestors became a part of a broader trend of inner-city protest for residents’ entitlements.

Residents’ rights protest mounted by *chaiqianhu*

Land-dependent local accumulation is built on the local state’s domination of land through land acquisition and circulation. But land acquisition, to borrow an expression from Mao, is not a dinner party. Taking over land involves physical destruction of places and brutal removal of residents from their life-support systems of home, work, community, and urban services. To meet GDP growth targets, local government leaders were eager to remove all “obstacles” as quickly as possible to make way for new development projects financed by borrowed money. The destruction of large numbers of inner-city houses also guaranteed demand for new homes built on the periphery of the city, thus completing the metropolitan-wide “economy of demolition.”

The ruthless destruction of homes and liquidation of communities were justified by redevelopment projects like the “old and dilapidated housing reconstruction” program, infrastructure construction or commercial projects in the name of “public interest.” The faster the rate of construction, the faster the destruction; the faster the destruction proceeds, the more drastic the means of destruction employed. These drastic measures intensify the grievances of households whose homes were demolished and who were evicted or relocated. Between 1990 and 2004, more than half a million such households were created in Beijing.¹⁸ They were called *chaiqianhu*, or “evicted households whose homes were demolished.” Since the mid-1990s, *chaiqianhu* started to take action against demolition and eviction. Unlike the property rights protestors, who shared a common background as property owners, the ownership status of *chaiqianhu* protestors was more diverse. A sample survey of 600 *chaiqianhu* protestors showed a 4:6 split between tenants and property owners.¹⁹ What the *chaiqianhu* protestors had in common was the experience of abrupt,

extensive and often brutal destruction of their livelihood and the ensuing instability and uncertainty this created in their lives. Unlike property owners, whose identity was built on possession as a propertied class, *chaiqianhu* identity was built on residency in the city, and the loss of homes. Also unlike property rights protestors, who framed their grievance historically, *chaiqianhu* protestors have framed their grievances, demands and resistance strategies territorially.

Here “territorial” refers to power processes of control over resources and people in a physical place. While the state is often the subject of territorial power in the literature of geopolitics, I propose that society also actively shapes territorial power processes. Place-based identity can be sharpened and activated in the process of resisting the state’s territorial dominance, and society retains territorial tools and strategies to assert entitlements and rights to a place.²⁰

Territorially framed grievances over life-world destruction

One of the most common grievances of *chaiqianhu* protestors was “unfair relocation and demolition compensation.” This seemingly straightforward framing had two territorial implications.

The first one concerned the location of the demolished house in the compensation calculation. As presented earlier, under the state ownership of urban land, building materials of the house were compensated for, but the land was not. If the house to be demolished was privately owned, the staff of the Demolition Office would use official compensation calculation guidelines that convert total floor area, the number of electricity outlets, the size of wells in the courtyard, the materials of the roof, floor, walls, etc. into monetary equivalence and offered cash compensation in a lump sum to *chaiqianhu*. In this formulation, the houses were treated as territorially detached and locationally homogeneous structures. The exclusion of land value in the calculation has significantly reduced the total compensation payment. Meanwhile, increasing demand and speculation of land has boosted the commercial value of inner city land. The municipal government could sell the land for as much as a hundred times higher than the compensation they paid out to homeowner *chaiqianhu*.

Homeowner *chaiqianhu* considered the immense gap between the compensation they received and the market value of the land to be hugely unfair. For them, the issue was not just over compensation for the structure of the house, but the change of land value due to the locational advantage of the land on which the house was built. They felt they were deprived of the profit from land due to the government’s deliberate neglect of the locational factor.

Another territorially framed grievance concerned relocation, which affected both homeowner and tenant *chaiqianhu*. In the 1990s *chaiqianhu* were compensated with relocation housing in designated locations. *Chaiqianhu* resented the imposed relocation plan and destination. For the Demolition Office, allocating relocation housing to individual *chaiqianhu* was administratively and economically expensive. The practice was prone to disputes and prolonged negotiation with disgruntled *chaiqianhu*. Since the early 2000s, compensation in kind was largely replaced by

cash compensation, justified by providing *chaiqianhu* greater choice in relocation destination. But cash compensation did not bring greater choice. The majority of *chaiqianhu* wanted on-site relocation or relocation in the same area, but the skyrocketing property values in the inner city had made on-site relocation impossible. As the city continued to expand, relocation housing that *chaiqianhu* could afford was built farther and farther away from the city center in the peri-urban areas. The long distance between the old and the new homes disrupted and destroyed *chaiqianhu*'s life-worlds established in old city neighborhoods. Such destruction of life-worlds is at the heart of *chaiqianhu*'s grievances about relocation. Here "life-world" refers to physical, social-economical, and cultural aspects of urban life, including job, home and family, community networks, and access to urban services like school and healthcare.

In the remote relocation sites, housing conditions were substandard. Basic utilities like running water and drainage were often not functional. There were also reports of polluted underground water in the relocation sites causing serious illness. Residents would ride tricycles two to three hours each way to retrieve clean water from the nearest sources of city water.

But the disruption of life order has not been limited to these "inconveniences." The destruction of the life-world also means that the entire family, not just certain members, is affected by such destruction. Abrupt uprooting has changed every aspect of life for every member of the family, and has meant the physical separation of family members. The majority of *chaiqianhu* were middle-low to low income. By the late 1990s, higher-income city residents in the inner city, who worked in well-endowed *danwei* or private enterprises, had already moved out of dilapidated inner-city neighborhoods. Those left behind were mainly retirees, retained staff and laid-off workers from stagnant state *danwei*, low-skilled and low-paid service workers, and street vendors. Proximity to the city center was important for them and their family members to find odd jobs. For them, moving to the designated relocation housing in the remote outskirts meant commutes of one to three hours each way between home and work. The long commute was made worse by poor bus services and increasingly congested traffic between the urban center and remote suburbs caused by rapid urban sprawl. Consequently, many *chaiqianhu* of the late 1990s lost their jobs as a result of relocation. Relocation has thus created new urban poor.

For inner-city elderly retirees, the loss of medical care was a devastating blow. Retirees had designated public hospitals located in the city center, a one-hour or even two-hour bus ride away from their new relocation homes. For school-age children, if they were to continue attending city schools to receive a better education, the option was either a long commute accompanied by an unemployed adult or staying with relatives in the city, and therefore living separately from their parents. Families were forced to live separately also because members needed to find solutions for housing, jobs, and schooling in different places in the city. While long-term neighbors were moved to different relocation housing projects, the separation of family members as a result of demolition further accelerated the dismantling of the social support network for inner-city *chaiqianhu*.

The scene at relocation housing projects, where unemployed middle-aged men and women as well as elderly retirees squat or sit idly outside shabby buildings in the dust kicked up from construction, unpaved roads, and semi-finished projects, is demoralizing. For those residents relocated on-site, the provided housing was invariably of poor quality, mismanaged and highly congested.²¹ For many, relocation has not only created a new urban poor, but also new urban slums.

Destruction of the life-world also means prolonged insecurity and uncertainty in the lives of the *chaiqianhu*. Those who saw the offered relocation compensation as insufficient and the process unjust, and therefore refused to move to the designated relocation housing in the remote suburbs, turned into urban drifters. Police would take them, often by force, to cheap hotels, or they would take up rental housing on short-term leases, or stay with relatives for short periods of time. Many evicted households were simply not relocated. According to Fang (2000: 38), by 1998 there were already more than 100,000 people in Beijing removed from their inner-city homes but who had not yet been resettled.²² In 2005, one major inner-city redevelopment project in Dashilan (or Dazhalan) and Qianmen created about 20,000 *chaiqianhu*. With the limited cash compensation they received, most of the *chaiqianhu* could not afford to buy a new home in the same area, and ended up renting temporary housing nearby. The sudden surge of housing demand produced by the large number of home demolitions in a short period of time created a crunch in the housing market, pushing up rental rates, and creating new groups of urban drifters. In Beijing these urban drifters were called “*dayoufei*,” (打游飞), a term evocative of flying pests.²³

Relocation housing projects could also generate more uncertainty for *chaiqianhu*. Many of those who were forced to move to the designated relocation housing in the remote urban outskirts had to pay additional out-of-pocket funds for larger units than the compensation packages would provide. However, much of the relocation housing in urban peripheries, albeit cheaper, was illegally built by rural village and township development companies on protected farmland. These illegal relocation housing projects had not gone through the proper legal procedures to convert the land from agricultural to non-agricultural uses, nor had they gone through the procedure to transfer land tenure from village collectives to the state, as required. The village and township developers could not obtain planning and construction permissions for the project because of the circumvention of legal procedure. Consequently, developers of the housing projects could not provide legal title papers to *chaiqianhu* homebuyers. Many *chaiqianhu* discovered that their new homes were illegal only after they had bought and moved into them. Some illegally built relocation housing projects were subsequently demolished under a national campaign of farmland preservation and recovery. As a result, some inner city *chaiqianhu* became *chaiqianhu* again after being evicted from their relocation housing in urban peripheries. In other cases, redevelopment officials would mislead *chaiqianhu* by telling them that the new homes in urban peripheries would be used in exchange for their homes in the inner city. But it was not until they moved to the new homes that *chaiqianhu* discovered they did not possess legal ownership of the new homes. On top of this, they now owed rent, property management fees, and

contract violation fines to the development companies of the new homes.²⁴ Most *chaiqianhu* refused to pay the rents, and were subsequently taken to court by the development company. As the litigation proceeded, banks froze the accounts of *chaiqianhu* and a new round of housing struggle began.

The destruction of life-worlds was further aggravated by physical violence and brutality in the process of the destruction. Under the political pressure to achieve annual GDP growth and financial pressure incurred from debt-financed redevelopment projects, urban government leaders would try to accelerate the pace of destruction in order to build and sell faster. The pressure for speedy destruction and construction often escalated into harassment and physical violence. Residents who refused to accept compensation offers were frequently visited by staff from the Demolition and Relocation Office, followed by repeated harassment, including the cutting off of water, power, heat, gas, telephone lines, and even roads. Elderly residents were reported to have died of heart attacks, seizure, and stroke at the shock of the unexpected and drastic demolition of their homes and neighborhoods. Physical fights between wrecking crews and *chaiqianhu* were common. Those who tried to stop bulldozers were often arrested and detained by the police.²⁵

If residents refused to budge, more violent measures were employed, including the use of mechanical diggers to reduce parts of or the entire house to rubble and smashing furniture while residents were out, or breaking into the house in the middle of the night and knocking down the house. Residents were blindfolded and taken from their homes by force. When the blindfolds were removed, the only thing the residents saw was the rubble of their former homes. Thugs and migrant workers from other regions were hired to carry out the dirty work,²⁶ making it difficult to identify the individuals involved in these criminal acts and to initiate legal procedures. “*Yeman chaiqian*” (“savage” or violent/brutal demolition and eviction) has become an established term in both popular and official documents. China Central TV repeatedly reported *yeman chaiqian* taking place in Beijing and other cities.²⁷ A newspaper commentary described the violent demolition and forced eviction as “worse than the Red Guards’ beating, smashing and looting during the Cultural Revolution”.²⁸

The public outcry over *yeman chaiqian* was accompanied by a counter discourse condemning those who resist demolition as stumbling blocks on the road of progress. *Chaiqianhu* were constantly mocked and morally degraded in both popular and official discourses. Relocation holdouts who were forcibly evicted by court orders are called *qiang-qianhu*. In newspaper editorials, online commentaries, and policy documents, *qiang-qianhu* were often described in negative terms. *Qiangqianhu* were also known as *dingzihu* (“nail households”) or *lanluhu* (“tigers that block the road”), suggesting a recalcitrant nature. They were presented as uncooperative and opportunistic negotiators for higher compensation. They were accused of sacrificing the public interest for personal gain, and even of causing housing price hikes. They therefore, it was argued, deserved the harsh measures that the government used against them. The nail households in redevelopment projects were placed side by side with other non-conformist “nails,” including tax and fee evaders, unlicensed vendors, illegal construction builders, and so on.²⁹ They

were blamed for failures in policy implementation and social disorder. Based on this framing, government officials justified their brutal oppression of *chaiqianhu* as “pulling out the nails” (*bading*) or “crushing the nails” (*zading*).³⁰

The use of violence could weaken *chaiqianhu* holdouts and intimidate other *chaiqianhu*. Violence was also motivated by material concerns. The material existence of the house anchored *chaiqianhu*'s rights claims. Once the *chaiqianhu* was physically removed and the house demolished, the embodiment and evidence of their rights claim disappeared. If aggrieved residents planned to take legal action against *yeman chaiqian*, the evidence needed for legal action had already disappeared with the house.³¹

The violent destruction of houses was also a strategy used by developers to accelerate compensation negotiation with *chaiqianhu*. Monetary compensation for relocation is based on property value appraisal. Property value appraisal was conducted by appraisal agencies that were inclined to produce biased appraisal reports in favor of the demolition office, and thus helped lower the amount in compensation packages. Many *chaiqianhu* felt that the appraisal was inaccurate and the relocation compensation unfair, and took the Demolition and Relocation Office (*chaiqianban*) of the district government to court. The court would order a reassessment of the value of the property in question in order to examine the compensation package. To carry out a property value reassessment, the physical existence of the property is crucial. However, Beijing's local policy allowed demolition to continue even when there were pending disputes or litigation between *chaiqianhu* and the demolition office.³² This policy gave the demolition office staff strong incentives to bulldoze houses under dispute as quickly as possible to eliminate the possibility of lawsuits over compensation. Even if a *chaiqianhu* won the case after lengthy judicial procedures and obtained a court order to reassess the value of the property in dispute, often the house was already razed, making it impossible to reassess the value of the house and recalculate the compensation. The physical destruction of the house could therefore persuade the most stubborn nail households to move.

Forced eviction also involved forced relocation. *Chaiqianhu* were moved to relocation housing designated to them. If *chaiqianhu* refused to move, the demolition office would forcefully send the belongings of *chaiqianhu* to the designated relocation housing units without their consent. The grievances of forcefully evicted *chaiqianhu* are generated from both the use of violence and the imposition of relocation destinations and plans.

Strategies

In the early 1990s, *chaiqianhu* protested against unfair compensation and forced evictions individually. They took the district government, developers, and the Demolition and Relocation Office to court. They also wrote letters to and visited government agencies to lodge complaints. But most of these individual protests proved ineffective. Some active *chaiqianhu* started to organize group litigation (*jituan susong*) against government agencies. By the mid-1990s, there were already hundreds of litigation groups in Beijing.

In the numerous cases of litigation and petition, *chaiqianhu* grievances were diverse, ranging from unfair property appraisal, underpayment or discriminatory payment of compensation, inadequate relocation housing, to destruction of personal property and/or physical injury caused by violence during forced eviction, and so on. Those who held these grievances often made demands for material compensation. Other *chaiqianhu* protestors sought to resolve the conflicts at their roots. They demanded clarification and redefinition of land use rights. They also protested the imposed relocation plans and destination, and demanded the right to choose the place of residency. Contention over material compensation was sometimes resolved through under-the-table negotiation between demolition office staff and individual *chaiqianhu*. The secretive deal-making inevitably generated distrust among *chaiqianhu* and eventually eroded their solidarity. Some of those who insisted on redefining land use rights would reject on principle the offer of a better and tailored compensation package by the demolition office staff or the developers.

Despite the diversity in grievances and demands, *chaiqianhu* in different neighborhoods have adopted several similar strategies to protect their residents' entitlements and rights. In what follows I will outline three legal mobilization strategies behind Beijing's *chaiqianhu*. These strategies had both discursive and practical significance for the establishment and expansion of *chaiqianhu* protests. The first strategy concerns sustaining rights claims over the disappearance of old homes; the second, delegitimizing eviction and relocation programs; the third is the building of cross-neighborhood networks of mobilization.

Strategy I: Sustaining rights claims and address-change disputes

The first type of strategy in *chaiqianhu* legal campaigns concerns the manner of sustaining their rights claims over inner-city homes that no longer existed physically. This was orchestrated around the issue of address changes on the residents' identification cards. In 2005, the central government initiated a renewal of Residents' Identification Cards nationwide. Citizens were required to apply for new ID cards with their current address on them. In Beijing, relocated *chaiqianhu* were requested to register their new addresses on the new ID cards. But *chaiqianhu* protestors refused to do so, and insisted that they would use the old address on the new ID card.

Chaiqianhu protestors argued that the ID card is a legal document, and everything on the card had to be legal. But their new homes were the result of government's illegal and illegitimate acts of destroying their homes and forced relocation. They had never recognized the new homes as their real homes. If they put the new address on the new ID card, it would signal *de facto* recognition of the legitimacy of government-sponsored demolition and relocation. By insisting on keeping the old address on the new ID card, *chaiqianhu* protestors showed their association and rights to the old home and neighborhood, despite the fact that their old homes and neighborhoods had already been razed and/or turned into office towers and luxurious condos.

The insistence on keeping the old address that no longer physically existed was

not just a discursive territorial strategy of *chaiqianhu* protestors. It also had a legal implication. *Chaiqianhu* felt that, precisely because of the physical disappearance of the house, they needed a legal document like the ID card that contains their old address as evidence of their residency in the old place, therefore supporting their claims of residents' rights.

To legitimize their cause, the protestors resorted to the Law of Identity Card and its implementation guidelines. They found that their own situation as relocated *chaiqianhu* did not fit any of the conditions listed in the guidelines for change of address in the new ID card. As a result of much protests, some *chaiqianhu* received new ID cards that contained their old address.

In short, the dispute over an address change on the new ID card signifies *chaiqianhu*'s effort to sustain their rights claims over their long-term residence in the inner city. It is *chaiqianhu*'s discursive strategy to keep the past alive and maintain the presence of the disappeared, while redevelopment powers try to efface residents' association with their old homes in inner-city neighborhoods. The discursive politics of memory and territoriality was intertwined with the legal implication of the dispute.

Strategy II: Delegitimizing eviction programs and rent payment litigation

In addition to striving to sustain rights claims over their old homes, *chaiqianhu* protestors also tried to deny the legitimacy of their new homes. Litigation over rent payment for the relocation housing exemplifies this strategy.

Before moving to their relocation housing, many *chaiqianhu* were promised by demolition officials that the relocation housing units were offered to them in exchange for their old homes in the inner city. But, as mentioned before, it was not until they moved to the new homes that *chaiqianhu* discovered that they did not possess legal ownership of the new homes. In addition, they now owed rent, property management fees, and contract violation fines to the development companies of the new homes.³³

Most relocated *chaiqianhu* refused to pay the rent, fees and fines. They argued that rent was to be paid to the legal owners of the relocation housing. But the development company that demanded the rent had obtained the land illegally and could not offer legal documents to relocated *chaiqianhu*. Since the developers were not legitimate landowners and could not provide legal documents, the demand for rent payment was illegitimate. Following the same logic, the *chaiqianhu* claimed that the entire process of demolition and relocation was illegal, and that their refusal to pay the rent for the relocation housing was simply an act to end the chain of illegal actions taken by the government and its allied developers. A protest leader pushed the argument even further and commented that "if a *chaiqianhu* paid the rent for housing that was illegally built, then the *chaiqianhu*'s action became illegal." Under the discourse of the rule of law, *chaiqianhu*'s legal rhetoric and accusations of illegal actions on the part of the government and developers were strategies to delegitimize both.

Again the discursive strategy of delegitimizing development powers had practical and legal implications. Many *chaiqianhu* who refused to pay rent and fees were subsequently taken to court by the development company of their relocation housing projects. The developer-initiated litigation in turn opened the door for *chaiqianhu* to enter the judicial system. Since 1995, Beijing's municipal court had stopped hearing *chaiqianhu*-initiated cases. So, being taken to court by developers, *chaiqianhu* could establish their status as a defendant in court. Once the case was accepted by the court, *chaiqianhu* would counteract the litigation and reverse their status from a defendant to plaintiff, and sue the government-sponsored developer for land-rights violation, and demand a clarification of the land use rights along with adequate compensation. *Chaiqianhu* had used the litigation to shift their position from reactive defendants to proactive challengers of the land-dependent local regime of accumulation.

Chaiqianhu's rights claim over their old homes and their strategic rejection of the new was inseparable from their demand of residents' rights in defending and reconstituting life-worlds in specific places in the city. By the early 2000s, litigation surrounding rent payments has spread in various relocation housing complexes throughout the outer ring of the city, and increasing numbers of *chaiqianhu* who refused to pay rents were drawn into lawsuits as individual defendants. These *chaiqianhu* had strong incentives to learn to protect themselves in court. They became the core members of an emerging cross-neighborhood campaign of mass legal education in Beijing.

Strategy III: Cross-neighborhood mobilization networks and the Grand Litigation

The national campaign to institute the rule of law since the 1990s has provided partial legitimacy to citizens' gatherings under the name of "mass legal education." Several *chaiqianhu* activists and legal professionals established the Center for Mass Legal Education in Beijing in 1996, and organized and participated in numerous mass legal education meetings. These meetings were held in old neighborhoods that were to be demolished and in new relocation housing complexes. Meetings were held on weekday evenings or during the day on weekends, with from 20 to 100 participants. At the meetings, self-taught activists would give lectures on the issues that were directly relevant to the audience's immediate concerns, including laws related to demolition procedure, compensation calculation, and land use rights. Lectures were often followed by heated discussion.

The mass legal education meetings provided more than information and education. They also served as mobile and decentralized nodes of mobilization networks. Parallel with the mass legal education, activists organized a collective litigation with an unprecedented number of 10,357 plaintiffs to sue the Municipal Land, Housing and Property Management Bureau in 2000.³⁴ Known as *wanren dasusong*, or "Grand Litigation of Ten Thousand Plaintiffs," the group included 57 litigation sub-groups from various districts and neighborhoods in Beijing.³⁵ This cross-neighborhood network of *chaiqianhu* protestors continued to expand,

despite the fact that the municipal court never accepted the Grand Litigation case. The seven representatives of the case have continued to take the case to the municipal court every year since 2000. They also undertook another collective action called the *wanren dajubao*, or “Grand Petition and Revelation,” with over 30,000 signatories in 2003, and another on a similar scale in 2005. In a letter addressed to Communist Party leaders, the CCP Disciplinary Committee, and the National People’s Congress, the protestors demanded a redefinition of land use rights and residents’ civil liberty. They also condemned official corruption in land deals, and targeted Beijing’s party secretary from 1997 to 2002, Jiao Qinglin, who also ranked fourth in the pecking order of the CCP politburo in 2002, as the individual responsible for the corruption that led to the plight of *chaiqianhu* in Beijing.

At the height of the mobilization, particularly at the beginning stage of the Grand Litigation, legal education meetings were held daily in various neighborhoods. After initiation of the Grand Litigation and the second petition campaign, representatives held information meetings to explain the laws that they cited in the litigation and revelation letters, and to report to the followers the progress of the case. They would also analyze the shifting political climate and its possible impact on their case. After the initial lectures, activists were often invited back for further discussion. These meetings helped disseminate legal information, educate followers and raise their consciousness and expectations. The face-to-face meetings were also important in recruiting followers and building group identity. The mobile, irregular and fragmented nature of the networks sustained *chaiqianhu* activists’ effort to continue to meet and build their networks without inviting unmanageable attention from authorities. Indeed, it was these networks that eventually put together the cross-neighborhood Grand Litigation.

By 2003, the number of cases of violence against *chaiqianhu* was reported to have been reduced, and the scale and pace of demolition in the inner city slowed down. It is difficult, however, to establish a direct causal linkage between these changes and *chaiqianhu* mobilization. Nor can we predict with great confidence that *chaiqianhu* legal mobilization will blossom into a full-scale urban social movement that promises “*qualitative change in urban system, local culture, and political institutions*,” as defined by Castells (1983).³⁶ Moreover, Beijing *chaiqianhu* protestors couched their demands and strategies in compliance with the state-delineated legal order, risking what radical legal scholars would consider acquiescence to the state-sponsored ideology of law as the basis for legitimacy, and a loss of political imagination. So what promises did Beijing’s housing protests bring?

Conclusion

Urban housing protest in inner-city Beijing has set an important platform and decisive moment for citizenship rights struggles. Housing protestors’ rights claims have shown the emergence of a rights consciousness in civil and social citizenship that T. H. Marshall (1964) has outlined.³⁷

Beijing’s *biaozhunzu* protestors have demanded the right to own and protect individual property. *Chaiqianhu* protestors demanded the liberty to choose the

place of their residence in the context of forced eviction and relocation. Property rights and liberty are included in Marshall's delineation of civil rights. *Chaiqianhu* protestors' struggle for residents' rights is a territorial dimension of Marshall's social citizenship that included security and welfare. In *chaiqianhu*'s territorially conceptualized residents' rights, security and welfare were constitutive parts of a complex social, economic, and emotional support system for residents organized around their inner-city homes. The demolition of homes simultaneously destroyed this life-support system, or life-worlds. The destruction of life-worlds in turn meant a loss of security and stability; it also dismantled residents' self-organized support networks that could have served as a buffer at the moment of massive urban destruction and state withdrawal from welfare provision. Territorially framed protests by residents in Beijing have demanded protection and restitution of the place-specific life-world, which constituted a crucial part of the citizen's struggle to define and defend their social rights.

What about political citizenship, which Marshall defined as access to decision making through participation in elections? In Beijing, neither property rights nor residents' rights protestors have made demands of that sort. They have also cautiously avoided outright calls for a change of political institutions. But, what started as a social mobilization conditioned by state institutions eventually spilled over beyond the confined realm of the state. In the case of the *biaozhunzu* protests, galvanized by their success in winning their family homes back, the protestors moved on to the more contested terrain of redefining property rights, thereby representing a direct challenge to the land-dependent and local state-organized regime of accumulation. The agenda that was rhetorically framed as land use rights but included ownership rights in its substance was shared by other urban and rural protesters who had also lost their land and homes. *Biaozhunzu* protestors' framing and pursuit of "land use rights" thus broke from the policy agenda defined by the state, and extended the appeal of their cause.

In the case of the *chaiqianhu* protest over life-world destruction, *chaiqianhu* collective litigation has extended the battle waged in the courtroom to a creative legal campaign aimed at mobilization and consolidation of resistance. Their engagement in law was not limited by the state-delineated legal order in which protestors were often disempowered. *Chaiqianhu* protestors have creatively transformed their practice of law into a site for social mobilization. Through mass legal education meetings, they recruited followers and built cross-neighborhood networks among activists; in the Grand Litigation, they attracted media attention and strengthened the sense of solidarity among aggrieved *chaiqianhu*. Through creative legal campaigns centered on rent payment and ID-card renewal, protestors framed specific claims, sharpened their agenda, sought professional support, and further consolidated their mobilization. While they bear resemblance to the "rightful resisters" in O'Brien and Li's (2006) analysis of peasants' resistance in rural China, who would "... make claims largely through approved channels and use a regime's policies and legitimating myths to justify their challenges," residents' rights protestors in Beijing took their actions one step further.³⁸ They not only adopted the *text* of law discursively as a weapon of the weak, but also engaged in the *practice* of law as

their anchor for social mobilization. Law is not a body of static texts appropriated and re-appropriated by both the powerful and the weak as rhetorical strategies. The purpose of the Grand Litigation and rent payment litigation was not just to take the state at its word, but also to strengthen mobilization among litigants through engagement with the judicial system.

Notes

- 1 For a detailed analysis of the politics of land-dependent and local state-organized regime of accumulation, see Hsing, You-tien (2006) "Land and territorial politics in Chinese cities", *The China Quarterly*, 187: 575–91.
- 2 In this section on *biaozhunzu* protests, I have used interviews conducted by Bi Xiangyang, recorded in his doctoral dissertation. See Bi Xiangyang (2006) *Cong caomin dao gongmin: dangdai Beijing dushi yundong* (From the masses to citizens: contemporary urban social movement in Beijing), Ph.D. dissertation, Sociology Department, Tsinghua University, Beijing. I am indebted to Professor Shen Yuan, Dr. Bi Xiangyang and Shi Yunqing for sharing insights and information, and for helping me set up interviews for this chapter.
- 3 *Zhongfa* (1966), Document No. 507.
- 4 According to Bi Xiangyang (2006), in the early 1950s the Beijing Municipal Government issued new titles to the city's private homeowners to allay concern over the newly installed communist government, whose reputation at the time triggered fears of imminent confiscation of private property and even wives. In the late 1950s, when the regime began to stabilize, a series of measures was used to socialize private homes.
- 5 In 1983, it was 0.11 yuan/sq. m. In 2000, the rent was raised to 3.45 yuan/sq. m. It was subsequently raised to 10 yuan/sq. m in 2002, and 35 yuan/sq. m in 2003, still much lower than the market rates of 80–200 yuan/sq. m for mediocre-quality courtyard housing in the inner city.
- 6 See "Beijing Municipal Government Rules for returning private homes that were taken over during the Cultural Revolution" (1983) and "Decisions made at the 26th meeting of the leading team of private home return policy" (1983).
- 7 *Biaozhunzu* homeowners who did not agree to the conditions and refused to sign the standard lease would either abandon the house or sell the house to the Municipal Housing Management Bureau at prices as low as 150–200 yuan per room. Consequently, only half of the 510,000 rooms were returned to their pre-Revolution owners.
- 8 Tenant couples would even file for divorce in order to keep their *biaozhunzu* units. See Huang, A. (2006) "Map of relocation of the poor and the rich in Beijing", *China Finance*, April 20. Available online at: www.zgjr.com (accessed May 10, 2007).
- 9 Department of Marketing in Municipal Housing Management Bureau, Document No. 409.
- 10 These were the Municipal Housing Management Bureau, the Municipal Office for Answering Letters and Receiving Visitors, the Ministry of Construction, and its Department of Real Estate. They also filed petitions to other related government agencies at both national and local levels.
- 11 In 2001, activists proposed to establish the Beijing Private Property Owner Association. They sent the application to the Bureaus of Municipal Land and Housing Management and Civil Affairs, but the application was rejected. In 2002, they filed an application with the Public Security Bureau to hold a 480-person public rally; the slogan in the application was "Implement the Constitution, Return Private Homes." That was the first application in Beijing since the Law on Assemblies, Processions, and Demonstration became effective on October 31, 1989. Several leaders were called several times by public security for questioning, and were upbraided by police, who said: "What nerve

- you've got!" (你们的胆子也太大了!). However, the activists were never arrested (Bi 2006: 242–53).
- 12 The rise in the rent cap was to 10 yuan/sq. m in March 2002, then 20 yuan/sq. m in March 2003. The rent cap was to be totally lifted in December 2003. Beijing Municipal Document No. 37, "Opinions on resolving the problems related to rent rates of *biaozhunzu* housing in Beijing Municipality". The municipal government made the increase of rent rates possible by subsidizing rents through Municipal Housing Funds and making individual tenants' *danwei* pick up part of the bill.
 - 13 Hong Yanjie and Yang Baochuan (2004) "212 *hu biaozhunzu sihu jinqian xinju*" (212 *biaozhunzu* private homeowners moved into new homes today), *Beijing Evening*, November 18, 2004; Guo Yan (2005) "Jiejue 20 nian yiliu wenti, yiwanduo *hu banchu biaozhunzu sijiang*" (A 20-year historical problem resolved; more than 10,000 tenants moved out of *biaozhunzu* housing), *Beijing Youth Daily*, January 13.
 - 14 "Beijingshi 2004 nian 56 xiang shishi sheji baixing shenghuo jiuda fangmian" (Nine areas of everyday life are covered by Beijing Municipal Government's 56 concrete tasks of 2004), January 7, 2004. Online. See: www.sina.com.cn (accessed December 5, 2006).
 - 15 Housing management centers and developers do not necessarily demolish the old houses and build new ones. The growing demand for traditional courtyard housing in the late 1990s and early 2000s encouraged them to renovate well-preserved old houses and to sell them to foreign expatriates and rich locals at a premium price. Interview BJ030, Beijing, August 2003.
 - 16 Traditional courtyard housing in designated historical preservation areas is worth 3 to 4 million yuan, and some were worth over 10 million yuan per unit. The maximum compensation ranged between 200,000 and 400,000 yuan. In another case, a courtyard home of more than 600 sq. m was estimated at 30 million yuan because of its antique wood window and door frames, posts, carved stone statues, and antique roof tiles. But the owner was promised 440,000 yuan as compensation. See "Laoren chi xianfa dizhi *chaiqian shijian xu – chaiqianhu fangguanju gezhiyici*" (The incident of the old man holding up the Constitution to resist demolition continued, *chaiqianhu* and the Housing Management Bureau each has a story), *China Youth Daily*, April 12, 2004.
 - 17 Bi, 2006: 256–60.
 - 18 Zhou Le (2002) "Dui Beijing dongqian da guimo weijiufang gaizaode sikao" (Thoughts on massive urban redevelopment in Beijing), *Beijing City Planning and Construction Review*, 4: 43–7. Qin Wen (2005) "Beijing weifanggaizao jinru weixunhuan shidai" (Redevelopment in Beijing enters a new period of "microcirculation"), *New Beijing Daily (Xinjingbao)*, January 4, 2005; *Beijing Statistical Report*, 2003, 2004, 2005, Beijing Municipal Bureau of Statistics.
 - 19 Interviews BJ0304 and BJ0605 (social researchers), Beijing, June 2006.
 - 20 For a full elaboration of the society's territoriality, or civic territoriality, see Hsing, You-tien, *The Great Urban Transformation: Politics of Land and Property in China*. Oxford: Oxford University Press, 2009.
 - 21 Fang, Ke (2000) *Dangdai Beijing jiucheng gengxin: diaocha, yanjiu, tansuo* (Contemporary conservation in the inner city of Beijing: Survey, analysis, and investigation), Beijing: Zhongguo jianzhu gongye chubanshe, pp. 45–8.
 - 22 The temporary arrangements in cheap hotels, short-term rental and relatives' homes might explain the relative invisibility of homelessness in Beijing. The very harsh treatment of drifters by *cheng-guan* (city management patrol) teams also keeps many of them away from "key areas" of the city.
 - 23 Nan Xianghong and Ma Jieting (2006) "Chule Qianmen daona anjia?" (Where to after moving out from Qianmen?), *Southern Weekend (Nanfang zhoumo)*, October 12.
 - 24 Liu Zhiming (2003a) "Chaiqian chai de rangren xinhan" (Demolition chills people's hearts), *China News Week (Zhongguo xinwen zhoukan)*, September 29.
 - 25 Wang Wei (2005) "43 jian pingfang lingchen zao yeman tuiping" (43 housing units

- were razed after midnight), *Jinghua Times*, August 8; Wang Xiaoxia (2003) “*Shehei chaiqian: Beijing yi jumin shenye zaobang bei yiweipingdi*” (Gangster-involved *chaiqian*: a civilian home was razed in the middle of the night), *China Economic Times (Zhongguo jingji shibao)*, September 24.
- 26 “*Mingxing qiye jiao de shehei zhi*” (Star entrepreneurs in gangster-involved demolition), *China News Week (Zhongguo xinwen zhoukan)*, 14, August 18, 2003.
- 27 *Weifa chengqiang shibao: Beijing yeman chaiqian xianxiang jidaizhili* (Illegal violence: brutal demolition in Beijing urgently needs a solution), China Central TV, November 5, 2003; *Chaiqianhu beikun weifang jin yiyue yeman chaiqian chaidaole shenmo* (*Chaiqianhu* stuck in dangerous house for almost a month: what have demolition projects demolished?), China Central TV, May 26.
- 28 Jian Xia (2004) “*Chaiqian, haishi jiaofei?*” (Is it demolition or attacking bandits?), *China Economic Times*, May 27.
- 29 “*Sun! Kao dang zhuan ye chaiqian dingzihu laizhifu*” (Shame! Getting rich by being a professional *chaiqian* nail household), *Huaxi City News*, November 1, 2004; Guo Qiang (2004) “*Zeyang yifa chaiqian jiucheng gaizhao de dingzihu fangwu?*” (How to legally demolish the houses of *chaiqian* nail households?), *Shidai Business News*, June 25. In a “letter to the editor,” one reader writes: “If they want to die, the government shouldn’t stop them. They are just acting!” and “every ordinary home buyer is paying for the *chaiqian* nail households.” Online. See <http://house.focus.cn/msgview/895/10524965.html> (accessed December 15, 2006).
- 30 An economist at Beijing University suggested that in order to redevelop the inner city at a lower cost and efficiently, the government should accelerate the pace of redevelopment projects and acquire the land before people have fully developed their consciousness of property rights. Wang Yuesheng (2005) “*Ruhe zouchuchaiqiande liangnan jingdi*” (How to resolve the dilemma of *chaiqian*), February 18. Online. See <http://pr15.sdsc.edu> (accessed November 7, 2006).
- 31 Liu Zhiming (2003b) “*Sushi fufu: shei chaile wode fangzi?*” (Mr. and Mrs. Su: who tore down my house?), *China News Weekly (Zhongguo xinwen zhoukan)*, September 29.
- 32 “Regulations of Management of Urban Housing Demolition and Relocation in Beijing,” Beijing People’s Government Ordinance No. 87, November 1, 2001. The principle stated in the policy was that demolition and vacating the land could be done prior to dispute resolution.
- 33 Liu Zhiming (2003a) “*Chaiqianchaide rangrenxinhan*” (Demolition has chilled people’s hearts).
- 34 Interview BJS0602, Beijing, June 2006; and Bi, *Cong zaomin dao shimin*. In the “Grand Litigation,” the common ground they found to accommodate both property owners and tenants with a diverse range of grievances and demands was to sue the Municipal Land, Housing and Property Bureau over a procedural flaw. According to the Letters and Visits Guidelines (*xinfang tiaoli*), government agencies are obligated to respond to petition letters within 30 days of receipt. The representatives first sent a letter to the bureau, requesting recognition and affirmation of residents’ land use rights, and for relocation compensation to be calculated on the basis of the value of land, not just the house. Unsurprisingly to the petitioners, the housing bureau did not respond to the petition letter within 30 days. The representatives consequently sued the bureau for violating the guidelines and demanded a written response from the bureau to their petition letter.
- 35 For discussion of the use of social networks in China’s recent urban social mobilization, see Fayong Shi and Yongshun Cai (2006) “Disaggregating the state: networks and collective resistance in Shanghai”, *The China Quarterly*, 186: 314–32. What I found in Beijing is that social networks based on family, long-time neighbors and colleagues seemed to be most useful within the district or the neighborhood, but cross-district networking and recruiting requires more than existing social networks.
- 36 Manuel Castells suggests that an urban social movement is “a conscious collective

practice originating in urban issues, able to produce qualitative changes in the urban system, local culture, and political institutions in contradiction to the social interests institutionalized as such at social level.” See Manuel Castells (1983) *The City and the Grassroots*, Berkeley: University of California Press, p. 278.

- 37 Marshall, Thomas Humphrey (1992) *Citizenship and Social Class*, London: Pluto Press.
- 38 O’Brien, Kevin and Lianjiang Li (2006) *Rightful Resistance in Rural China*, Cambridge: Cambridge University Press.

3 Workers and the quest for citizenship

Ching Kwan Lee

Is the Chinese working class being (re)made in the crucible of a powerful alliance between Communist authoritarianism and flexible capitalist accumulation? One astute student of labor movements worldwide predicts the emergence of a world-historic labor movement in China, comparable to the peasant revolution that ushered in the Chinese Communist regime.¹ Others have emphasized how diabolical sweatshop conditions in the workplace have combined with staunch state repression of independent unionism by the Chinese regime to produce a seemingly unlimited supply of docile and cheap labor.² To this labor question of the Chinese transition – i.e. how are worker control and resistance organized, with what effects on labor as a political subject? – this chapter offers an alternative answer to those mentioned above. My basic argument is that despite formidable institutional odds, Chinese workers do resist the violence of marketization, or more precisely the commodification of labor power. But they have not built a national class movement. Instead, the Chinese regime’s development strategy of “decentralized legal authoritarianism” has generated patterns of labor activism that are localized, legalistic and cellular. Conflicts between labor and capital have become the wellspring not so much for class struggle but for workers’ quest for citizenship.

Drawing on field research on labor unrest in the rustbelt and sunbelt regions, I analyze the factors that explain workers’ mobilization strategies, insurgent identity claims, and the logic and limitations of their activism. I shall also assess the character and direction of the Chinese working class as a political force.

The puzzle

I compare two regional political economies where two distinct groups of workers bearing the brunt of market reform and globalization are concentrated and highlight both differences and similarities in their modes of activism. First, I examine the rustbelt in the northeastern province of Liaoning. Once the heartland of the socialist planned economy and home to some of China’s most prominent state-owned industrial enterprises including leading iron and steel plants, Liaoning has decayed into a wasteland of bankruptcy and a hotbed of working-class protest by its many unemployed workers and pensioners. Unpaid pensions and wages, defaults on medical subsidies, and inadequate collective living standards are the

main grievances triggering labor unrest in Liaoning. Second, I examine the sun-belt province of Guangdong, which has become a powerhouse of the country's export-oriented industrialization and one of the most important destinations for the hundred-million-strong migrant labor force. Rampant non-payment of wages and oppressive working conditions have prompted unrest among these young workers. Each of the following two snapshots is typical of thousands of others found in the respective regions each year.³

Rustbelt protest

A steel window-frame factory in Tieling, Liaoning, suspended production in 1995, and sent its 400-strong workforce home without paying any livelihood allowances, as required by law. Having argued in vain with enterprise management and the Economic Bureau of the city government, the superior bureau of the factory, workers gave up petitioning and focused instead on making ends meet. Then in April 1999, the government announced that a real estate developer would buy the factory premises for 5 million yuan, and the enterprise applied for bankruptcy and proposed to the Workers' Congress in the enterprise that workers would be paid two years of unemployment allowances. Workers went back to the factory to attend the meeting and rejected the offer, demanding that either the enterprise resume production or pay them severance compensation pegged to the length of job tenure. In view of the imminent sale, and the rumors that the local government would send in cranes and police to clear the premises, workers living in the nearby enterprise housing area began taking turns guarding the factory's main entrance. Some 20 workers were there holding out day and night, with a red banner hanging at the gate, reading: "We Vow to Protect Workers' Legal Rights and Interests" and "Stop the Loss of State Assets." Both were current official slogans. Then, a week later, on June 24, around 2AM, around 500 police officers armed with dynamite locked up the dozen workers guarding the premises and, an hour later, demolished the several low-rise buildings that made up the factory. The noise awakened residents nearby and angry workers living farther away gathered together early the next morning and began a rally in the city, holding white banners that read: "We Want to Live" and "We Demand Justice." Wang Zhongzhi, an ordinary worker who joined the protest, recalled workers' explosive anger:

Every inch of grass and every piece of steel in the factory belonged to us workers. They were our sweat and labor. People had tears in their eyes when they saw the fallen pieces of window frames left on the burnt ground. Those were state assets and these officials just squandered them Two hundred workers gathered and everyone was agitated. There were so many different calls to action: block the main highway, block the railroad, march to the police department It's really an aimless flow of people at that time, marching forward not knowing where to go, just roaming. I shouted to remind them to stay close together. We don't want to lose any of them. But frankly, I was very scared on the inside. Such a huge angry crowd.

It was a rainy day, and the rally crowd stopped several times under bridges to rest and wait for the rain to stop. By 6PM, the 200 protesting workers arrived at the last train station on the railway line to Shenyang. Under the cautious eyes and occasional blockage of the police, they decided to walk all the way to the provincial capital, 80 km away. By that time, there were 140 people left and they stopped to spend the night in a state-owned barn until daybreak. Around 2AM, city officials came and wanted to negotiate on the spot. But workers said they were too tired and would send representatives to meet with them in the morning. At 5AM, all the major leaders of the city government came, and, to the workers' surprise, they appeared very sincere and willing to talk about specific compensation and regulations. The government offered to "buy off their tenure" at a rate of 400 yuan per year. A worker representative explained the calculation by workers and by local officials.

We accepted, because we heard that the government sets the range at 300 to 400 yuan per year. But workers did not trust their verbal promise and so we demanded a written agreement. In the end, there were four clauses in black and white. Three were about worker compensation and the last one was that "workers would never petition to higher-level authorities." They [officials] were very afraid that we would bring their dirty linen to the attention of their superiors. There were so many illegitimate accounts inside the factory.⁴

A month later, all workers went back to what used to be the factory premises to collect their hard-won paychecks for the last time.

Sunbelt protest

A Hong Kong-invested electronics subcontractor for Wal-Mart established in 1988 violated many basic workers' rights laid down in the Labor Law. The firm did not sign labor contracts with workers, did not pay the legal minimum wage, did not follow the overtime wage scale established in the Labor Law, and never contributed to workers' pension insurance. These practices had gone on for years, and workers complained in vain by writing opinion letters to management and even to the local Labor Bureau. Then, after a drastic reduction in production orders from the United States in the aftermath of the terrorist attacks in September 2001, the factory frequently suspended production and imposed no-pay vacations on the entire workforce. Then, in late December, the factory announced that it would cut production capacity and relocate to Dongguan. According to one worker leader,

Line leaders became concerned and they jointly organized the girls in their lines to petition to different government departments, demanding allowances during this no-work period. Line leaders saw that their interests were compromised like those of the workers. And 800 workers signed the petition letter to

the Labor Bureau. Workers divided themselves into three groups and marched to the Labor Bureau, the district government, and the district court, respectively, deliberately putting public pressure on the authorities to pay attention to their plight. Thus began a tortuous process of negotiation with management, mediation by the Labor Bureau, an appeal lawsuit initiated by the factory, and finally a court settlement. Along every step in this bureaucratic labyrinth, workers encountered scornful treatment by labor officials and the time and money necessary for the legal process was often too heavy a price for migrant workers.

The officer from the Labor Bureau did not care about who was right and who was wrong. He just wanted to stand in the middle, asking both sides to concede. It's so apparent that workers were the victims in this case, but he did not place legal responsibility on the company We think that they are anxious not to antagonize investors, and that's why they care only about getting an agreement. It's the company that illegally deducted our wages, but the Labor Bureau did not impose any compensation or fine. The whole thing upset us so much that we lost interest in negotiating. All we thought of was to organize a demonstration at the city government.⁵

When workers distributed handbills drafted by their line leaders about the routes to the city government, management reacted by calling public security and the Labor Bureau. Officers came to lecture workers and threatened arrests if they demonstrated. One worker recalled: "The vice-chief of the Labor Bureau said, 'It [workers' action] damages the city's image.' But I just thought that it could only be legal for us to petition the city government. Some workers were scared by his threat of arrest. So, in the end we started negotiating with the management one more time."

In the end, the workers rejected the mediation and filed a lawsuit. The court refused to accept an authorization letter signed by 200 workers for their six representatives, claiming that it had expired. Instead, the judge suggested mediation again, asking if workers would accept a settlement of 500 yuan for each worker. By this time, many of the workers in the lawsuit had left Shenzhen for other jobs or for home visits in different provinces. Worker representatives had no option but to accept the court's decision.

The empirical puzzle that motivates the following analysis is this: in the rustbelt, I have found "protests of desperation," in which veteran state workers, staking their claims on moral and legal grounds, primarily take their grievances to the street, leveraging a strategy of political bargaining by shaming local officials and disrupting traffic and public order, and make only occasional and individual forays into the legal system. Rhetorically, workers' insurgent claims draw on political discourses of class, Maoism, legality, and citizenship. Such protests coexist with a survival strategy that relies on the remnants of socialist entitlements, primarily allocated welfare housing, and on informal employment.

In contrast, Chinese migrant workers in the sunbelt, indignant over their treatment as second-class citizens by officials and employers, stage "protests against

discrimination.” These workers resort first to legal activism, such as filing petitions and lawsuits for collective labor arbitration, mediation, and litigation. Only when this institutionalized channel fails (which it often does) do they resort to public disruption. They stake their claims in the law, clamoring against discrimination by officials and employers and violations of labor rights, identifying themselves as weak and marginalized masses needing the protection of the state. Striving to remain employed in the cities, these workers rely for subsistence on a system of land rights that allocates to rural residents plots of land in their birth villages.

What explains the differences in these protest strategies, one emphasizing street action and the other legal and bureaucratic channels? What accounts for the differences in rhetoric and the claims made to the public and the state?

In addition to these differences, I have also found several significant features of unrest shared by rustbelt and sunbelt workers in this period. One is their passionate appeal to legal justice, assailing official corruption as both immoral and illegal. Also, despite the large number of protests, labor unrest in both regions has been bottled up at either the enterprise or the city level. This kind of decentralized, “cellular” activism seldom evolves into lateral, cross-locality rebellion, and its political target has remained the local government rather than higher-level officials or the central government, with important ramifications for regime stability and legitimacy. What accounts for these similarities in labor activism across two generations of workers and two drastically different regional economies?

We may think of the Liaoning and Shenzhen incidents described earlier in this chapter as instances of what have been termed, respectively, “Polanyi-type” and “Marx-type” labor unrest. In Beverly Silver’s global narrative of labor unrest in the past 130 years, *Polanyi-type unrest* refers to the resistance to the commodification of labor power by workers who have benefited from established social compacts that are being abandoned by the state. *Marx-type unrest*, in contrast, refers to struggles by newly emerging working classes confronting capitalist exploitation in *production*. Marx-type struggles are organized by workers when they have associational workplace or marketplace bargaining *power*.⁶ Yet neither Polanyi nor Marx has an adequate theory for explaining the specific modes of mobilization or insurgent identities that constitute labor unrest and workers as political agents. We need, therefore, additional analysis of the state (i.e. its strategies of economic accumulation and regime legitimation), the social organization of collective action, the legal system, the institutions of social reproduction of labor power, and theories of subjectivity and the agency of workers.

This chapter identifies three levels of analysis forming a configuration of intersecting conditions and giving rise to divergent and convergent patterns of labor activism in reform-era China. The three levels of analysis are: (1) the political economy of decentralized legal authoritarianism; (2) the two systems of regulation and reproduction of labor, one organized around a “social contract” and work-unit-based collective living standards, the other predicated on the “legal contract” and village-based subsistence guarantees; and (3) a repertoire of insurgent identity claims providing the ideational, moral, and emotional motivations for aggrieved workers to take action.

The rising tide of labor unrest in China in the past 15 years has been caused by the commodification of labor, a key component of what has been summarily called “market reform.” This commodification process in China is characterized by the Chinese state strategy of decentralized accumulation and legal authoritarianism. This political-economic framework and its inherent tensions produce the features of labor protests common across the two regions: cellular activism, local state targets, and mobilizing the ideology of legalism. Specifically, I use the term *decentralized legal authoritarianism* to refer to the twin strategy of decentralized accumulation and legalistic legitimation of authoritarian rule. Whereas fiscal and administrative decentralization has been noted by many scholars as the pivotal strategy of the reform regime, I want to draw attention to a less theorized but parallel state strategy: an attempt to shift the ground of political legitimation from utopian ideology, personal authority, administrative fiat, and violence to a government by law, or rule by law. Together, these strategies of development have profound implications for the patterns and potential of labor activism. In oversimplified terms, decentralization makes local government responsible for developing a pro-business local political economy, while the same local government agents are called on to implement labor laws promulgated by the central government eager to resolve labor conflicts and to maintain social stability. This tension between accumulation and legitimation, between the interests of the local and the central government, gives rise to endemic violations of labor rights and entitlements. The local state becomes the target of worker resistance. Moreover, uneven local economic development, a result of both decentralization and the uneven trajectories of global investment, leads to fragmentation of worker interests across localities and work units, producing cellular mobilization. The central government’s promulgation of laws and its rhetoric of legality incite popular responses couched in exactly the same legalistic language.

If the common characteristics of labor protests across the two regions have resulted from the national political-economic framework of decentralized legal authoritarianism, the differences in worker struggles are shaped by the diverse modes of state regulation of labor and the systems of social provision outside of wage work. Rustbelt workers’ employment in state industries usually dated back to the pre-reform period when a socialist social contract – an implicit state guarantee of employment security and welfare in exchange for workers’ political acquiescence – regulated state and labor relations. In the reform era, the transition from social contract to legal contract has been stalled in the rustbelt, and therefore workers still leverage mass action as a means of political bargaining. Betrayed by the state and excluded by the labor market, their protests are fueled by moral outrage and desperation. I call this pattern *protests of desperation*.

In contrast, in the sunbelt, migrant workers have never been part of the socialist social contract. The state regulates employment and workers through legal contract and the Labor Law, which channel collective action primarily toward the institutionalized, bureaucratic system of labor arbitration and litigation. Because the judiciary is not always independent of the local state administration, however, frustrated workers also take their grievances from the courtrooms into the streets. Without urban residency, the reproduction of labor power for migrant workers

takes place in their home villages and not in cities. Therefore, their demands center mostly on wage non-payment and working conditions, not on levels of collective living standards. Instead of committing acts of desperation, these workers aspire to participate in the industrial economy but are incensed by employers' and local officials' collusion and discrimination against them as second-class citizens. Hence the term *protests against discrimination*.

Finally, the repertoires of insurgent identity claims mobilized by the two groups of workers are necessary causal conditions for the rise of labor unrest and can be understood as derived from workers' collective history and current institutional contexts. In the rustbelt, the lingering validity of the socialist social contract and workers' collective lived experience with Maoist socialism produce a lively discourse of class exploitation and the moral responsibility of the state to the people or the "masses." The current state rhetoric of legality and the central government's attempt to implement a system based on the legal contract add a layer of legalistic claims on top of rustbelt workers' class and Maoist discourse. In the sunbelt, in contrast, migrant workers have never had any experience with socialist industrialism or Maoist class politics, and therefore there is a conspicuous absence of class identity claims. Even the notion of the "masses" echoes only faintly and is usually subordinate to the claim of laborers' and citizens' legal rights. The following sections elaborate each of the three levels of analysis – central and local states, regional labor regime, and repertoire of worker claims, emphasizing in particular their theoretical implications for transition and labor studies.

Contradictory state: decentralization, legality, and authoritarianism

In the Chinese transition literature, the state has rightly been at the center of scholarly attention, credited with creating and incubating the market. The emphasis has been on economic decentralization or the state strategy of local accumulation, enhancing incentives among provincial and local communist leaders to liberalize the economy. By allowing revenue retention at the provincial and local levels, fiscal decentralization has generated enormous vested interests among provincial officials to promote and sustain the reform drive, a move to create "a political counterweight to the central bureaucracy and achieve market reform while preserving China's Communist institutions."⁷ The positive economic effects of decentralization are captured by several theoretical formulations. "Local state corporatism," for instance, depicts the developmental, market-promoting, and entrepreneurial role of local officials in nurturing the spectacular growth of village and township enterprises.⁸ Hard budget constraints and local property rights provide the incentive structure fostering competitive local industries. Elsewhere, the notion of "competitive liberalism" highlights how the center has induced competition among localities to liberalize the local economy and to provide better infrastructure in order to attract capital.⁹ Still others have coined the term *Chinese-style federalism* to explain both reform success and the more recent privatization of small and medium-sized state-owned enterprises in the mid-1990s.¹⁰

A palpable celebratory metaphysics undergirds this literature, whose focal concern is with explaining “successful” market reform via state initiatives and which sees the Chinese state as developmental. Only recently, with rising social unrest, have a few scholars attended to the dark side of economic reform, or the rise of the “predatory state” in China. Minxin Pei, for instance, identified four institutional factors accounting for the decentralization of state predation: the decentralization of property rights, declining monitoring capability, availability of new exit options, and the erosion of ideological norms.¹¹ The unavoidable consequence of declining state capacity and appeal of the ruling party is the rising level of rural and urban discontent. Even with this starker perspective, the state is still conceptualized as primarily and solely concerned with accumulation, and as an independent, coherent and self-contained power structure formed prior to interaction with social forces. It also fails to give due attention to the other state imperative, namely legitimation, and to connect particular modes of accumulation and legitimation with modes of social resistance. A dialectical perspective of the state, one that this book adopts, on the other hand, sees contradictions within different state imperatives and insists that state power is not independent of but constituted through its engagement with social groups in their acquiescence and activism, triggered by contradictory state goals and policies.

Among existing studies, Zhao Dingxin’s study of Tiananmen protest stands out in that it identifies the gap in state and popular notions of legitimation as a major cause for the escalation of protests.¹² But his rather crude categorization of the Chinese state as authoritarian, as opposed to democratic, and his failure to point to institutional sites for the state to secure legitimation, leave unexamined the nexus between state policies and collective resistance. Elsewhere, Kevin O’Brien and Lianjiang Li also contend that the Chinese state suffers from a monitoring problem that induces poor implementation of central policies at the local level, and thereby creates both the grievances and the opportunities for people to pursue “rightful resistance.”¹³ They coin the term *rightful resistance* to refer to “a form of popular contention that operates near the boundary of authorized channels, employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public.” Notwithstanding its heuristic value, the concept of “rightful resistance” does not take us beyond describing a way of “framing” by those involved in resistance, who turn the regime’s policy and legitimating myths into weapons of the weak. Giving short shrift to the historical or theoretical conditions for the emergence, mode of mobilization, and dynamics of rightful resistance, O’Brien and Li fail both to illuminate the specific conflict of interest between different levels of the state and to connect the modes of accumulation and legitimation to the constitution of interests and action modes among the resisters.

We have to move beyond the simplistic, stark contrast between interpretations of the Chinese state as either developmental or predatory and reject the view that the state is a singular and insulated motor of change. Instead, a dialectical view of the state will reveal the contradictory interests and tendencies between different levels and units of the state, as well as ordinary people’s active engagement with practices

of the state as decisive of the mode of domination and resistance. I have found in the arena of legal reform a crucible for the intersection of these two dynamics – a fractured authoritarian state marked by contradictory goals and interests, and a populace encouraged by the law to become citizens rather than subjects.

Unfolding concomitantly with economic reform in the past quarter century, Chinese legal reform entails a remarkable and momentous increase in law-making activities by the central authority, the professionalization of the judiciary and the legal workforce, and the strengthening of the court as an adjudicator of civil, commercial, and administrative disputes. “Ruling the country by law” (*yifazhiguo*) was formally incorporated into Article 5 of the Constitution in 1999 and has become part of the official lexicon now widely adopted in government, legislature, and party reports. Between 1979 and 1998, some 327 laws were enacted by the National People’s Congress (the corresponding figures were 7 and 122 for 1966–78 and 1949–65, respectively) and 750 regulations were issued by the State Council.¹⁴ If authoritarianism was previously predicated on administrative fiat, personality cult, violence, and terror in the Maoist mobilization state, in the reform period it is institutionalized and constructed in the image of a law-based government. Whereas laws and regulations have been used to specify a new framework of property rights to enforce contracts and to organize new market structures, thereby facilitating local accumulation, the central leadership has been equally insistent on the law’s political function of maintaining social stability. Former president of the People’s Republic, Jiang Zemin, remarked: “Whether it is market regulation or macroeconomic regulation and control by the state, we should constantly sum up our experiences and gradually incorporate them into the law. We cannot possibly foster good order in the socialist market economy in the absence of a sound socialist legal system.”¹⁵ Yet legal reform in China has been stalled by two major contradictions besetting the Chinese regime: (1) the contradiction between the local state’s imperative for accumulation and the central authorities’ concern with using the law to legitimate political authoritarianism; and (2) the contradiction between the need to maintain the political monopoly of the Communist Party and the binding authority of the law over state agents. These two sets of tensions become political only when the populace takes the law seriously, viewing their self-interest and private needs as citizens’ rights and public concerns.

Accumulation versus legitimation

It has been suggested that twin crises of profitability and legitimation characterize the development of historical capitalism. The Chinese reform political economy is also beset by the contradiction between these two imperatives. Economic growth via market liberalization necessarily brings about intensified inequality and dislocation that undermine regime legitimacy. Labor laws and a new safety net are needed to maintain basic livelihood protection for worker-citizens and prevent them from falling through the cracks of the market economy; hence the central government’s promulgation of a large number of labor regulations regarding pensions, medical

care, insurance, and welfare. But the central authority's strategy of decentralization, entailing the devolution of both fiscal authority and welfare responsibility, creates problems of local implementation. Enjoying unbridled power in economic affairs and standing to benefit personally and collectively from bringing in investment and economic growth, local officials see their abiding interest in accumulation while they scorn welfare reforms as unfunded mandates thrust upon the localities by the center.

In the 1990s, Beijing demanded repeatedly, but in vain, that local governments guarantee payments to retirees and laid-off workers. The lack of local response to this legitimization concern often forced the central government to pitch in emergency funds when worker unrest reached a level to cause central consternation about social instability. In provinces such as Liaoning, which is saddled with a high concentration of retirees and laid-off workers from bankrupt state factories, the central government had no option but to apportion special relief funds to the provincial governments out of concern for maintaining social stability. In 2000, the central government pitched in 45.8 billion yuan for local governments to repay owed pensions and laid-off worker livelihood allowances. Leaders and cadres of impoverished central 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 payments. In 1998, an extra 300 million yuan was allocated to these provinces as emergency funds.¹⁶ As long as localities give priority to accumulation over legitimization, reflecting officials' interest in short-term and concrete financial gains, implementation of labor legislation will be hampered. The pursuit of local accumulation without a corresponding emphasis on welfare and equity has begun to chip away at the regime's legitimacy. Elite obsession with economic growth has generated intense discontent among workers whose livelihood security has been severely undermined by market competition. Perhaps in response to the seething popular discontent expressed through various kinds of social unrest, the new national leadership that came to power in late 2003 has vowed to pursue a broadened agenda of "social development," or "growth with equity." Yet the underlying tension between central and local government power and interests remains.

Economic liberalization versus political monopoly

The difficulty of enforcing central government legislation is related to a second contradiction of the Chinese regime. The persistent monopoly of political power in the hands of the Chinese Communist Party has come into conflict with the legal reform it seeks to establish in tandem with the market economy. The legal scholar William Alford writes of a genuine ambivalence in the Chinese project of legal construction:

On the one hand, they wish to reap the advantages of liberal legality in terms of its perceived capacity to support economic growth, engage the international community, and legitimize the existing regime. On the other, however, they

aspire to do so without being unduly subject to its constraints In effect, this design is the counterpart in law of the larger effort to carry out a substantial transformation of the economy without a commensurate relinquishing of political control.¹⁷

Without any countervailing political opposition or competition, this contradiction has resulted in an authoritarian regime of “rule by law,” not a “rule of law” that can restrain the government itself. Central government law and regulation may provide a wide range of rights and entitlements for workers, but when these are in conflict with local government’s pro-capital interests, the judiciary often succumbs to administrative interference. Poor enforcement of the law is caused by the courts’ lack of institutional autonomy vis-à-vis local government.

Local courts are beholden to the interests of local governments [C]ourt budgets and the salaries and welfare benefits of judges are determined by the local government, not by the Supreme Court of the central government. It is standard procedure to reduce a judge’s bonus according to the number of verdicts reversed on appeal, a situation that discourages judges from cooperating with lawyers and from deciding cases according to legal criteria.¹⁸

Labor bureaus, responsible for enforcing the Labor Law, are marginalized and play second fiddle to economic and commerce bureaus in the local bureaucracies. Labor officials have reported extreme difficulties in imposing fines and penalties on employers for violations of the law, owing to the general priority given to creating a favorable investment climate. “Our job is to educate employers on the Labor Law, not punish them,” proclaimed one Guangdong labor official.¹⁹

Like a double-edged sword, decentralized legal authoritarianism both fulfills the regime’s instrumental goal of economic growth and political control and generates popular activism by furnishing the aggrieved groups with both a vocabulary and an institutional mechanism to express their demands and seek redress. Combined, the contradictions between accumulation and legitimation and between economic liberalization and political authoritarianism have significant consequences for labor politics. The gap between central regulations and local implementation has undermined working conditions in the sunbelt and collective living standards in the rustbelt. Workers with grievances about non-payment of wages and pensions and other conflicts demand redress, citing central government regulations. Paradoxically, though, the same central–local state tension has led to a bifurcation of regime legitimacy and therefore a localized, rather than national, pattern of labor agitation. The common view found among aggrieved workers is that the central leadership is protective of workers, as evidenced by the numerous laws Beijing has promulgated, whereas local officials are corrupt and unfit to rule because they fail to enforce central regulations. When workers protest, their targets have always been enterprise managerial cadres and their superior officials in local industrial or labor bureaus. Decentralization, coupled with marketization, also contributes to the perception that Beijing can no longer totally determine the economic conditions of

individuals and enterprises as economic power has been delegated to local officials. As Vivienne Shue has noted, as legitimate responsibility for the economy has been dispersed and to some extent obfuscated, workers are prone to frame protests in limited and localized ways. “The combined effects of decentralization and marketization have worked to the advantage of the central state, making it somewhat easier for the center to contain and quell those protests that have arisen while simultaneously sustaining its own appearance of legitimacy.”²⁰ It is questionable how long such a bifurcated popular view of a legitimate center presiding over a hierarchy of local venality can be sustained without being replaced by a more integrated view of systemic corruption and illegitimacy. But for the moment at least, what is significant is the prevalence of legal rhetoric as the idiom of activism. “Against the law” becomes the shared accusation used by workers, employers, and officials alike in labor contests.

Regulation and social reproduction of labor

If the national political economic structure and its inherent tensions are pivotal in constituting the common features of labor protests (i.e. decentralized and localized targets, cellular activism, and legalism), the divergent patterns of protest (i.e. protests of desperation and protests against discrimination) have to do with how specific labor systems have been established in various regions. Michael Burawoy’s notion of “labor regime” is a powerful analytical tool linking state regulations of labor (through legislation on contracts, minimum wage, social insurance, collective bargaining, and the like) and the social reproduction of labor power (i.e. means of subsistence, daily and generational reproduction of the capacity to labor) to workplace control and workers’ capacity for resistance.²¹ The idea is that what happens at the point of production between labor and management and among workers is related to how the broader political apparatus intervenes in the regulation and reproduction of labor. In China, market reform in the past quarter century has entailed a transition between two systems of labor regulation: from one based on social contract to one based on legal contract. It has proved to be a contentious and uneven process, whereby moral, economic, and legal claims and counterclaims are made by state officials, management, and workers engulfed in numerous and intense local conflicts. The social contract “instituted” in the socialist era was a general and implicit exchange between the paternalistic state and a politically acquiescent populace. There was no legal document stipulating the terms of this socialist social contract, only shifting policies that varied greatly according to the political and economic needs of the state in different periods.

In the reform era, the transition from social contract to legal contract was stalled in the rustbelt owing to the challenge of the local economic structure (declining state-owned heavy industries), the financial predicament of enterprises, corruption among local officials, and workers’ economic dependence on and moral expectation of state paternalism. Labor laws and regulations were promulgated but not always implemented in practice. The legal and bureaucratic systems were hotbeds

of corruption, not responsive or effective in resolving labor conflicts. Rustbelt workers, steeped in the logic of the socialist social contract, saw their leverage in mass action as a means of political bargaining. In contrast, in the sunbelt, the influx of foreign and domestic private investors and the recruitment of young migrant workers, both outside the traditional socialist social contract, compelled the local state to regulate employment and workers through legal contracts and the Labor Law. When conflicts arise, migrant workers' first response has been to leverage the only institutional resource available to them – the law and the bureaucratic system of labor arbitration and litigation. Because the judiciary and the labor bureaucracy are not always independent of local state administration, however, frustrated workers who have exhausted their legal options are also prone to taking their grievances from the courtrooms into the streets.

The ways in which labor power – the capacity to work – is reproduced on a daily and generational basis shape both the potential and the limit of collective mobilization. In China, as we shall see, dormitories for migrant workers in export factories and residential quarters for state socialist workers are both geographically close to the site of production, forming self-contained, all-encompassing communities where work and non-work lives take place in the same localities. This residential pattern facilitates communication and the aggregation of interests, especially at the moment of labor conflict. A major difference between the two types of communities, however, is that state workers' residence survives the termination of their employment, in contrast to the itinerant status of migrant workers, whose residence in the cities is contingent on their employment. Thus, labor struggles in the northeast have the potential to last for longer periods, up to several years in some cases, than in the south.

There is another significant way in which workers' capacity is shaped and limited by how labor power is reproduced, that is, by how workers survive beyond their participation in and dependence on waged labor. Here I find that lingering "socialist" entitlements play a key role in limiting both migrant workers' and veteran state workers' capacity to sustain mobilization. Specifically, the birthright of migrant workers with rural household registrations to plots of land in their home villages and the urban housing reform that turned work-unit housing into state workers' private property are buffers against the non-payment of wages and unemployment. Many state-owned enterprise workers, in some places 40 percent of working-class households, bought the property rights to their previous welfare housing units in the 1990s.²² Workers can resell these urban properties, turn them into rental units, or pass them on to their offspring, even after retirement or plant closure. Housing is perhaps the most important and enduring of all redistributed goods. In the countryside, land ownership remains collective to this day. Since the dismantling of the communes in the late 1970s, land use rights of the individual peasant have been legally guaranteed by the state, and agricultural land is allocated to the household unit to which that peasant belongs. The most recent 1998 Revised Land Administration Law has reaffirmed the principle of equal distribution of land and peasants' land use rights have been guaranteed for at least another 30 years. This land rights system allows employers and the state to sustain a low-wage labor

regime as the cost for the social reproduction of labor is partly absorbed by the rural communities. It also channels workers' aspirations, sense of belonging, and survival strategies back to the countryside. Many labor disputes end with migrant workers returning and dissipating into the vast countryside for basic subsistence. As the erosion of peasants' land rights worsens, as it has since about 2005, and as the second generation of migrant workers increases in number, we may see changing dynamics of labor politics in the coming years. Yet, up until the turn of the new millennium, the rural land rights system has had a dampening effect on urban labor strife.

In short, rural land rights and urban homeownership are forms of state redistribution that cushion workers from destitution and dispossession caused by market competition. These policies produce in each group of workers a degree of dependence and allegiance to the reform regime and the economic order that marginalizes them. At the same time, the different entitlements from which the two groups of workers benefit produce and reproduce rural–urban boundaries that fragment the working class from within. They have come to see each other as having fundamentally different life chances and economic interests.

Repertoire of insurgent identities: proletarian, citizen, and subaltern

Economic and legal reforms entail not just the transformation of institutions but also shifts in cognitive categories and moral subjectivity. The promulgation of laws, and the associated discourse of citizenship and legal rights, for instance, allow workers to view the self as public and to recognize the discrepancies between legal prescriptions and experiences of the absence of legal rights. The making and remaking of the labor subject must be an integral part of any story of labor activism as a force of social change. Examining the micro-mobilization processes of labor unrest throws into sharp relief how “needs,” material and moral, are always defined through the prisms of a collectively held sense of dignity, entitlement and rights. Across the two regions and two generations of workers, the striking similarity is how indignation experienced in the commodification process spurs them into action. Repeatedly, I have seen wage default and pension arrears were primarily experienced as an assault on workers' prevailing sense of justice, worthiness and humanity, standards variously defined by socialist ideology and institutions (the social contract) and the Labor Law (the legal contract). The theoretical significance of underscoring this moral and emotive dimension of labor protests, or the labor politics of recognition, is that it reverses the causal logic of a widely accepted proposition that workers resist when they have the capacity or institutional leverage to do so. Given the large labor supply, the prevalence of unskilled and low-paid jobs, and the non-existence of independent unions, Chinese workers can hardly be described as having much marketplace, workplace or associational bargaining power. The data presented in this book, however, suggest that the need for recognition and justice can be so powerful that they can prompt mobilization even in the face of formidable political barriers. Mobilization generates political leverage;

not vice versa. Beyond China, we find significant instances of “powerless” laborers, such as immigrant workers and low-end service workers, building successful movements based on symbolic power and social justice claims. This brings us to the third element in my analytical framework: labor subjectivity.

Historically, labor studies have documented three potential insurgent identities the modern worker forges in action: proletariat, citizen, or subaltern. The working-class formation theory predicts the rise of modern workers as class actors, who use class as “a way of organizing, thinking about, and acting on society.”²³ Class designates a shared position in the division of labor in production, generating shared material interests among class members in opposition to another class. The revisionist argument of Margaret Somers suggests that it was as citizens, not as members of the working class, that workers in nineteenth-century England seized on national labor law to advance their collective interests. The driving force of their collective activities was expectations informed by their understanding of the legitimate rights of membership for all citizens of England’s national polity. “The language of rights . . . was the explanatory prism through which class issues and other aspects of social distress were mediated and understood.”²⁴ Elsewhere, the postcolonial labor history of Dipesh Chakrabarty makes a powerful case for a different labor subject in the struggle of the Bengalese working class. He argues that the Indian worker is not the abstract, liberal subject assumed in Marxist theories that take liberal English society for granted. Indian workers are subalterns who, while they labor on the shop floor and participate in strikes and unions, carry with them identities defined by a hierarchal community marked by distinctions based on birth: religion, language, and kinship. “The incipient awareness of belonging to a class remained a prisoner of [their] pre-capitalist culture,” he writes.²⁵

The analysis of the subject in labor action must be historically and culturally situated, and cannot be determined a priori and in abstraction from theories. Which of these images – the proletarian, the citizen, or the subaltern – reflects the living reality and identity of the Chinese worker in protests? The two snapshots of labor protests depicted in the beginning of this chapter, like many I have documented elsewhere, indicate that Chinese workers are experimenting with multiple insurgent identities, drawing on and inventing a repertoire of subjectivity and rhetoric that has roots both in their shared historical experiences under socialism and the new institutional environment in the current reform and globalization era.²⁶ Instead of fixating and reifying workers’ identities, I should recognize their context-dependent contingency and diversity. Contingent on varying local conditions, they invoke and combine multiple claims of class, citizen, and subaltern to assert their rights and entitlements. In other words, this period of economic transition and institutional ambiguity is marked by the formation of political agents mobilizing multiple ideologies and subjectivities. At a time when workers confront the challenge of crumbling old practices and fledgling unpredictable new policies, when it is hard to speak of structured or formal norms, there is more room and necessity for political experimentation from below by those who are ordinarily subordinated. The political poignancy of labor activism in the current period lies in this multiplicity of insurgent identities, their uncertain effectiveness, and their continuous

evolution. In brief, what I have found is that workers are testing old and new cognitive, moral, and action frames, to find out which ones work under what conditions at a time when institutions are in relative flux. If the reform leadership is “groping for the stones as they cross the river” in charting the course of economic reform, a process of experimentation with popular resistance is its mirror image.

Let’s consider “class” subjectivity. Workers in the northeastern rustbelt, after decades of official indoctrination with Marxist ideology and first-hand experience with “cradle to grave” work-unit welfare, are acutely aware of the rise of new and powerful dominant classes, be they government officials or former state factory managers. Even as the discourse of class has disappeared from the media, academia, and official propaganda, the language of class leads a subterranean existence in veteran state workers’ reminiscences of the bygone days of Chairman Mao. A particularly prominent element in working-class subjectivity is their claim of collective ownership over their work units. The official ideology of “workers as masters of the enterprise” has been a lived experience under Mao, many asserted. From time to time, we see how this “class”-based sense of entitlement, rights, and dignity fuels powerful feelings of injustice, rage and action, as in the Liaoning incident.²⁷ But the Chinese state allows little political space for workers to form class-based organizations. To date, attempts at lateral coordination among workers have been met with severe sentences imposed by a state determined to nip in the bud any autonomous, organized dissent, whether it takes the form of unions or of political parties. In the sunbelt, the younger generation of migrant workers, who came of age when official ideology had begun de-emphasizing class struggle and are therefore less conversant in class rhetoric, nevertheless complain about being dehumanized as “little more than appendages to machines” and deem that not getting paid is the worst form of “exploitation.” Workers may relish their fleeting success with strikes that manage to force employers to pay back wages or reduce production quotas. Yet the pressure to make a living and the fluidity of the labor market do not lead easily to collective organizing of any kind. In short, Chinese workers’ class consciousness exists as a fading relic from the past, and the persistent weakness of workers’ class capacity is not likely to nourish or sustain its development.

The most empowering identity workers have found is grounded in one variation of citizenship – citizens’ right to legal justice (*gongmin de hefaquanyi*). Workers enthusiastically embrace the regime’s project of legal reform and the construction of a law-based, corruption-free government. Statistics of workers filing for arbitration or lawsuits attest to a rise of rights consciousness. If class struggle was the official ideology in the Maoist era, then legality, or *fazhi* (rule by law), is that of the reform era. As workers and the general public learn to articulate their grievances and demands by adopting the language of the state, in this case the legalistic language, a process of subject formation takes on a life of its own. As Göran Therborn notes, “people ... are subjugated under a particular force or order at the same time that they are makers and creators of something [I]nherent in this double sense of the subject is the always present possibility of transcendence of social and personal givens.”²⁸ When they are subjected to the state-prescribed appellation of “citizens,”

workers become qualified to act as citizens in the way they define citizenship. But workers' subjectivity is the result not just of ideology but also of praxis. When legal recourse always proves ineffective, owing to the courts' institutional subordination to the government at all levels, as well as rampant corruption and collusion between business and government, many workers have become "disillusioned citizens." In trying to exercise their rights, many workers have found that they do not have any. Citizenship is an empty slogan and status, but because it is the language of the state, workers' banners and petition letters are laced with legal terminology and logic. Yet, sometimes the court does follow the law and encourages more popular usage of the legal system. Under these circumstances, workers-as-citizens are a political agency in the making; they falter in some places but make headway in others. Every favorable arbitral award or court verdict spawns new desire and aspiration among workers to affirm their labor rights and interests through the legal system.

A third kind of insurgent identity and action strategy found among Chinese workers in the reform period is that of the subaltern, or, in Chinese, *qunzhong* ("the masses") or, more recently, *ruoshi qunti* ("weak and disadvantaged social groups"). In protests, petitions, and private conversations, workers refer to themselves as the working masses (*gongren qunzhong*). Tellingly, workers today often use this term interchangeably with *ruoshi qunti*. The "masses," a concept that originated in the Chinese Communist Revolution and the Maoist mass line, consisted of workers, the peasantry, the intelligentsia, and the national bourgeoisie. The masses' interests were harmonious with one another and also with those of the state, and their political energy and spontaneity were to be cultivated and harnessed. Cadres were instructed to guide and encourage the masses to participate in the construction and defense of socialism under the leadership of the party. Indeed, the masses are conceived as a powerful force in the Chinese polity, and the authoritarian state from imperial times to the Maoist era has accorded them the moral responsibility to rebel against injustice and immoral, venal power. What is notable about the masses as a political agent is that it has survived "class." The appellation *the masses* still occupies a prominent place in official propaganda, most significantly in Jiang Zemin's theory of the "Three Represents," one of which is representing "the fundamental interests of the broad masses." In the 1990s, the new term *ruoshi qunti* became popular, used by the government, the media, and academicians to refer to social groups among the masses that have been relegated to disadvantaged social locations by structural reforms. The central government recognizes the plight of migrant and unemployed workers in the reform era, and it affirms its moral responsibility for protecting them through the legal system or a new safety net. Workers readily invoke this new label as the "disadvantaged masses" to criticize the lack of state protection.

But in embracing such an identity, they also reveal and reinforce a hierarchical political imagination – the central state is the source of omnipotent power and paternal authority from which flows the protection for workers. The political logic of the masses also imposes limitations on workers' activism. Ever cautious of the heavy hand of a repressive state authority, workers rarely dare to pursue lateral mobilization across factories, limiting themselves instead to localized disruption

that they hope can generate social and political pressure on local officials. That is, workers organize cellular mobilization based on one single work unit, which is usually tolerated by the local government, and petition superior officials who then pressure local officials to respond to workers' demands. At the first signs of official concession or repression, workers retreat for fear of retaliation or lack of organizational resources to press on. But again, the subaltern is a living, reflexive political agent capable of changing practices, not one who is imprisoned in her own traditional culture or predetermined by economic and political institutions. Over time, we may expect Chinese workers to develop greater capacity for activism and solidarity than what they have so far demonstrated. And the terms and terrain for that collective agency may pivot around the law and the practice of rights protection by citizens, rather than narrowly defined, class-based workplace interests.

“Against the law”: citizenship as lawful rights

This quest for citizens' lawful rights is developing apace across different social classes, especially among peasants and urban homeowners. Like labor strife, rural popular discontent and resistance had roots in decentralized legal authoritarianism, and peasants also massively appealed to the law as a site for battling venal local officials. In the early 1990s, villagers in interior agricultural provinces reacted to the “three un-rulies” or “peasant burdens” (i.e. illegal taxation, excessive fees, and arbitrary fines) imposed by local cadres. Unlike villagers in coastal provinces with access to overseas investment, good infrastructure, and export markets, agriculture-based provinces in central and western China could not rely on income from township and village enterprises, touted as the engine of takeoff in rural China. Local officials who were made responsible for balancing local budgets under the regime of fiscal decentralization and were not politically accountable to the local population became predatory toward the peasantry. Widespread conflict swept through these agricultural regions and the State Council issued regulations setting a taxation limit of 5 percent of total annual income, and hastened the pace of implementing the Organic Law, prescribing village elections for village self-governance. These measures toward legalization, together with the promulgation of the Administrative Litigation Law in 1989, triggered a tidal wave of litigation nationwide. Between 1990 and 2001, the number of cases of administrative litigation exploded, from 13,006 to 100,921 (accepted cases).²⁹

Since about 2000, coercive land expropriation has become an additional incendiary issue in many rural areas neighboring big cities. By 2004, an estimated 40 million villagers had been dispossessed, left without land, employment, or social security. The new “enclosure movement” that swung into high gear around 2002 has so far requisitioned some 3 percent of total agricultural land area, including much of the most lucrative, under various rubrics of constructing “new development zones,” “high-technology parks,” or “university towns.” Villagers protested against involuntary requisitioning of their contracted land, the meager compensation received, and cadre embezzlement of the land transfer proceeds. Conflicts over the commodification of land-use rights are certain to intensify following the

adoption of the 2003 Rural Land Contracting Law.³⁰ On the one hand, the law legally empowers individual contract-holders as property owners and lays the foundation for a market in rural land-use rights. On the other hand, in response to rural discontent and income disparity, the central government initiated the tax-for-fee reform in 2000 to abolish both the agricultural taxes and the surcharges, keeping only the agricultural product tax. The heightened fiscal pressure on local governments resulting from this reform is likely to lead officials to expand illicit requisitions of farmland.

Rural rebellions frequently begin when some villagers acquire details of the laws and regulations bearing on their interests and rights. When local cadres violate these policies, villagers write complaint letters, visit higher officials, expose local violations of central policy in the media, and mobilize fellow villagers to withhold payment of illegal and arbitrary fees and taxes. Confrontations between these resisters and local cadres have resulted in protracted court battles and in small- and large-scale riots as well as violent crackdowns by local and provincial governments. In recent years, informal groups of rights activists have emerged in a number of localities, and many of these “peasant heroes” who assumed leadership positions are former members of the People’s Liberation Army. Shrewdly building networks across villages, even counties, relying on trust, reputation, and verbal communication, they have become more open and organized, with some even succeeding in coordinating cross-village or cross-county actions, inviting crackdowns by armed police forces.³¹ Tellingly, as is the case with workers, the law may not be effective in protecting citizens’ rights, and rural plaintiffs, much like their urban counterparts, do not necessarily see the law or the courts as a neutral or empowering institution in their fight against official corruption and abuse of power. Still, many continue working through and around the law and its related trappings in the state apparatus.

Besides workers and farmers, the urban middle class has also become legally assertive in defending their property rights that are increasingly preyed on by the unholy alliance between local officials and financially powerful developers. In Beijing, between 1991 and 2000, some 820,000 people in 260,000 households were relocated from their homes to make way for urban renewal or city construction. In Shanghai, 2.5 million people in 850,000 households have been relocated. Similarly large-scale demolition and reallocation of urban residents’ homes have taken place in major cities across China, including Guangzhou, Nanjing, and Kunming. Owing to the privatization of former welfare housing, and the rapid growth of the real estate market, about 70 percent of urban households owned their homes by the early 2000s. Although land belongs to the state, by law homeowners have land-use rights for up to 70 years, and demolition and relocation has to be implemented through due process and with reasonable compensation. Local governments see tremendous financial interests in redeveloping built-up areas and transforming them into luxury housing compounds, shopping malls, and commercial high-rises. There have been numerous property disputes, with homeowners contesting the legal grounds for demolition or the amount of financial compensation offered by local governments, which were accused of organizational corruption and profiteering

through these land transactions. The 2001 State Council Regulations on Urban Housing Demolition and the 1989 Administrative Litigation Law have been most widely used by aggrieved property owners in their collective lawsuits. Yet their civic activism runs the gamut of petitions, signature campaigns, protests, and sit-in demonstrations. In several high-profile cases, homeowners refused to leave their properties in protests against illegal seizure and inadequate compensation and committed self-immolation and suicide. The Ministry of Construction revealed that conflicts arising from housing demolition resulted in 26 deaths and 16 injuries from January to July 2002 alone.³² Perhaps the intensification of property rights struggles by the Chinese middle class is hardly novel or surprising. After all, the bourgeoisie has been historically the social class that has most ardently championed universal legal rights in its challenge to domination by the landed aristocracy and the crown. In China, we have witnessed the rise of a hidden alliance or an unorganized convergence of the peasantry, the working class, and the propertied middle class toward the terrain of the law. As victims of official “accumulation by dispossession”³³ (dispossessed of their land, employment, and property rights), these social classes demand citizens’ legal rights and condemn official corruption as illegal. As I was completing this project, I began fieldwork for a new study on the politics of citizenship and the legal rights revolution in urban and rural China. I was struck by the similarity of demands for legal rights and the standard of justice I found among Beijing homeowners and rustbelt workers. Echoing the logic and feelings of rustbelt workers, and mixing moral and legal reasoning, one property owner whose family home was demolished related his outrage against the district government officials in Beijing:

Developers, demolition bureau officials, public security, ambulances, police cars, and many demolition workers all surrounded my house. I wrote on the walls of my house in big characters, “The Communist Party and the Eighth Route Army didn’t take away a single pin or a penny from ordinary people,” “Equality to all before the law,” “Ordinary people’s homes cannot be violated.” ... In the end everything was torn down and removed, and they even wanted me to sign a confession letter, forcing me to admit that I obstructed the execution of official duty. My 12-year-old son and I refused to sign, and they detained us for 10 days I am a Chinese citizen [*gongmin*], I responded to Chairman Mao’s call to construct the Third Front to move to Qinghai, and stayed there for 24 years. My two brothers are soldiers serving the Party and protecting our country. Ironically, I cannot even protect our own family home. We are so oppressed. I thought, is this country ruled by the communists? How come the government has become like the nationalists? Are these leaders communist or nationalists?³⁴

Despite many other differences in these two types of popular activism, the centrality of the law, legalism and access to legal justice is salient, and is perhaps a uniquely Chinese quest for citizenship, triggered by the regime’s decentralized legal authoritarianism. Social rights and political rights, the other two components

of T. H. Marshall's classic definition of citizenship, have not been the rallying cry among aggrieved social groups.³⁵ For now, even without formal or conscious cross-class alliance against the state, the ferocious charges of "against the law" and the popular demand for "protection of lawful rights" are a powerful and haunting chorus to the Chinese regime.

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4 Barefoot lawyers and rural conflicts

*Xing Ying*¹

Law and justice

In 1985, the Chinese Communist Party (CCP) Central Committee and the State Council published the *Five-year Plan for Popularizing Common Legal Knowledge Among All Citizens*. Since then, large-scale projects in legal education and popularization have been carried out throughout China, playing an important role in promoting the rule of law. These projects were greatly strengthened by institutionalized strategies, such as the program to dispatch courts to “hold sessions in peasants’ homes” and the broadcasting of the TV show, *Law Today*. Through these and other moves, even in the most remote areas, people have gradually gained varying degrees of legal consciousness. However, “access to justice” has become an intractable issue as legal consciousness has risen. Impoverished peasants and migrant workers are intimidated by the high cost of seeking redress through juridical channels.

Not until 2003 did China publish *The Code on Legal Assistance*. This code seeks to address the serious shortage of both funding and personnel for legal assistance. However, only 253,000 cases of legal assistance were processed in 2005. According to Ministry of Justice statistics, over 700,000 cases are in need of legal assistance in China each year, but less than a quarter received assistance. In addition, legal assistance services are generally offered in large and medium-sized cities but are hard to find in the rural counties (Wang Yu 2006). In other words, legal assistance services are the least available in the countryside where the need for legal assistance is greatest. Those active in legal assistance services at the county level are so called “grassroots legal workers.” The qualifications for grassroots legal workers are much lower than those for actual lawyers. Thus, there are many of them and they also charge considerably less than lawyers. However, problems related to poor regulation and unfair competition in the legal assistance market have emerged (Michelson 2003). Moreover, they still charge service fees, albeit of smaller amounts. Given the current state of legal assistance, are there alternative modes of access to justice besides these legal assistance and legal service agencies? To pursue this question, I turn to the phenomenon of the “citizen-representative action” in the rural grassroots judiciary system.

According to *The Law on Lawyers* and *The Regulations on Grassroots Legal Service Workers*, only lawyers or grassroots legal service workers are allowed to provide legal services for a fee. However, according to China’s Civil Litigation

Law and Administrative Litigation Law, ordinary citizens who are not legal professionals can take the role of the representative in civil or administrative litigation and can participate in court sessions following legal procedures. The citizen-representative system is designed to help citizens without much education or money to secure their rights to legal assistance with the help of relatives and friends. The fundamental difference between citizen-representative action and lawyer-representative action is that the citizen-representative is not allowed to charge a fee. Acquaintance networks are the social grounds for the proper functioning of citizen-representative actions. However, the citizen-representative system can, at the extremes, move in two directions.

First, there are so called “black lawyers” who violate the rules and charge for services illegally. Such practices may make the citizen-representative action field a hotbed for corruption and for disrupting the legitimate legal profession. Second, some citizen-representatives extend their services to people beyond their acquaintance networks in local villages. They offer complimentary services to semi-acquaintances and even strangers. These are so called “rustic lawyers” or “barefoot lawyers” (*tu lüshi*),² whose practices make it possible for citizen-representative actions to be an effective means of access to justice for peasants, bringing the law into rural villages.

The pitfall of current critiques of the citizen-representative system is that they often only see the first direction while overlooking the second or simply mix the two (Fu 2006: 48). Based on case studies of “barefoot lawyers,” this chapter seeks to answer the following questions: how does the citizen-representative system operate in China’s grassroots villages? Who are barefoot lawyers? What are their motivations and ultimate goals? Where is their “market”? What are the social, political and cultural resources they rely upon? Do they have special connections with the courts? How do they interact with the client and other parties involved? Through a careful examination of these empirical questions, we will be able to untangle the following issues: Is citizen-representative action always a hotbed for “black lawyers?” What distinguishes barefoot lawyers from black lawyers? Are citizen-representatives substitutes for grassroots legal service workers? Furthermore, this research will help us better understand the relationship between the state, law and peasants, and will illustrate the operation as well as social effects of law in rural areas.

In order to emphasize the relationship between the citizen and the state, this chapter is focused on citizen-representative actions in administrative litigation. I’ve chosen the province of Shandong as my research site for two reasons: first, in recent years, Shandong has the highest rate of administrative litigation in China;³ second, there are a number of barefoot lawyers who play active roles in central, western, and southern Shandong (Xiao 2002).

I’ve chosen for this case study Yanggu County, whose basic-level court has the highest case-filing and closing rates in administrative litigation in Shandong. My colleagues and I made four research field trips, each lasting 10 to 14 days, between July 2004 and July 2006. We conducted multiple interviews with relevant personnel and conducted extensive archival research, which provided the main data for this chapter.

Yanggu County lies in western Shandong with a population of 740,000. It is one of the major grain production regions of the province. It is a “backward” region in terms of economic development, but is about average nationwide. There are two legal service agencies approved by the provincial bureau of justice and a couple of legal service agencies approved by the county bureau of justice. We examined the records of all 33 cases handled by the administrative branch of the county court between January and October 2003. Thirty-one cases involved representative actions, which constitutes 93.9 percent of all 33 cases. In all these cases involving representative actions, lawyers appeared 25 times, grassroots legal service workers 23 times, and citizen-representatives 21 times. In addition, representatives recommended by work-units appeared 60 times. Only in four citizen-representative actions could we confirm that the representative was a relative of the represented. Except for the few cases in which we could not identify the relationship between the representative and the represented, most of the remaining 17 citizen-representative actions were handled by barefoot lawyers who provide *de facto* legal services without the *de jure* title of legal service worker.

Compared with civil litigations, 30 percent of which are through representative actions (Wang Yaxin 2006), the percentage of representative actions in administrative cases is much higher. This is likely because administrative cases deal with the relationship between the government and citizens and both parties take the lawsuits more seriously. Representatives recommended by the work-unit (most of whom are cadres from the Legal Affairs Office or the Judicial Office of the accused) are the most likely to be involved in administrative litigation, while lawyers, legal service workers and citizen-representatives have similar rates of involvement. One peasant named Zhou Guangli caught our attention because he appeared nine times in the 21 citizen-representative actions gathered. What legal role, then, does Zhou play in China’s rural society? In this inquiry, we take Zhou’s experiences as the focus of our case study.

The ten-year journey of a barefoot lawyer

When we started our investigation in Yanggu County, we discovered that Zhou Guangli was not an ordinary barefoot lawyer. In ten years, he has created a “Zhou Guangli Phenomenon,” which has annoyed the local governments, delighted villagers, caught the eye of the media, and surprised scholars. Some numbers illustrate the point.

Between September 1995 and December 2005, Zhou Guangli served as representative in a total of 1,674 lawsuits, including 1,479 administrative cases and 195 economic or civil cases. The administrative cases in which he acted as the citizen-representative between September 1995 and 2000 constitute 31.3 percent of all administrative cases in the county in that period. His efforts contributed a great deal to the fact that the court of Yanggu County has become the grassroots judiciary with the highest case-filing and closing rates in administrative litigation in the province. Besides serving in his own county, Zhou Guangli has also acted as citizen-representative in cases in over ten counties in Shandong, Henan,

Hebei and Shanxi provinces. The administrative cases he has worked for cover a wide range of issues including the burdens of peasants, arbitrary administrative charges, unspecified fines, dereliction of duty, land registration, contracted land, administrative compensation, and so on. According to Zhou's own calculation, he wins 90 percent of his cases if we count cases where plaintiffs withdrew because their problems were solved through the litigation process. Under his influence, a barefoot lawyer network has emerged in Yanggu County and its periphery. Many villagers in west Shandong were passionately and voluntarily learning and using the law. The emergence of this barefoot lawyer network has greatly extended the boundary of legal service markets in the countryside.

Zhou's ten-year journey of representative actions for administrative lawsuits can be divided into four periods.

In the first period, between September 1995 and 1998, Zhou began his representative actions and gained a reputation in August 1996 when he helped Chen Guangsheng, a peasant from Aoyan Village of Yangzhuang Township, win a lawsuit. During this period, he was frequently threatened and harassed by local governments and twice was beaten up. The deputy head of Yangzhuang Township enlisted local thugs to beat him up in public and warned him by saying: "You will be beaten to death if you continue to represent in the Yangzhuang case." They continued beating him till Zhou went unconscious and fell to the ground. When Zhou went to the township government to complain the following day, the deputy township head denied the entire event. "Why would I, the head of the township, beat you up?" he asked. Zhou then reported the case to the township police, but the police refused to take the case, citing a lack of evidence. Outraged, Zhou fetched a couple of hundred copies of the brochures titled *Citizens Can Sue Officials* from the administrative branch of the county court, wrote his name and address on each copy, and posted them in visible spots in every village of Yangzhuang Township. Far from discouraging him, the beating he suffered propelled him to be more engaged and persistent.

In the second period, between 1999 and September 2000, Zhou became increasingly well known. Villagers from various counties solicited him as their representative in lawsuits. News media, including CCTV, *China Youth Daily*, and *Southern Weekend*, also started to report on the "Zhou Guangli Phenomenon." This attention and exposure, however, put Zhou under enormous pressure from the county government. On November 29, 1999, Yanggu County Government organized a workshop on the "Zhou Guangli Phenomenon." At the workshop, criticism that Zhou's actions consumed a great deal of the government's energy dominated the discussion. Agreement was reached that the government should never advocate the so-called "Zhou Guangli Phenomenon." The seesaw battle between those in and out of the county and between the state and civil society (and the media) reached its peak in the period between August and September 2000. In August 2008, two reporters from the Xinhua News Agency published an article on the Zhou Guangli Phenomenon in an important internal document of the CCP. Several key leaders from the provincial and municipal governments read and endorsed the report. In September 2000, the municipal/prefecture and county governments

formed a joint investigative team and conducted in-depth research on the Zhou Guangli phenomenon. Their conclusion was that the phenomenon was beneficial to society and was well trusted and welcomed by the masses; in the meantime, the government should properly handle, guide and regulate such acts as those of Zhou Guangli. The state's position was not rigid, and instead, the state showed a complex internal structure with heterogeneous views toward issues. This complexity within the state provides the ground for the legitimacy of barefoot lawyers. From there, Zhou Guangli entered the third period.

The third period, of relative autonomy for Zhou, was between October 2000 and June 1, 2006. In their report, the joint investigative team vaguely mentioned that the "Zhou Guangli Phenomenon" should be guided without elaborating on what specifically to do. As the report primarily affirmed Zhou's efforts, the county government no longer dared to exert pressure on Zhou. They did not encourage Zhou's representative actions, but neither did they repress them. Thus, Zhou's representative practice reached its peak in this period. The number of cases he received increased, the geographic locations he covered expanded and the types of cases he represented multiplied. More importantly, more and more barefoot lawyers emerged during this period.

Finally, in the fourth period, after June 1, 2006, Zhou's star began to dim. In ten years, Zhou had accumulated from his representative practices not only a sense of accomplishment in playing a game, as well as the honor of being recognized by villagers and the media and the excitement of winning lawsuits, but also a feeling of exhaustion both physically and emotionally, and disappointment and frustration with the government. Additionally, the temporary shield he had gained from the joint investigative report faded as time went by. Eventually, one incident made Zhou want to quit. On June 1, 2006, when Zhou went to the county court for a case that had dragged on for ten years, he was beaten up by the court police. Zhou passed out and was later taken to hospital. This incident made him determined to gradually give up his practice of representative action.

In the following sections, we analyze the practices of barefoot lawyers at rural grassroots legal services and address related theoretical questions, using the case of Zhou as our primary data, complemented by cases of other barefoot lawyers in Shandong.

The emergence of barefoot lawyers: personal experiences and the effects of diffusion

The genesis of barefoot lawyers: personal experiences

What kinds of people are more likely to become barefoot lawyers? We would suggest that it is closely related to a person's experiences and personality. Zhou Guangli is an intelligent and serious person with integrity and passion, who enjoys thinking, being involved in people's affairs and defending others against injustice. He did not want to talk much about his past in an interview. But we learned from others that he was born in a landlord family. Although he did not have much

personal experience of political persecution after the socialist revolution (he is almost the same age as the People's Republic; he was born in June 1948), the burden of his "bad" family origin made him desperate for individual equality.

Zhou first became interested in law from an incident he experienced. He used to make and sell popcorn in his spare time. He carried his popcorn machine everywhere, trying to sell as much as possible. On April 23, 1995, a little girl was injured in the arm accidentally by his popcorn machine. Zhou spent about 4,000 yuan for the girl's medical expenses. However, the girl's parents retained his popcorn machine after the girl was restored to health. The girl's parents refused to give him back the machine and no agreement was reached after several attempts at mediation. Finally, Zhou had to go to court. The results of the first and second trials were the same: Zhou had to compensate the girl with 1,500 yuan and the girl's parents should return his machine after receiving the compensation. When Zhou finally got his machine back, five months had already elapsed since the accident and the machine was broken and unusable. In other words, he still lost his machine after having spent so much money. This incident had a big impact on him, leading him to believe that if he had knowledge of the law, the outcome would have been different. Thereafter, he took an interest in law and began to read law books, despite the fact he only had an elementary school education. His motivation to study law at that time was to protect himself or at least to understand what was going on.

Zhou's career as a citizen-representative coincided with the movement to "send law to the countryside." On September 30, 1995, the fifth anniversary of the implementation of the Administrative Litigation Law, a street event publicizing the law was taking place in the county seat. A number of judges from the administrative branch of Yanggu County court handed out informational materials to everyone passing by and announced: "Do you have injustice to report? Ordinary people can sue the government." Zhou happened to be in the county seat that day and saw the event. He was curious, as well as suspicious about the idea that ordinary people could sue the government. Coincidentally, one of his neighbors was fined 800 yuan by the township government for not having received an approved birth-control surgery. Zhou thus encouraged his neighbor to file a lawsuit in the county court, asking the township government to return the money. The township government intimidated them into withdrawing the lawsuit at first. But, as the hearing date neared, they returned the money to his neighbor. One crucial reason the court was willing to open a court session for the case was that it needed exemplary cases at a time when they were actively publicizing the Administrative Litigation Law. Thus, this initial attempt received a positive response from the court. Although the appeal was finally withdrawn, Zhou and his neighbor experienced how the law helped them defend their rights against the government. From that point on, Zhou gained confidence in the law and became fascinated with representative actions in lawsuits.

Zhou's trajectory of representative action is typical among barefoot lawyers. Others in Shandong followed a similar path.

Bian Guanghua is a disabled high school graduate from Zibo, Shandong. His first

experience with the law was fighting for his father's "reputation rights" (*mingyu quan*). Since then, he became interested in law.

Li Zhizeng is a peasant with a high-school education from Mengyin County, Shandong. He was accused and detained without justification. Finally, he was released after he filed an appeal to the superior court. This incident helped him understand the importance of law and thereafter he began studying law on his own.

Chen Guangcheng is a blind college graduate from Qinan County, Shandong. His village violated regulations by not exempting him from taxes. He appealed to higher authorities through the "letters and visits" system for over a year. Finally, his agricultural tax was exempted, but his contracted land was taken away by the village. However, a tax-exemption case brought by another blind man in which he served as representative received support from the court. He learned from these two incidents that resorting to legal channels could be more useful in solving problems than appealing through the "letters and visits" system. Thereafter, he began studying law and helped villagers with lawsuits.

Zhou Shanqing is a peasant with a junior high school education from Fanzhuang Village, Jiangdian Township, Gaotang County. He had witnessed many situations in which peasants' rights were violated. He began studying law five years ago and acted as citizen-representative for peasants in many lawsuits.

From these examples it is clear that individual experiences and dispositions are the most important factors that contribute to the vocation for barefoot lawyers. What distinguishes barefoot lawyers from professional lawyers is that they are motivated by their personal encounters with the law, rather than the pursuit of abstract ideals, such as the rule of law, or the potentially huge amounts of money to be earned.

Su Li exaggerates the contrast between the universal law and local customary law when he analyzes the case of Qiuju in the film by the same name by Zhang Yimou (2007). As a matter of fact, the customary ethical code of the countryside is not an ossified set of rules, but rather it has been constantly (re)constructed. The personal encounter of peasants with the law may result in perplexity, as in Qiuju's case, but it may also result in the excitement of discovery, as with Zhou. It is true that law was originally introduced from the West. However, Chinese peasants are not merely passive. There's a significant chance that they would integrate law as a part of rural customary code. When we study the relations between the "learned knowledge" based on abstract legal facts and "practiced knowledge" based on living facts (Qiang 1999), too often we only see how the former overrides the latter while overlooking the fact that the latter could also appropriate, exploit and even transform the former.

Certainly, few villagers would identify with law simply because of their personal encounters with it. It is ultimately their "pre-perception," to borrow a term from analytics, which contributes to barefoot lawyers' comprehension of law. Some personal experiences that seem irrelevant to law may have a significant impact on barefoot lawyers' values and behavioral patterns when they engage in legal services. Behind the commonalities in their personalities, such as curiosity,

interest in learning, an interest in people's affairs and defending others against injustice, it is their backgrounds and personal suffering that make them especially sensitive to the issues of equality and justice. For instance, Zhou Guangli is the son of a landlord; Bian Guanghua is disabled; Chen Guangcheng is blind; and Zhou Shanqing is deaf.

The replication of barefoot lawyers: the effects of diffusion

In the previous section, I argued that peasants can construct law into rural customary codes. One crucial piece of evidence for this is that once a barefoot lawyer has emerged in one place, there's usually a diffusion effect. Gradually, a network of barefoot lawyers emerges in that place.

Zhou was basically working on his own in the first period of his representative action. In the second period, his reputation spread. Many peasants also wanted to become barefoot lawyers and sought his advice. Therefore, a number of barefoot lawyers were replicated in a short time. Below is a letter that Zhou kept, recording a peasant's experience of studying law from Zhou.

July 6, 2002:

Zhou Guangli is well-known as a peasant lawyer. When I visited him at his village on May 4, 1999, he received me with great passion. We looked at the lawsuits he had represented before and discussed them. I admired him from the bottom of my heart, "What a lawyer of peasants!" He defends victims against injustice and does not charge any service fee. He really serves those who are treated unjustly. As a Chinese young man with ambition, I should learn from people like him, studying and publicizing law and statutes, helping others enhance their legal knowledge as well as explaining and discussing politics for the sake of our country. I shall also take on the weapon of law to protect myself when my legal rights are violated.

Unfortunately, I have little knowledge of law. I wanted him to be my teacher at that time, but did not dare to ask, as I was afraid that I'd be rejected. Finally, I gathered enough guts and told him about my wish to be his student. Surprisingly, he agreed with a smiling face. He has taken me to attend court many times in the past few months and so far I've learned the basic court rules and litigation procedures. Teacher Zhou has patiently taught me how to use law and is determined to save me from ignorance of the law.

I became involved in a lawsuit before I met Teacher Zhou. The administrative staff, with the aid of Zhang Tongxin, the CCP branch secretary of my village, demolished my six storage sheds before the contract [on them] expired. All cantaloupes in the four sheds were taken away, which resulted in a direct economic loss of about 30,000 yuan. This incident happened on July 29, 1998.

Since I did not have legal knowledge, I spent over 4,000 yuan making pleas to leaders. However, none of them stood up for me. Three months passed. I was disappointed each time I talked to a leader. Then I thought of suing them

in court. I believed there is a place for justice under the CCP. Many people were discontent about the way I was treated and lent money to me (for the lawsuit). The case was filed on October 28, 1998. However, I could not afford the 1,650 yuan for court fees. It has been a year since the case was initiated. My family is almost bankrupt since we do not have a good agricultural output. Thankfully, I saw a report on Zhou Guangli published in the *Shandong Mass Daily* of July 1, 1998 and became his student. Now my biggest dream has come true and I feel I've found someone who will support me.

I've also resolved to read law books whenever I have time. I am writing down my motto in this letter: I want to take Lawyer Zhou as my role model and become a qualified representative, who is not intimidated by any difficulty, hardship or obstacle in fighting for justice for the people, and to make my own contributions to the country and the people.

Zhang Shanfa,
Villager of Panzhuang Village, Hedian Township, Xin County

This letter tells us that peasants are a disadvantaged group in Chinese society, whose rights are frequently violated. Some of them do not know that they can use the law as a weapon to defend themselves; others do not know how to use this weapon even when they turn to the law. Law seems of little use to many peasants. However, it becomes a powerful weapon in Zhou's hands. Such a sharp contrast (between Zhou and other peasants) is doubtless inspiring to those who constantly and insistently seek justice. Once they've tasted the sweetness of using the law (to protect themselves), they are likely to develop their legal consciousness into legal service consciousness and shift their practices from being in pursuit of personal interests toward the public interest.

As Zhou's reputation grew, the number of people seeking help from him increased rapidly. Zhou was unable to take them all on. Taking apprentices and starting collaboration with other barefoot lawyers thus became a good way to accommodate the large demand. Because barefoot lawyers do not work for economic gain, they do not face much competition from one another. On the contrary, they share common goals and dreams and remain in contact with each other. They have thus formed a network of barefoot lawyers, which in turn works as a shield for them.

Examples can also be found in Mengyin County, Shandong Province. When Li Zhizeng first became a barefoot lawyer, Sangyuan Village already had at least four barefoot lawyers, including Wang Xuefu, Wang Xuecheng and Li Fenglai. A unique group of barefoot lawyers formed around Menglianggu, taking Sangyuan as its core. Because of this group of lawyers, the burdens of each peasant in the local area remained very low and the various fees levied on peasants were strictly enforced, according to policies and regulations. Sangyuan maintained order without the existence of the village committee for 11 years.

The topic of "sending law to the countryside" has been in circulation in academic circles for some time, but few have paid attention to the voluntary acts of peasants in disseminating law in rural areas. If we take the project of "sending law to

the countryside” as a reconstruction of the relationship of partial domination, the voluntary acts of peasants bringing law into the villages constitute a complicated relation that is both collaborative and conflictual. On the one hand, the acts of peasants bringing law into villages affirm the dominance of the rule of law over the village; on the other, to some extent, peasants construct their subjectivities through these voluntary actions, integrating the law into their own practical tool-kit. In this tool-kit, legal tools and non-legal tools, such as appealing to higher authorities, are placed side by side. In this way, the dominance of law is essentially overturned by peasants’ practices of taking the law into the village. If the legal resistance by legally illiterate peasants is plain and straightforward (Ling 2004) then the practical transformation of the rule of law by barefoot lawyers is indeed ingenious.

The market for barefoot lawyers: demand and expansion

“Market demand” for barefoot lawyers

Why are peasants willing to seek help from barefoot lawyers? To answer this question, we have to first ask why peasants are unwilling to go to grassroots legal service agencies or law firms. There are four reasons why they do not turn to formal legal services.

First, there are too few legal service workers and agencies. By the end of June 2006, there were 11,691 law firms, 118,000 licensed lawyers and 30,000 assistant lawyers in China. However, most are located in big and medium-sized cities (Yu 2005). In 2000, there were 33,219 grassroots-level legal service agencies and 122,000 grassroots legal service workers in China.⁴ However, the number of grassroots legal service agencies and workers has steadily declined since the reform of grassroots legal services by the Ministry of Justice in 2000. By 2002, there were only 26,889 grassroots legal service agencies and a little more than 70,000 licensed grassroots legal service workers, most of whom work part-time. No more than 30,000 legal service personnel worked in rural areas. The ratio of working legal service personnel to the rural population is below 0.003 percent (Yu 2006). In addition, rural legal service agencies are concentrated in the county seat or towns where dispatched courts are located. It is very difficult for peasants in many areas, particularly those in the central and western mountain areas, to find legal services.

Second, legal assistance is too expensive. Although legal service agencies charge about 20 to 40 percent less than law firms, paid legal service remains beyond the means of many peasants, whose annual net income is around 2,000 yuan. Although the agency fee in administrative litigation is only 200 to 800 yuan, many of them cannot afford or do not want to pay for it.⁵

Third, people remain intimidated by authorities. In 2000, the Ministry of Justice ordered legal service agencies to carry out a reform in which legal service agencies must no longer remain a part of administrative institutions or public service units, and instead, should become independent, financially self-sufficient, and self-regulated professional agents of legal services. However, many local legal

service agencies are still in the process of reform. Even when they are detached from their former patron institutions, legal service agencies still maintain multiple connections with the government, the court, and the office of the public prosecutor. For instance, as we've found in our research, many government officials work in legal service agencies after retiring from their posts, and some legal service agencies perform the role of counselor for township governments. Thus legal service agencies take great efforts in maintaining their relationships with the government for the sake of survival and future development. Legal service agencies are thus reluctant to take part in administrative cases. Even when they take a case, it is open to question whether or not they would fight fully for the plaintiff.

Fourth, legal channels are dissonant with rural tradition. The tradition of "no litigation" in ancient Chinese society is based on the contradiction between rule by law and rule by etiquette (Fei 1998). The emphasis on sentiment in rural society is incompatible with the impersonal rule of law and clear calculations of interest. Some people thus criticize or even propose to abolish legal service agencies. Their criticism is primarily rooted in the fact that legal service agencies do not have a legal basis and thus are poorly regulated and managed. But such criticism does not deny the fact that representative action by grassroots legal service agencies is a professional channel. Thus, the grassroots legal service worker is typically not a relative or has no specific personal connections with the client. Whether or not the grassroots legal service agencies would agree to serve as a representative in a case is not based on personal relationships. Instead, it is a case-based business relationship between the legal service worker and the client. Although they are less formal when compared with lawyers, they are moving towards legal professional standards. Therefore, despite the fact that some grassroots legal service workers have rural backgrounds and serve peasants, their semi-professional conduct makes them quite distant from their peasant clients.

In comparison, it is obvious to see why barefoot lawyers such as Zhou are in large demand in rural villages. First, barefoot lawyers fill a gap in the decline of rural legal service agencies. Second, free service is what attracts peasants most. We put quotation marks around the "market" of barefoot lawyers in order to emphasize that this is a unique market in which there is barely any commodity exchange. Certainly, it costs money for barefoot lawyers to engage in a lawsuit. In Zhou's case, clients usually covered his basic expenses for representing the case and if the client was willing to give an extra few hundred yuan to Zhou after winning the case, Zhou usually accepted the money. However, the conventions behind such payments are not related to the commodity economy, but rather accord to the exchange of favors and gifts in rural society. Zhou does not intend to gain economically from his representative actions. What he hopes to gain is respect and recognition from others. Instead of monetary remuneration, Zhou is glad to hear promises from his clients such as, "Anytime you come to my place, I will treat you with wine and meat." Zhou spent a large amount of money and time for the lawsuits and thus frequently shirked his farm work. In addition, he occasionally became involved in cases for which he ultimately did not receive any compensation. Put together, Zhou often faced serious economic constraints. In response, he occasionally accepted

some civil and economic lawsuits. Since civil and economic cases generally have larger financial goals, the clients are typically willing to pay more if they win the case, which helped relieve Zhou of some financial pressure.

Third, barefoot lawyers often take on administrative cases which most law firms and legal service agencies are unwilling to take. Barefoot lawyers do not have any personal or professional concerns tied up in their representative action and can thus carry out the case according to law. Compared to penalty law and civil law, administrative law in the 1990s had simpler rules. It also required the accused to provide evidence. Consequently, pursuit of legal cases is especially beneficial for barefoot lawyers.

Finally, most clients that barefoot lawyers represent belong to extended acquaintance networks of relatives, neighbors and friends. Some clients first heard of Zhou through the media. They emotionally identify with Zhou although they do not have a direct or indirect personal connection with him. Thus, one crucial difference between barefoot and other lawyers is that barefoot lawyers are motivated by sentiment rather than interest. They are thus more readily accepted by peasants who value sentimental ties.

Expansion of the barefoot lawyer “market”

Since barefoot lawyers are not formally registered, how then do clients find them? There are primarily two ways: initially through word of mouth in their vicinity; and later through media reports, which spread their reputation more widely.

In Zhou's case, two events can be seen as landmarks in his expansion of the “market.” The first event was Chen Guangsheng's case, in which Zhou served in August 1996. Before that case, Zhou had taken on a few cases, which were finally withdrawn when the government returned the unjustified fines. Clients' interests were preserved in these cases. However, these cases did not have a big impact on local peasants. What made Zhou's reputation was his case for Chen Guangzhou, a peasant of Aoyanchang Village of Yangzhuang Township, a village neighboring Zhou's own. In that case, Chen was fined 1,600 yuan and taken into custody for over 20 days for allegedly having had a baby in violation of township regulations. Chen thus sought help from Zhou. Chen was already 73 years old, which made it obvious that the allegation and fine were completely unsubstantiated. Since the case was straightforward, Zhou was quite sure that he would win the case. In August 1996, Zhou sued Yangzhuang Township Government in court on behalf of Chen. Within days, the Yanggu County court announced its decision to repeal Chen's detention and fine and ordered the township government to return the fine, provide compensation for the plaintiff's economic loss, and issue a formal apology. Chen's victory in the case made a stir in local villages and earned Zhou a strong reputation in many places. Since then, peasants in nearby villages would first turn to Zhou, asking him to file an appeal in the court on their behalf when they had to defend their legal rights.

The second event was media reports on Zhou by three major news media between 1998 and 1999, including the influential supplement “Freezing Point” in the

China Youth Daily and an episode of CCTV's show, *Societal Overview*. These reports also drew the interest of other newspapers. Some newspapers even referred to Zhou as "The No. 1 barefoot lawyer in China" (Wan 2002: 6). Media reports have thus become the best advertisement for Zhou to expand his "market."

Barefoot lawyers' strategies for action

The fact that peasants act as citizen representatives is not the most significant point here. What is most interesting is that the success rate of barefoot lawyers is higher than that of professional lawyers. The plaintiff success rate in all administrative cases nationwide is about 30 percent.⁶ Zhou's success rate, according to his own calculation, is 90 percent. Even if we follow the standard calculation method and do not include withdrawn cases, Zhou's success rate between 1995 and 1999 was 43.69 percent. How is it possible that an ordinary peasant with only an elementary-school education and no personal connections with the court or the government has such a high success rate? How is he able to avoid revenge from the accused? To answer these questions, we have to examine the social network that Zhou is embedded in and his correspondent strategies.

Barefoot lawyers' relationship with the court and their correspondent strategies

The relationship between barefoot lawyers and the court is very delicate. On the one hand, some cases barefoot lawyers take on are very sensitive and complicated. Occasionally, the accused is the government of the same level as the court or a powerful government branch that the court dare not offend. In those situations, barefoot lawyers could bring serious trouble to the court. On the other hand, it is an important mission of the court to increase administrative cases. One crucial criterion to assess the performance of administrative trials is the number of filed cases. The active participation of barefoot lawyers brings to the court a rich source of administrative cases. Thus, the court holds a very complicated attitude toward barefoot lawyers, welcoming them while at the same time being wary of them. Smart barefoot lawyers certainly have sensed the complex position of the courts and figured out their strategies accordingly. For instance, Zhou understood that the court was not without factions and divisions, and the ambiguous attitude of the court was due to different stances held by two internal branches toward barefoot lawyers. The large number of cases adds to the political credit of the administrative branch of the courts, and increases the income of those who work in this branch. Therefore, Zhou took pains to keep his rapport with judges in the administrative branch. When he faced difficulties getting his case accepted, he often asked the judges in the administrative branch to help him get things through.

When Zhou had more experience handling lawsuits, he knew that he could not simply rely on his relationship with judges. In his own words, "it is easy to handle small cases but difficult to handle big ones." The so-called small cases refer to an independent case in which the issue at stake for both parties is not applicable

elsewhere or the accused does not have a deep-rooted relationship with the court and therefore the court can treat the issue strictly according to the law. Since illegal administrative practices are common in villages, it is very obvious in many administrative cases which party has violated the law. In addition, the accused is responsible for providing evidence in administrative procedures. Thus the plaintiff is likely to win such cases. A so-called big case refers to a case in which both parties are drawn into an extended network. In such a network, included are not only peasants who have similar experiences and may compare their own to the case and demand the same treatment, but also the supervisors of the courts, i.e. party committees and political and legal committees, who take political security and solidarity as the primary goal and who may also have personal connections with the court based on economic interest and emotional ties. In such situations, whether to accept the case, how to adjudicate it, and whether to enforce the decision if the plaintiff wins is not a simple matter of the law. Rather, the handling of the case takes place amid power struggles and balancing of multiple parties in the network in which the case is embedded (Ying and Wang 2006).

Gradually, Zhou selected cases before he accepted them. He would carefully judge if a case was a big or a small one. He generally did not take on cases that he had little confidence in winning. Barefoot lawyers thus have become the gatekeepers of the legal system (Michelson 2006; Kritzer 1997). The “big cases” are usually related to issues that are most important to the administration of the countryside. However, barefoot lawyers are unable handle them, as these are issues that are unsolvable under the current legal system.

The high success rate of Zhou is not mainly due to his professional skills, his relationship with the court, or his careful selection of cases. Rather it is because illegal administrative practices are so prevalent in rural areas. Many rural cadres do not take seriously the legal rights of peasants. Thus in many cases the accused does not have much chance of winning. As long as one is willing to take the case and the plaintiff carries it through, and at the same time not too many parties or interests are involved, the court generally tends to support the plaintiff.

Barefoot lawyers' relationship with the government and their correspondent strategies

Since barefoot lawyers frequently sue the local governments on behalf of their clients in court and win, it is understandable that local governments are annoyed at them. The local governments cannot take revenge on Zhou for his representative actions directly. However, they are able to punish him through other direct and indirect means. In the past ten years, Zhou has been beaten and his son encountered great difficulty getting married. Even after he had been well known for years, he was still beaten up by the court police in 2006. How to ensure his personal security and that of his family was the biggest dilemma Zhou encountered. He gradually figured out ways for self-protection.

First and foremost he behaved as a “model” villager in order to not provide an excuse the government might use for revenge. Except for working on lawsuits,

he acted obediently on everything else. For example, he paid all fees and charges (including the obviously unjust ones) in full and on time; his family did not have any children born out of the plan; he did not appeal to higher authorities and never encouraged his clients to do so. He knew the limitations of the law, but he consciously acted within legal boundaries and did not resort to appeals to grievance offices for solving problems. The report by the joint investigative team of municipal and county officials revealed that office visiting and legal procedures were seen as two contradictory ways of solving conflicts between cadres and the masses. “The Zhou Guangli Phenomenon points out a new way of solving peasants’ grievances ... by showing that one can defend his legal rights through legal means. It also inspires local officials to see that conflicts between cadres and the masses can be solved satisfactorily within the legal framework.”⁷⁷ Thus, if Zhou had become involved in appealing to higher authorities, it would have definitely jeopardized the legitimacy of his representative activities. Moreover, although Zhou attended classes on building the countryside in 2003, he kept a distance from intellectuals who came to the village for various projects. Such a distance helped him avoid unnecessary trouble. A foreign scholar used to conduct research on barefoot lawyers in Yanggu and visited Zhou at his home a couple of times. Zhou suggested she not visit his home any more as it might draw the attention of the government.

After a network of barefoot lawyers was formed in Yanggu County, an especially interesting phenomenon has emerged, in which barefoot lawyers exchange clients in their respective areas. Through exchanging clients in this way, barefoot lawyers protect themselves while continuing their representative actions. Before 2000, most cases Zhou handled were in the town of Yanlou, where he is located, and in the nearby townships of Yanzhuang and Yangzhuang. Since 2000, the number of cases he handled increased, covering a wider range of issues. However, the number of cases he has taken on in the three townships listed above has dwindled. In particular, he has rarely taken on any cases in the village of Zhouzhuang where his family lives. In an interview with us, Zhou explained that he did not take cases in his home village to make as little trouble as possible for his family. Indeed, his home township and village have a direct impact on him and his family. If he sues cadres in his home village, it would be too easy for the cadres to find an excuse to exact revenge on him. So when his fellow villagers came to him for legal help, he usually referred the cases to other barefoot lawyers. He was more interested in working for cases in places where the administrative authorities could not reach him directly.

Also, barefoot lawyers are apt to utilize the media as another layer of protection. For instance, when Zhou was beaten up in court in 2006, he quickly made a phone call to a journalist who soon published a report in the newspaper. The leaders of the judiciary went to visit Zhou in the hospital and apologized to him after they saw the report. The reason the court cares about media reports is that these reports have an impact on their image, which, more than their achievement in promoting legal governance, plays an important role in their career advancement. Despite the fact that the media in China is still under strict control, it remains an influential force in pressuring governmental behavior.

Barefoot lawyers' relationship with the peasants and their correspondent strategies

The relationship between barefoot lawyers and peasants is much simpler. Since they work on peasants' behalf at no cost, they are greatly appreciated. However, at times they are bitterly disappointed. For example, Zhou once encountered a client who refused to reimburse Zhou's litigation fees; some said in court that it was Zhou who had pushed them to file the suit; others blamed Zhou after losing a case. A separate example is of Zhou Litai, a well-known peasant-worker lawyer, who has worked on about 3,000 cases on behalf of peasant-workers. Almost half of the peasant workers he represented disappeared without paying their legal costs after winning their suits (Jiang 2004: A3). Since Zhou Guangli's clients were mostly villagers from the area, they could not simply run away after the suits ended. Thus, if they refused to pay the fee, they would face tremendous moral pressure within their circle of local acquaintances.

Conclusion

Legal consciousness of barefoot lawyers

Previous research on the legal consciousness of Chinese peasants has emphasized the peasants' consciousness of resisting the law. Our research instead illuminates the pursuit of law by peasants. This then leads to another question: Is the pursuit of law by barefoot lawyers an instance of reverence for the law or an exploitation of it?

In their own discourse, barefoot lawyers stress their reverence for and confidence in law, and carefully distinguish their practices from other politically ambiguous actions (such as appealing to higher authorities). This stance anchors the legitimacy of their representative actions. In practice, they have encountered all manner of hardships in the litigation process. Sustaining them through these hardships is a pragmatic attitude and a kind of pleasure from playing the game, rather than the sense of defending sacrosanct, abstract rights through law. When they bring law into the countryside, law is no longer something that is autonomous and unreachable. Rather, it becomes a part of the practical tool-kits of peasants' daily lives. The subjectivity of the rule of law has been transformed behind its own triumphant discourse. People in law and academia often complain that the legal services provided by barefoot lawyers "do not follow the norm." What is missed in such criticism is that barefoot lawyers contribute by transforming the law into a new customary code of the countryside. It is often true that barefoot lawyers have incomplete legal knowledge, are unskilled in applying the procedures, and inaccurate in using the appropriate lingo. Such an assessment of the imperfections in barefoot lawyers' techniques is based on the conceptualization of legal services as commodities. However, the most significant "violation of the norms" by barefoot lawyers is that they refuse to take legal services as commodities. In other words, barefoot lawyers actually reconstitute the concept of "legal services" in rural society. Their legal

service is based on long-term exchanges of favors rather than a one-time exchange of money. As Polanyi has argued, economic life is embedded in the logic of social life. But the modern free market that is constructed on the principle of “gain” has destroyed traditional human living conditions and challenged the interests of society as a whole. Such a challenge unavoidably induces a societal movement of self-protection (Polanyi 1989). The transformation of the principle of “gain” in the legal market into the principle of “reciprocity” in legal services is a part of the self-protection movement in rural society.

“Access to justice” and the irreplaceable function of barefoot lawyers

The rural legal service system within the current legal institution cannot meet the need for legal regulation in rural villages. The emergence of barefoot lawyers makes up for the limitations of the rural legal service system. Because barefoot lawyers provide convenient, approachable and free services and do not have many political constraints, their role in legal services, especially in administrative litigation, is not replaceable by law firms and legal service agencies. Their amateur qualities may expose some technical deficiencies and flaws in the legal services they provide. However, compared with the problem of many lawyers in China, who are over-professionalized and distant from the countryside, barefoot lawyers have actually built a bridge with Chinese characteristics that facilitates “access to justice.”

Barefoot lawyers versus black lawyers in grassroots legal services

Nowadays many people mix together the two concepts of “barefoot lawyers” and “black lawyers.” As a matter of fact, these two are fundamentally different. Barefoot lawyers provide legal services free. Black lawyers, by contrast, provide services for economic gain. Barefoot lawyers do not have personal ties with the court or the government. It is due to their persistent passion for law and for defending justice that they stand up for others. Black lawyers, however, often rely upon their personal connections with the court and the government and exploit holes in the law. Barefoot lawyers take on administrative cases while professional lawyers and grassroots legal service workers are reluctant to handle these cases. Black lawyers, in contrast, focus their efforts on competitive civil and economic cases, which have greater promise of high economic returns. Barefoot lawyers have effectively propelled the development of administrative litigation, which has experienced a relatively retarded progress compared with other types of litigation, and have helped improve legal governance and administration. Black lawyers compete with professional lawyers through illegitimate means and have thus disrupted the law and intensified the problems of litigation.

Black lawyers, and not barefoot lawyers, have created a hotbed for corruption and disruption in China’s legal profession. Barefoot lawyers, instead, are

individuals who have emerged from rural society and negotiate between the political system and society. They also navigate between the legal system and society and exploit the gap between the political and the legal systems to pursue the interests of society as a whole.

Notes

- 1 This chapter was originally written in Chinese, and translated by Xiao, Suowei and Max Woodworth
- 2 The term “barefoot lawyers” is inspired by the term “barefoot doctors” from the Maoist era.
- 3 Between 1999 and 2003, more than 10,000 administrative cases were filed in Shandong each year. Shandong was also ranked first nationally in the number of filed cases in administrative litigation between 2001 and 2003.
- 4 See *China Judicial and Administrative Yearbook (2001)*, Beijing: Law Press, p. 900.
- 5 See “Administrative cases gone through initial trial by all levels of law courts in China, 1989–2002”, *Legal Execution and Trial in Administration*, 1, Beijing: Law Press, p. 210.
- 6 Ibid.
- 7 See Joint Research Team of the Prefecture and the County (2000) *Research Report on the “Zhou Guangli Phenomenon”*.

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5 Peasant resistance against nature reserves

Melinda Herrold-Menzies

Introduction

On one spring day in the early 1990s in Guizhou Province, China, several nature reserve managers in a small boat on Caohai Lake were gathering fishing nets that were illegally trapping fish during the spawning season. Nature reserve managers told me that their task was to pull up the nets and destroy them as they had done on several previous occasions. Before the managers could gather the nets, however, several boats filled with irate local fishermen¹ surrounded them. The fishers yanked one man out of the reserve managers' boat and started pummeling him. The fishers then threatened to drown the other reserve employees in the icy waters of the lake. When the reserve managers tried to retreat, the fishers started throwing heavy rocks at the managers' small boat to try to damage the boat or drown the occupants. Fortunately for the shaken reserve employees, they were able to get away. The man who had been beaten had to be hospitalized.

Fast forward to December 2004. Nature reserve personnel were again confiscating fishing nets from the lake below a fishing hamlet. Reserve managers told me the fishing nets had been placed high in the water in such a way that protected species of waterfowl could potentially get trapped in the nets. According to farmers I interviewed, a couple of farmers witnessed reserve personnel collecting the nets and alerted their neighbors, but the residents did not angrily confront those who were about to destroy their valuable property, as they might have done in years past. Instead, after the nets were confiscated and burned, the farmers went to reserve headquarters and presented reserve staff with a petition requesting compensation.

Reserve staff initially scoffed at the idea of compensating farmers for the loss of nets that had been set in an illegal manner. The persistent fishers, however, returned to reserve headquarters three days in a row, pleaded their poverty, and complained that they had not been properly notified about the improper placement of their nets or warned about the impending seizure. Because of their poverty, they needed to fish to feed their families; events that led up to the creation of the nature reserve had undermined the farmers' ability to sustain their livelihoods. The farmers insisted that they dutifully did all they could to protect the reserve's endangered birdlife, but the reserve did nothing to protect the lives of the people. Had they known about the danger of the placement of their nets to wild birds they

would have immediately adjusted their nets, they said. One week after the incident, the farmers received 3,000 yuan from the reserve. The farmers claimed that the reserve was compensating them for the nets the reserve had unfairly destroyed. Although they said their nets were worth far more than the 3,000 yuan they received in “compensation,” they were satisfied that the reserve recognized that an injustice had been committed. By contrast, reserve officials explained to me that they had offered the farmers poverty alleviation support that would enable the farmers to start small businesses that would in turn promote economic development, eventually making the farmers less dependent for livelihoods on resources in the nature reserve. When I asked farmers what they intended to do with the 3,000 yuan, a couple said they would purchase new fishing nets.

What happened in just over a decade to explain the change in tactics employed by the farmers living in Caohai Nature Reserve? Why hadn’t farmers in December 2004 challenged reserve staff when they saw their nets being confiscated? How had farmers’ violent resistance to restrictions on resource use been demobilized and transformed into non-violent petition writing that, on this occasion, received a positive response?

This chapter tells the story of the transformation of relations between farmers in Caohai Nature Reserve and reserve managers. It is also a story that reflects the politics of redistribution. Farmers at Caohai Nature Reserve have struggled to reclaim rights to natural resources that were expropriated by the state for environmental restoration and for inclusion in a nature reserve. Farmers have unsuccessfully lobbied for compensation for land they lost in a lake restoration project and they have engaged in collective action to protest the nature reserve’s attempts to prevent farmers from engaging in livelihood activities, such as fishing, waterfowl trapping and land reclamation. Community development programs introduced by international conservation and development organizations have attempted to address farmers’ grievances against the state. Where the project’s distribution of benefits has been seen as equitable, farmers have been more willing to refrain from using violence in pressing demands for redistribution from the state. Where the distribution of benefits has not been perceived as equitable, farmers have been less likely to cooperate with nature reserve managers (Herrold-Menzies 2006b).

Following violent confrontations between farmers and reserve managers in Caohai in the early 1990s, two US-based non-governmental organizations (NGOs), the International Crane Foundation and the Trickle Up Program, in cooperation with Caohai Nature Reserve, sponsored a conservation and development program that aimed to promote local economic development, reduce farmers’ dependency on natural resources, and improve relations between farmers and reserve managers.

More than ten years later, reserve managers still unpredictably and intermittently enforce reserve regulations while farmers still disobey reserve regulations. Confrontations, however, no longer occur in quite the same way, nor as frequently. Between 1986 and 1992, informants say that there was approximately one violent confrontation annually between fishers and reserve staff, in which individuals were injured. After community development programs were initiated in 1993, only one violent confrontation occurred between 1995 and 2005, even though reserve staff

continued to enforce restrictions against fishing. While the disappearance of violent resistance on the part of fishers does not mean the nature reserve suddenly entered a state of harmony, there was a demobilization of farmers' militancy.

This is not simply the "violent environments" of Peluso and Watts (2001) evolving into the "rightful resistance" of O'Brien and Li (2006), but there has nonetheless been a transformation in the way that farmers are resisting the authority of the nature reserve. Fishers do not present petitions to higher authorities, but are now able to seek redress for perceived injustices through the bureaucracy. I argue that this change can be attributed to the conservation and development project and practices associated with this project that have shaped the ways in which reserve personnel and local farmers interact. The financial incentives provided by the project, the belief on the part of farmers that there may be future community development projects, the hiring of a few fishers to act as liaisons between the reserve and farmers, and the training of reserve staff to be more respectful of farmers have all played a role in changing the way the farmers resist resource regulations.

To say that farmers' militancy has been demobilized is not to say that farmers have thrown up their arms and surrendered. Many still fish out of season and illegally trap wild ducks, as evidenced by the homemade snares that cover parts of the lake. The disappearance of violent confrontations has come about because farmers see the nature reserve as a potential purveyor of social services that other state agencies have failed to provide (Herrold-Menzies 2006a), while avenues of negotiation with the nature reserve have appeared that did not exist before the development programs were introduced.

This study is informed by political ecology, which, without having an overarching theoretical framework, is a field that "seeks to understand the complex relations between Nature and Society through careful analysis of social forms of access and control over resources" (Watts and Peet 2004: 4). Following an early formulation of the approach by Neumann, political ecology begins with a micro-focus on land users and the social relationships in which they are embedded, and then traces land users' linkages to larger political-economic structures, while including a historical analysis to understand how the current environmental problem and social relations surrounding it developed (Neumann 1992: 87). Although political ecologists tap into different bodies of theory for their research, many have had an interest in struggles around forest reserves, national parks, nature reserves, and other protected areas (Zimmerer and Bassett 2003). This is further discussed in the next section.

Natural resource conflicts

Conflicts over natural resources have occurred around the globe as those who seek to appropriate resources for their own purposes clash with those seeking to maintain access to those resources. In many places the establishment of protected areas in the name of conservation has led to the expropriation of local inhabitants or their exclusion from resources. With the creation of a protected area many activities such as hunting, fishing, farming, woodcutting, and land reclamation, which sustain local livelihoods, are criminalized because they are seen as competing with

the management objectives of the protected area. The enforcement of regulations against such practices can lead to intense conflicts between protected area managers and local people. Such resource conflicts have been the subject of several studies by scholars working in the field of political ecology (Guha 1990; Peluso 1992; Moore 1993; Neumann 1998).

In their studies of resource conflicts political ecologists have also examined farmers' fierce resistance to the loss of access to resources. Guha (1990), Peluso (1992), and Neumann (1998) have employed Scott's notion of "everyday forms of resistance" (1985) to show how marginalized peoples have resisted their exclusion from valuable natural resources. More recently, Peluso and Watts (2001) and Neumann (2001) have highlighted the violence associated with conflicts over natural resources, examining violence done to those excluded from enclosed resources and the overt violence waged by those who resist this enclosure.

Changes in philosophies on protected areas

Philosophies on protected areas management started to change following increases in wildlife poaching in African parks in the 1970s and 1980s. The traditional "fences and fines" approach, where valuable natural resources were literally or figuratively fenced in to keep most people out, was questioned and alternative models of nature conservation were sought (Gibson and Marks 1995). In order to overcome the hostility that local communities felt about their exclusion from resources and to reduce their dependence on protected resources, a range of programs has been developed by conservation organizations in protected areas around the world. Although the components of these programs vary widely, they are often collectively referred to as "Integrated Conservation and Development Projects" (ICDPs) (Brandon and Wells 1992). ICDP activities may include: tourism development, revenue sharing from tourism and hunting, alternative income-producing programs, and infrastructure projects (Brandon and Wells 1992; Newmark and Hough 2000).

In recent years, ICDPs have been criticized for failing to actually integrate conservation and development. Studies have found that increasing farmers' incomes does not automatically lead to reductions in resource use and can even lead to an increase in demand for resources (Brandon and Wells 1992; Newmark and Hough 2000). While these issues are relevant to Caohai Nature Reserve, this chapter is not an evaluation of the effectiveness of the ICDP model at integrating conservation and development.² What is of interest to this chapter is the potential of the project to modify the relations between local communities and protected area managers, recognizing that the development component of an ICDP may simply be an attempt to establish better relations between park management and local people (Dugelby and Libby 1998: 69).

This promotion of ICDPs has come primarily from international NGOs and donors. The involvement of NGOs is seen as positive by many conservation practitioners who recognize that NGOs can be effective in promoting nature conservation because they can negotiate between a wide range of actors and attract

financial resources for their causes (Redford, Brandon, and Sanderson 1998). Peluso (1993), however, is concerned about the role NGOs play in bolstering the efforts of states to conserve natural resources of “global” significance. This augmentation of financial resources facilitates the ability of states to “coerce” conservation. At Caohai, the financial resources and training provided by NGOs are more about trying to “persuade” conservation than to coerce it. The foreign funds are not used for enforcement activities but for development activities, which are aimed at offering farmers alternatives to exploiting the protected resources in the nature reserve. While enforcement of reserve regulations has stayed roughly the same since the conservation and development programs began, funding for micro-credit loans, hopes for future community development programs, and additional training to improve reserve employees’ understanding of farmers’ issues have led to changes in the ways farmers resist their exclusion from resources. Farmers now rarely protest violently: they do not want to jeopardize current and potential development aid and there are now reserve personnel who are willing to listen to farmers’ grievances. Nevertheless, although the conservation and development programs have served to demobilize violent resistance, farmers continue to disobey reserve regulations in non-violent ways.

Methods

This chapter is focused on eight natural villages (*zirancun*), which I refer to as “hamlets,” located in four administrative villages around Caohai Lake. My research is based on extensive interviews with nature reserve personnel, group interviews, and semi-structured household interviews conducted at Caohai Nature Reserve between 1997 and 2005. Between December 1998 and May 1999, and between August 2000 and October 2000, I conducted semi-structured interviews with 86 households in these eight hamlets. Follow-up interviews with 45 households were conducted in these same hamlets in October 2001. During the winter of 2004–5 I conducted interviews with 17 fishing families from these hamlets. I undertook another set of follow-up interviews with farmers in some of these hamlets in July 2005.

The hamlets, three contiguous ones on the east side of the lake, one on the south side, one on the west side and three small contiguous fishing hamlets on the north side, were selected because these are the main hamlets in Caohai Nature Reserve in which a majority of households includes a member involved in fishing.³

Resistance at Caohai Nature Reserve

History of Caohai Nature Reserve

Caohai Nature Reserve is a protected area of approximately 96 sq. km in Weining County in Guizhou Province. The 20 sq. km Caohai Lake and its surrounding wetlands form the ecologically most valuable part of the reserve. There are approximately 30,000 people living in mostly single-surname natural villages. Most residents are Han Chinese, although the county is a Yi, Miao, Hui Autonomous

County. Hamlets are generally composed of 50 or more houses built of baked brick, wood or stone with roofs of thatch or tile. According to my research, per capita land holding for hamlets bordering Caohai Lake is currently less than 0.5 *mu*,⁴ while per capita annual income in 2000 was about US\$75. Educational levels are low and illiteracy is widespread, especially among women and the elderly.

The reserve protects vital wintering habitat for several rare species of birds, including the black-necked crane (*Grus nigricollis*). Following the establishment of the People's Republic of China in 1949, several mass mobilization campaigns led to sweeping changes around Caohai Lake. In 1950, the area of Caohai Lake was approximately 45 sq. km. During the Great Leap Forward the lake was partially drained, while another drainage campaign in the early 1970s reduced the lake area to roughly 5 sq. km. Reclaimed land was given to the surrounding communes to plant corn.

After the lake was drained, neighboring counties in Guizhou and Yunnan provinces are said to have experienced microclimate changes that harmed agricultural production. Seasonal precipitation and average temperatures changed, while pest outbreaks occurred more often. Government officials from the impacted areas blamed the drainage of Caohai Lake for these microclimate changes and put pressure on the Guizhou Provincial Government to restore the lake. In 1980, the Guizhou Provincial Government decided to partially restore the lake to approximately 20 sq. km (roughly half its pre-1959 size), balancing concerns about negative microclimate changes with the loss of cropland in Weining County.

While officials in the Guizhou Provincial Government were considering options for restoring the lake, Weining County Government officials were implementing central government directives calling for the dissolution of the communes and the contracting of farmland to households. According to local farmers, in 1980 and 1981 the farmland created by the drainage of Caohai Lake was removed from the control of the communes and contracted out to individual households.

In 1982, after a small dam was constructed to block the canal that had drained the lake, summer rains submerged farmers' contracted land. Most farmers had no idea that the provincial government had plans to restore the lake. Many households in hamlets bordering the lake lost more than 50 percent of their contracted land, leaving them unable to grow enough food to feed their families. Households received no compensation for the loss of their contracted land, although they were still responsible for paying agricultural taxes on the submerged land.

Following the inundation of their farmland, farmers turned to the restored lake to make a living. Many started fishing and/or trapping waterfowl that returned to the newly restored wetland. Farmers also converted secondary forests on steep hillsides, wetland on the edges of the lake, and nearby patches of grassland to cropland.

Following the restoration of the lake, rare birds, including the endangered black-necked crane, started to winter at the lake. To protect these birds, a provincial-level nature reserve including Caohai Lake was established in 1985. While people living within the reserve boundaries were allowed to remain, many economic activities that helped sustain farmers' livelihoods, including fishing at certain times of the

year, the trapping of waterfowl, and land reclamation, were criminalized. This criminalization of much fishing, hunting and land clearing created tensions between local people and reserve managers, leading to violent confrontations between reserve staff and local people.

The reserve has intermittently enforced these prohibitions. When the reserve does crack down on a banned activity there is usually tremendous upheaval. For example, reserve management has, at various times, cracked down on fishing activities during the period from April through June when the fish in the lake are spawning. Although reserve personnel have not physically harmed local farmers, they have done violence to the farmers' property on numerous occasions. In many years reserve personnel have destroyed fishing huts, burned nets and confiscated poached fish. Farmers' nets and the small fishing huts they build on the lake represent substantial investments in this poor region.

In response to the destructive activities of the reserve personnel, villagers from the hamlets in this study have vehemently protested such activities and have, on several occasions in the late 1980s and early 1990s, threatened and physically attacked reserve staff. Both farmers and reserve employees have recounted stories of these attempts to enforce the spawning-season ban on fishing. When reserve staff punted small boats into Caohai's waters to confiscate illegal fishing nets, fishers bombarded them with rocks in order to sink the boats. Since many staff members do not know how to swim, they seriously risked drowning in the cold lake waters. Other reserve officials received death threats, being warned that if they ever entered certain hamlets they might not come out alive. Occasionally, reserve employees and associates were beaten so badly that they had to be hospitalized. One reserve employee recounts an episode of how he and his colleagues were surrounded by as many as 100 villagers wielding makeshift weapons to prevent nature reserve staff from destroying village nets. This employee remembers someone urging the villagers to kill the reserve staff. No one was killed but reserve employees were badly shaken. It was this violence that encouraged the Guizhou Environmental Protection Bureau to link up with the International Crane Foundation and the Trickle Up Program.

Programs to reduce conflicts at Caohai

In the early 1990s the International Crane Foundation (ICF) was looking for a site to develop a model project that would promote the conservation of cranes and their habitat while addressing the needs of local people (Harris 2000). Their thinking was part of the larger international conservation and development discourse then prevalent in conservation circles. After visiting several nature reserves in China, specialists from ICF met Caohai Nature Reserve officials who were frustrated by the violent episodes with local fishers and who were receptive to trying new conservation and development models.

Following a pilot project in 1993, the two main components of the community development program at Caohai were implemented gradually over a period mostly between 1995 and 2000. The main components are a small grants program, called

the Trickle Up Program (TUP), and revolving microcredit funds, called Community Trust Funds (CTF). Both components are market-oriented interventions that provide start-up capital to farmers to create microenterprises. The recipients of TUP grants are among those deemed the “poorest of the poor,” but who are also healthy and able to develop a microenterprise. Donors believe that through these TUP grants, recipients can improve their economic situation, acquire capital, and develop business skills that will enable them to reach an economic level at which they can successfully participate in the microcredit revolving loan program.

While only the so-called “poorest of the poor” may participate in TUP, farmers, regardless of income, are eligible to participate in the CTF funds, the second major component of the program. The nature reserve, using funds primarily from ICF and its donors, usually furnishes between 100 and 200 yuan per household for each CTF group. CTF groups vary in size from groups of ten households with a fund of 1,000–2,000 yuan to a hamlet-size fund of 80 households or more. Each CTF group decides how much money members are allowed to borrow at one time, the loan period, and interest rate. Generally, loans of 100–200 yuan are made to a CTF member who pays back the loan in three to six months at an interest rate of 1 percent to 3 percent per month. The interest accrues to the CTF and can be used for community projects or to make additional loans.

Participating households in either TUP or CTF must sign an “Environmental Protection Contract,” which specifies what environmental protection measures each group member will take in order to be a beneficiary of the project. Generally, farmers promise not to trap birds, fish during the spawning season, or destroy wetlands.

The funds made available in this rural development project have been used for handicraft production, metalworking, stove making, carpentry, food processing, vegetable growing, livestock raising, and small-scale trade. The proximity of markets in East Mountain Village and in Weining offers numerous opportunities for entrepreneurs to sell their products. By 2002, over 500 groups (usually with three family members) had received TUP grants, while over 70 CTF groups, which included members from almost 1,400 households, had been established.

In addition to the CTF and TUP programs, other components of the community development programs include support for school infrastructure and scholarships for girls. In one fishing hamlet in this study, where fishers admit to having violently attacked and threatened reserve personnel in the late 1980s and early 1990s, a reserve-owned building was donated to the hamlet to serve as an elementary school as part of the community development program. After the nature reserve donated its building as a school, the CTF leaders in the hamlet chose to use the earnings from the interest paid into the CTF to hire a school teacher. In another fishing hamlet, interest from the CTF funds was used to renovate water wells.

Another program, “One Helps One,” provides scholarships for girls to attend elementary school. Children in families in several fishing hamlets have been the recipients of these scholarships. Many families either cannot afford or are not willing to pay their daughters’ school fees, although these families often find the funds for their sons.⁵

In two hamlets that are not discussed in detail in this chapter because their residents do not fish, the nature reserve, with funds from ICF and Oxfam, has established “community-based natural resource management projects” that include road expansion, well improvements, and the construction of a bird-watching platform in one hamlet to attract tourists. In exchange for the community development projects, residents are responsible for protecting waterfowl breeding areas. These projects are known to many in fishing hamlets who hope that one day the nature reserve will deliver such a project to them.

The nature reserve has also taken very modest steps to co-opt some of those who had been involved in violent protests by hiring them as part-time farmer guards who are responsible for communicating reserve policies to the residents of hamlets in the vicinity of where the farmer-guard lives. Four of these farmer-guards come from four of the eight fishing hamlets discussed in this chapter. Only one of these four was an acknowledged leader of protests against fishing regulations in his hamlet. The other three, two of whom had been in their teens or early twenties during the protests, had been participants in protests in their own hamlets but not leaders of those protests. It is unclear how influential the hiring of these farmer-guards has been on violent protest. In the case of the farmer-guard who had been a leader of protests in his hamlet, he is very respected by many in his hamlet. His co-optation probably has an influence on the behavior of other fishers in the hamlet. While this farmer discourages violent confrontation against reserve personnel, he and members of his hamlet continue to fish out of season.

The three other farmer-guards mentioned here also continue to fish during the spawning season in spite of reserve prohibitions. Estimating the impact of the other three farmer-guards with respect to the demobilization of farmers’ militancy is difficult – two are still relatively young and the third is not actually very powerful in his hamlet. A farmer-guard is likely to have some influence over residents in his own hamlet, but the influence of farmer-guards outside their home hamlets should not be overestimated. There is little integration between many hamlets because of poor roads and little face-to-face interaction.

Before and during the implementation of the TUP and CTF programs, several members of the reserve staff received extensive donor-sponsored training in community development, gender issues, and participatory methodologies currently used in rural development. Reserve managers on several occasions told me that their approach to dealing with farmers had changed considerably over time. These managers said that they now had greater respect for the knowledge that farmers possessed and greater sympathy for their economic plight. Two staff members told me that they used to think of the farmers as backward (*luohou*) and of low quality (*suzhidi*). With the training programs, they were taught to value the knowledge that farmers did possess while being taught techniques to negotiate with farmers as partners in the conservation and development enterprise. Reserve staff began to regularly visit villages and meet with residents to discuss both conservation and development issues. This was seen as a contrast to top-down directives farmers had previously received. In the past the nature reserve had sent out vans with speakers with an announcer telling villagers not to fish, cut down trees or harm the

environment. These impersonal visits did little to change local residents' attitudes toward the nature reserve. However, when reserve staff made personal visits, getting to know local farmers, while arriving with development aid, residents' perceptions of the nature reserve changed and avenues for communication were established. Although the reserve bureaucracy has not been completely overhauled, the fact that some staff members show respect to farmers and listen to farmers' concerns represents a sea change from the late 1980s and early 1990s when fishers would have been refused a hearing with reserve officials.

Demobilization of farmers' violent resistance

The most pronounced change following the implementation of the community development programs at Caohai has been the disappearance of openly violent confrontations between reserve staff and local farmers. In almost all fishing hamlets violent conflicts no longer occur, reserve officials no longer feel threatened when they walk into most fishing hamlets, and villagers have cooperated with reserve managers on iris planting, tree planting, and most significantly on a spawning-season fishing ban. Although there is little quantitative data available on the number of violent confrontations that took place between local people and reserve employees before the implementation of the community development programs, farmers have said that before the programs were created angry disputes were frequent. Between 1986 and 1992 there was a violent confrontation between fishers and reserve staff nearly every year. Following the implementation of the community development programs, from 1995 to 2005, there was only one violent confrontation between fishers and reserve staff, even though reserve personnel still continued to destroy fishers' property.

Reserve employees told me that they used to be afraid to enter the fishing hamlets where I conducted interviews because they knew how much villagers resented them. Whenever they entered these fishing hamlets to announce regulations, farmers would storm out of their homes and threaten the reserve employees. Reserve managers say that today such violent confrontations with these local groups have ceased. Fishers in the hamlet on the western side of the lake have joked about how they used to threaten reserve employees, but now invite them in for tea. Both reserve employees and most fishers say that the hostile interactions of the past have been replaced by cooperative resource management efforts. Such cooperative efforts, where the nature reserve provides the materials and the villagers provide the labor, include the planting of irises in erosion-prone gullies and tree planting on bald hillsides. The prevention of erosion is in the interest of both farmers and reserve managers, but farmers have told me that they would not have been willing to work on erosion-control projects with the nature reserve had relations not improved through the community development projects.

One significant indication of changed relations between reserve managers and local farmers was the willingness of residents of several key fishing hamlets to cooperate with the nature reserve on the enforcement of the spawning-season ban. In March of 1998, several reserve employees made an effort to organize fishing

hamlets into “fishing ban societies” that would self-police during the spawning season from April through June. Many fishers I interviewed said that fish populations in Caohai Lake have dramatically declined in the past decade because of over-fishing. They recognize that fishing during the spawning season harms the fish populations on which they depend, but they have not been able to organize any inter-village cooperation on regulating the catch. Fishers within a hamlet are able to regulate fishing to a certain extent through peer pressure and family ties. The problem is that it has been impossible to coordinate any community-based regulatory mechanism between different hamlets because of their physical separation and the relative lack of interaction between members of different hamlets. If one fishing hamlet were to stop fishing during spawning season, other fishing hamlets would simply catch what that hamlet had forgone. Reserve employees decided to attempt to resolve this open-access resource problem using participatory action methods. They were able to convince several fishing hamlets to form fishing ban societies that would police the lake during the spawning season.

The organization of the fishing ban societies was complicated by the presence of a family from Hubei Province who were raising crabs in the lake as part of a joint venture between the county government and the nature reserve. The venture started in 1996 as nature reserves around China at the time were being asked to utilize their natural resources to generate more of their own revenue. Although the Hubei fishers were supposed to be raising crabs, farmers assert that they were also fishing. While the reserve demanded that local farmers not fish during the spawning season, the reserve ignored the Hubei fishers’ illegal fishing. Although Caohai farmers were very angry about this injustice, most fishing hamlets agreed to participate in fishing ban societies.

In April 1998 the spawning season ban began. According to written reports and my interviews, fishers from almost all of the main fishing hamlets stayed out of the water. After a few days, the fishing ban societies set out to enforce the ban around the entire lake. However, fishers from the three contiguous fishing hamlets on the northern side of the lake refused to join in the ban and continued to fish in spite of the official beginning of the spawning season. These fishers were quickly targeted by the fishing ban societies. When members of the nature reserve staff and fishing ban societies tried to confiscate nets, they were attacked by irate fishers from these north-side hamlets. The boatman for the reserve staff was severely beaten and subsequently hospitalized. Shortly thereafter, the fishing ban societies stopped patrolling and all the fishers went back to fishing because they had been unable to get the north-side fishers to stop fishing. After this effort to organize fishing ban societies failed, the reserve made no others.

The fishing ban societies episode is a revealing one. The programs at Caohai had changed relations with some hamlets to such an extent that instead of resisting reserve regulations, residents were willing to become implementers of reserve regulations, in spite of the injustice they felt about the presence of the Hubei fishers. Although the effort ultimately failed, the willingness of so many farmers to cooperate with reserve managers on such a scale was a dramatic change from the violent opposition of the 1980s and 1990s. Farmers were willing to cooperate for

several reasons. Farmers recognized that fishing during spawning season would hurt future fish catches and actually wanted a regulatory regime to make the fishery sustainable. Villages were not organized among themselves to regulate fishing, and the reserve's enforcement, while violent, was inconsistent and ineffective at protecting fish populations. Additionally, farmers had received benefits from the nature reserve and hoped for future projects. This made them more willing to cooperate, especially after good relations had been established with certain reserve staff members who regularly communicated and consulted with farmers.

There were several reasons why the farmers on the north side of the lake did not take part in the fishing ban. The immediate reason had to do with the way the fishing ban societies were organized. In all of the fishing hamlets, except for those on the north side, reserve personnel who had developed good relationships with local farmers through the implementation of the community development programs had been sent out to use participatory methods to encourage farmers to form the fishing ban societies. The despised then-director of the nature reserve went to the north-side hamlets and, in top-down fashion, declared the law and refused to answer farmers' questions. Farmers and reserve staff told me that for some unknown, or unstated, reason, the former reserve director was disdainful of the fishers from the north-side hamlets.

Another underlying reason for the north-side fishers' unwillingness to cooperate was that they had long felt that they had not received the same benefits as other sites. Whereas most hamlets participating in the program had at least one member per family involved in a CTF revolving microcredit fund, only about one-third of households in these three contiguous north-side hamlets had been given the opportunity to join a CTF.

The violent act of resistance on the part of the north-side fishers in April 1998 was the last one to occur against reserve officials. After the reserve director deemed the fishing ban societies to be a failure he forbade reserve personnel to re-attempt to organize the societies. A couple of years after this event the director of the reserve was transferred to another administrative unit. For fishers in north-side hamlets this gave them hope that they might be able to have greater access to funds for community development. Since 1998 there has not been any violent resistance from farmers against reserve activities. Interestingly enough, while farmers no longer resisted with violence, the nature reserve has continued to employ violence against farmers' property. In March 1999 reserve staff demolished and burnt down fishing huts in Caohai Lake. Many fishers looked on as reserve staff set fire to their huts, but no one openly confronted reserve personnel. However, the following day when reserve personnel were looking for boat punters to take staff out on the lake to remove traps set to snare waterfowl, punters (many of whom are fishers or live in fishing hamlets), using classic everyday forms of resistance, all claimed to be ill or too busy.

In April 1999 the nature reserve confiscated fresh fish from the local market. A small group of fishers' wives who had been selling the fish came to the reserve to complain. They sat outside reserve headquarters, complained of their poverty and explained that they had no choice but to sell fish since their contracted land was

under water. The reserve responded to their complaints by saying that these women were part of CTF groups that had promised to protect the environment in return for being able to participate in the reserve's community development programs. In spite of the women's anger there was no overt violence. Although the reserve expropriated what fishers felt was rightfully theirs, the men who caught the confiscated fish did not make an appearance at reserve headquarters.

During research visits to Caohai in 2000 and 2001, I found that the nature reserve was not actively engaged in enforcing fishing regulations during those two years. When I next returned more than three years later, in December 2004, reserve personnel and fishers said that there had been occasional enforcement of fishing regulations in 2002 and 2003, but there had been no cases of fishers resisting with violence.

In December 2004, I met fishers from a fishing hamlet on the east side of the lake who had just written a petition to the nature reserve requesting compensation for nets they felt had been unfairly confiscated and destroyed. What transpired in this case was dramatically different from what would have occurred with the very same fishers, or with their older brothers or fathers, 10 to 15 years earlier. Reserve employees said that the nets in this case were problematic because they were sitting too high out of the water. The tubular nets, because they were not fully submerged, could potentially trap wild ducks and geese that winter at the lake. A wild duck had reportedly been caught in such a net recently. When reserve managers went out to investigate they noticed that the placement of many nets could not only serve to catch fish, which is legal in the winter, but could also serve to trap waterfowl, which is not legal. Reserve staff asked the farmer-guard for that area (who resides in a neighboring hamlet) to tell the fishers to alter the placement of their nets or risk the confiscation of those nets. The farmer-guard insists that he warned the fishers to adjust their nets. When reserve personnel returned to the hamlet to check on the nets, they found nothing had been done. They confiscated the nets and burned them. Residents of the hamlet could easily see what reserve personnel were doing, but they did not interfere, as they might have tried to do years before.

Following the destruction of the nets, about eight men arrived at the reserve headquarters with their petition. Although reserve managers did not permit me to read the petition, the farmers who wrote it told me what it contained. They protested the injustice of their loss because they claimed that they had never been warned. Had they been told that their nets were placed illegally they would have followed the law and lowered the nets. The farmers also skillfully manipulated the nature reserve's own rhetoric about combining economic development with environmental conservation. While the nature reserve said that it was promoting poverty alleviation as a way to help farmers protect the environment, destroying farmers' nets, when they were legally fishing in the winter, would only further impoverish farmers and make it harder for them to protect the environment.

Approximately a week later the petitioners received 3,000 yuan. The petitioners said it was compensation for their loss while the nature reserve insisted that it was development assistance for poor farmers. As far as I know, this was the first time the nature reserve ever awarded anything that could be interpreted as compensation

for the destruction of fishing equipment. Did reserve personnel have second thoughts? Did they think that perhaps they should have more effectively educated the fishers in the hamlet about the placement of the nets?

Years ago, the practice was not to tell villagers anything. It was the villagers' responsibility to know the law. Did the reserve staff think that maybe they had an obligation to better communicate with the villagers? Reserve staff did not have answers to my questions because they insisted that they had awarded the fishers development assistance, not compensation. From my previous experience at Caohai, however, development assistance had always been tied to a program of activities – it had never been handed out simply as a lump sum of money.

Conclusion

This chapter has examined how Caohai Nature Reserve's community development programs, which have been created and primarily funded by Western NGOs, have been able to demobilize farmers' violent resistance to the enforcement of natural resource regulations. A number of things have worked to undermine farmers' militancy. Farmers have in part been co-opted by support for economic development, the prospect of future development programs, and the hiring of some fishers as part-time employees. At the same time, training sessions and workshops in innovative approaches to poverty alleviation and resource management sponsored by international conservation or philanthropic organizations have changed the beliefs and practices of some reserve employees. This has effectively opened up lines of communication between farmers and reserve officials, even creating occasional opportunities for addressing grievances, where there used to be none.

While violence in Caohai Nature Reserve was always on a modest scale, with incidents occurring approximately once a year, with a few individuals hospitalized and some death threats but no actual deaths, the violence unnerved reserve personnel to such an extent that when a US-based conservation organization proposed what was to the reserve leaders a very unconventional approach to both economic development and conservation, reserve leaders were willing to try anything.

While the goals of the programs were many, one of the most salient results of the programs has been the demobilization of farmers' militancy against the enforcement of fishing regulations. Although the reserve continues to destroy fishing equipment, farmers no longer confront reserve officials with violence over this destruction. They may write a petition complaining about the destruction and hope for compensation, as happened in the winter of 2004–5, or they may use everyday forms of resistance by refusing to take reserve personnel on boats to confiscate illegal waterfowl snares, as happened in the spring of 1999, after the demolition of fishing huts during the spawning season ban. Covert non-compliance as a form of resistance continues, as fishers still fish during the spawning season, hoping that they will not be caught, while homemade waterfowl snares still regularly appear on the lake. The community development programs have not brought fishers into compliance with natural resource regulations, but they have demobilized farmers' militant resistance.

Notes

- 1 Fishers at Caohai are male.
- 2 For evaluations of the effectiveness of Caohai's programs with regard to impacts on natural resource use see M. Herrold-Menzies (2006) "Integrating conservation and development: what we can learn from Caohai, China", *Journal of Environment and Development*, 4(15): 382–406; and M. Herrold-Menzies (2008) "Gender, microcredit and conservation at Caohai: an attempt to link women, conservation and development in China" in B. P. Resurreccion and R. Elmhirst (eds.) *Gender and Natural Resource Management: livelihoods, mobility and interventions*, London: Earthscan.
- 3 I have chosen not to identify by name the hamlets in the study.
- 4 One *mu* is approximately one-sixth of an acre.
- 5 Most families have several children, as the so-called "One Child" policy is seldom enforced here.

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Part II

Politics of recognition

6 Feminist networks

Wang Zheng

Time: late August 1995. Place: NGO Forums in Huairou County, Beijing.

In one of the hundreds of tents set up for concurrent panels organized by 30,000 women activists around the globe, a group of Chinese female judges on the panel “Women and Law” were presenting their papers on the progress women in the PRC had made in achieving legal equality. When questioned if there was a law prohibiting domestic violence in China, women judges on the panel replied that there was no domestic violence in China. They did not realize that right before the panel feminists from abroad had circulated photocopies of a Chinese article describing a case of domestic violence. It was an embarrassing moment for the Chinese women panelists who had to follow the official script on the taboo issue in front of feminists from abroad.

Fast forward to 2001. The revised Marriage Law includes a new term, “*jiating baoli*” (domestic violence), and stipulates that domestic violence is one of the legal grounds for divorce. In the new Marriage Law of 2004, Clause Three of the General Principles further stipulates that “domestic violence is forbidden.” Moreover, by the end of 2004, 22 provincial and municipal governments had passed local statutes against domestic violence. Nationwide local women’s federations working jointly with local police have set up over 400 women’s shelters, and more than 12,000 anti-domestic violence reporting stations.¹

Explicit mention of domestic violence in the mass media and the law, and the establishment of institutional mechanisms to deal with the issue, provide ample evidence of Chinese feminists’ successful engagement with the state in the decade after the Fourth UN Conference on Women (FUNCW). By highlighting feminist activism against domestic violence, this chapter attempts to explore the relationship between spontaneous feminist activism and state feminism during the rapid development of a gender-based social movement since the FUNCW. Further, by analyzing the strengths and limitations of the ongoing feminist movement, this chapter intends also to illuminate a significant political transformation that mingles legacies of the Mao era and contemporary global feminist practices to reposition women in the market economy.

A brief review of the women’s liberation movement in the Mao era may provide historical context to better understand the changes that post-Mao Chinese feminists have made. Upon the founding of the PRC, a Party-led women’s movement was

institutionalized with the formation of the Women's Federation (WF). Although the professed dual goal of the WF was to assist the Party in mobilizing women for the socialist state agenda and to protect women's rights and interests, in reality the state agenda often overrode women's interests. The organizational monopoly of the WF was later compounded by some top CCP leaders' abuse of the concept of class that denigrated articulation of women's needs as "bourgeois." Following a class-line, the gender-based organization was straitjacketed conceptually. In official discourse, while women were encouraged to enter men's spheres for equal participation in social production, the understanding of women's liberation basically stopped there. The confining definition of women's liberation and the lack of legitimate language and channels to make gender-based demands constituted grounds for the rise of spontaneous feminist activism in the 1980s when an emerging market economy exposed and increased gender inequality.²

Since the 1989 Tiananmen social movement, spontaneous feminist organized activism has, against the odds, evolved from providing a focus on articulating and studying women's problems in the market economy to offering multifaceted efforts aimed at "mainstreaming" gender. Much of Chinese feminist activism to this point could be categorized as the politics of recognition, demanding state and public recognition of women's legitimate rights in all spheres of life, as well as enhancing state and public awareness of the effects of gender hierarchy. However, it can be expected that feminist activism would eventually move beyond the stage of advocacy and consciousness-raising to enter the realms of representation and redistribution. Efforts to address sexist media representations of women, to assist rural women in obtaining land rights and other material resources for their development, and to help urban laid-off women wrest benefits from the state have all been part of feminist struggles on the ground. Crossing diverse social groups and regions, the ongoing feminist movement in China necessarily engages in a wide spectrum of struggles. This chapter focuses on contestations over recognition of women's gender-based demands, an area of feminist activism that has generated most striking results in public policies and institutional changes. Activism in this area has also accompanied significant conceptual and organizational development within Chinese feminism since the FUNCW.

As a participant/observer in Chinese feminist activism over the past two decades, I use data collected from published works, feminist websites, conference papers, interviews, and personal interactions and observations to engage in an in-depth examination of a macro process. My goal in this chapter is three-fold: first, to delineate the contour of a significant social movement that has effectively intervened in the articulation of visions of modernity and the policy-making process, and that has created innovative ways for women's political participation in a market economy that has widened the gender gap and consolidated gender hierarchy; second, to analyze the tensions and constraints of Chinese feminist activism in order to open debate on new possibilities for feminist action in China; and third, to explore the theoretical implications of feminist contestations in China by examining not only why feminist demands were made but, more importantly, how feminists have been able to generate legal and institutional change in the past decade. Chinese

feminists' ability to intervene in the policy-making process, as well as in social practices at the grassroots level, invites scholarly scrutiny of a fluid historical process that is reshaping China's social and political landscapes.

The impact of the Fourth UN Conference on Women (FUNCW)

The FUNCW on Women provided an important political opportunity for Chinese feminists to become NGO pioneers in post-Tiananmen China. In the mid-1980s, as Chinese intellectuals began to revive social sciences as part of the discourse of scientific modernity, urban educated women began small-scale activities, such as organizing salons or conferences to discuss women's issues, or conducting research on women as a way to respond to problems women confronted in a time of drastic social and economic transformation. Studying women with scientific methods was seen as a move away from the constraints of Maoist class analysis that had previously subsumed gender issues. In 1986 when the anti-liberalization campaign thwarted intellectual efforts at political reform, many more women intellectuals turned to research on women as a viable channel to continue their interest in social change. Liu Bohong, the current deputy director of the Institute for Research on Women at the All-China Women's Federation (ACWF), remembers how she started to do research on women in 1986:

Under the political context of the time, I was not allowed to talk about humanitarianism, human nature, or human rights, but it was acceptable to talk about women and the rights and interests of women. Possibly this was because at the time society did not think of women's issues as being very important. Women's issues would not bring about dangerous political thinking. Thus, I created a research space for myself.³

Feminist scholars operated in a more adverse political environment post-Tiananmen wherein organized activities, large or small, were no longer permitted. Gao Xiaoxian, the founder of the Shaanxi Research Association for Women and Family, one of the largest women's NGOs today, was demoted based on her "political problem," having organized a women's salon in early 1989.⁴ In fact, many of those salons and discussion groups organized by women intellectuals starting in the mid-1980s faded in the 1990s, though some revived when the Chinese government declared its sponsorship of the FUNCW.

Although spontaneous organized activism peaked in China in early 1989, the term "NGO" entered public discourse only during China's preparations for the FUNCW. Chinese feminists, seizing the opportunity provided by the FUNCW, were the first to try to popularize and legitimize the concept. Numerous articles were published by the ACWF's newspaper (*Chinese Women's Daily*) and journal (*Collections of Women's Studies*) prior to the conference introducing the activities of various women's NGOs abroad and making the case that NGOs were not anti-government organizations. Since the NGO Forum on women was part of the

package required to host the UN conference, the Chinese government had no choice but to allow the circulation of the concept of NGOs and to permit the formation domestically of women's NGOs. It also approved the designation of the ACWF as an NGO. The CCP's paranoia over spontaneously organized activism was vividly manifested in its hasty decision to move the NGO Forum on Women from Beijing to Huairou where unfinished conference buildings and even tents were used to welcome the 30,000 NGO forum participants. It was a nerve-wracking moment for the CCP, but an educational experience as well. None of the participants, Chinese or foreign, staged protests against the host government, despite titillating rumors circulated by the Chinese government to justify the tight security presence.

Equally significant to the legitimization of NGOs were the subsequent increases in international funding for Chinese women's organized activism following the conference. The Ford Foundation, with a feminist program officer Mary Ann Burris in charge of funding for women's issues, played a crucial role in promoting the development of Chinese women's NGOs by sponsoring projects and Chinese women's participation in several global preparatory meetings for the NGO Forum on Women. Financial support from donors such as the Ford Foundation facilitated the revival of activities that had fallen into remission post-Tiananmen by women activists outside the WF system. For example, Gao Xiaoxian organized the first workshop on women and law in 1993 with a grant from the Ford Foundation, which led to the initiation of the Shaanxi Research Association for Women and Family. Today this association has an elaborate organizational structure and runs multiple research and action projects mostly on rural women in China's western regions. The association has an annual budget of 6 million yuan and 23 full-time staff.⁵

Along with financial resources from international donors, the FUNCW also introduced new feminist concepts and analytical categories to Chinese women activists, who eagerly employed these new theoretical tools to move beyond China's stiff canonical theory of women's liberation. Gender as a feminist concept was first introduced to Chinese women activists in 1993 through the collective efforts of the Chinese Society for Women's Studies in the USA, with the support of the Ford Foundation.⁶ In Beijing a group of young Chinese women professionals and Western feminists formed the East Meets West Feminist Translation Group in 1993 to translate feminist works into Chinese and effectively disseminate global feminist concepts via mass media.⁷ These translation efforts were all spurred by the news that China would host the UN conference, aiming at bridging the conceptual gaps between global feminisms and the Chinese women's movement. Additionally, the numerous preparatory meetings for the NGO Forum on Women also provided Chinese women activists their first opportunity to observe NGOs abroad.⁸ These educational experiences were meaningful both for Chinese NGO leaders and for officials of the WF. Certainly, the NGO Forum on Women in Huairou offered the most in-depth encounters between Chinese women activists and feminists abroad. Chinese participants freely visited various tents with panels on diverse feminist topics and issues, picking up flyers and leaflets on their way. Anti-domestic violence, the rights of gays and lesbians, and the rights of prostitutes were but a few of the openly discussed topics that to that point had been taboo in China.

Besides the concept of NGOs, other key feminist concepts were translated and entered circulation in this period. They included “gender” (社会性别) (as culturally and socially constructed; as a hierarchical system that reproduces and is sustained by unequal power relations); women as a “disadvantaged social group” (弱势群体); “women’s empowerment” (妇女赋权); and “women-centered sustainable development” (以妇女为中心的可持续发展). Appropriating the mainstream slogan of “connecting tracks with the world” (与世界接轨), Chinese feminists successfully circulated these concepts while openly advocating stronger ties with international women’s movements. They called for a development agenda that prioritizes social justice and gender equality in a time of growing class and gender polarization in China’s market economy. Chinese feminists abandoned the Marxist category of class as an analytical tool either because of its affinity to Maoism or because of its critical challenge to capitalism, and replaced it with the feminist analytical category of gender, making it a viable issue in mainstream discourse and providing a critical lens to expose social hierarchy and injustice. Some of these concepts were soon picked up by other social groups. For instance, workers and peasants began to employ such terms as “disadvantaged groups” to advance their own rights and interests.

While thousands of Chinese women were eagerly absorbing ideas and issues from the global feminist communities in Huairou, the official delegation of the Chinese government to the UN conference was grappling with feminist concepts replete in UN documents titled *The Platform for Action* and *Beijing Declaration*. On this front, the ACWF should be credited with circulating these feminist documents via the official channels of the WF. It is mostly through the official media of the ACWF that the concept of gender together with a range of global feminist issues achieved wide currency in China. “Mainstreaming gender” has hence become an important agenda of the ACWF.

The deft maneuvering of Chinese feminists inside and outside the official system turned the FUNCW into a significant victory for Chinese women. Since the end of the nineteenth century, women have been used to represent the nation, civilization, and modernity; and the European colonialist statement that one could judge the level of a civilization by the status of its women, mistaken as a socialist concept, was long a key adhesive element fastening gender equality with modernity in China.⁹ The FUNCW provided Chinese feminists the environment to activate this idea in order to consolidate the connection between gender equality and modernity, a connection seriously loosened by the market economy. The chair of the ACWF, Huang Qizao, told heads of various ministries in a meeting that in today’s international community the level of a nation’s civilization was measured by the percentage of women in public office, but, in China, focus remains on GDP size.¹⁰ The nationalist card played by Huang may not have swayed the central government. However, following the FUNCW, the national census bureau began to add a gender category in data collection. It has become a frequent practice of the ACWF to hold UN statistics of women as a crucial index to measure Chinese women’s advancement, and by extension, to measure the level of Chinese modernization. The consolidation of the connection between the status of women and modernity

is a key strategy of Chinese feminists that has been deployed pervasively and successfully in feminist bargaining and engagement with the state.

Equipped with the leverage of a gendered modernity discourse, the legitimacy of NGOs, a new analytical category in “gender,” and international donor funding, Chinese feminists expanded organized activism significantly in the decade after the FUNCW. At the end of the decade there emerged three national networks of feminist activism: Gender and Development (GAD), Stop Domestic Violence (Stop DV), and Women and Gender Studies. Women activists have worked on far more diverse issues than the orientations of the three networks suggest, but these are currently the three main areas of feminist activism that receive large sums of money from international donors. At different developmental stages and with different operating structures, the networks share the following features:

- 1 They are independent of the state both in terms of financial support and identifying issues relating to women’s interests. They are initiated and operated independently by women who may or may not have a position within the state system.
- 2 They are creating mechanisms to transform official institutions with feminist ideas and practices, but without much fanfare. Gender training sessions for officials, rural women’s leadership capacity-building workshops, local taskforces on domestic violence, shelters, faculty training workshops, women’s studies programs, and so on, are among the wide range of innovative activities taking place nationwide. Different from the conventional definition of social movements, these feminist activities never take the form of protests or demonstrations in open spaces. They engage with the state system and institutions via *indoor* activities, and as such they escape the attention of Chinese public security and China watchers abroad.¹¹
- 3 These networks all rely on international donors for financial support. As such their sustainable development is in question.
- 4 The organizers of these networks are conscious of their role in China’s political transformation. Embracing Maxine Molyneux’s conceptualization of “practical gender interests” and “strategic gender interests,” leading feminist activists form organizations to raise demands for women’s interests and to generate cultural, social and political change with a feminist vision. The latter part of this agenda is the most challenging for feminists around the world. The specific challenges confronting Chinese feminists in this regard will be discussed below.

Stop DV – a case study

Domestic violence, *jiating baoli*, is a new term that entered the Chinese lexicon after 1995, when Chinese feminists began to openly engage the issue. While the feminist definition of domestic violence connotes more than wife battering, this is a major part of domestic violence, and a pervasive practice in male-centered cultures. In most parts of China, wife beating has been a “normal” part of domestic life. Challenges to violence against women in China did not start from the FUNCW.

Feminists in the CCP had long been involved in battles against wife battering. During the Communist Revolution, women party members would mobilize rural women by addressing local practices of abuse of women.¹² After the founding of the ACWF, abuse of women was placed on the agenda of local women's federations. Local WF officials, more than anyone else, knew the prevalence of domestic violence, as severe cases of wife battering are often first reported to them. In fact, one of the early agitators for legislation against domestic violence was Chen Zhunlian, an official in the Changsha WF, who began to advocate for local regulations against domestic violence in 1994.¹³ In the same period, WF officials in other provinces also began to explore possibilities for local regulation. In short, the taboo on open discussion of domestic violence in China at the time of the FUNCW was an expression by a patriarchal CCP state concerned with face before international guests, not a reflection of actual practices within the WF.

After the conclusion of the FUNCW, the ACWF used the legitimacy of *The Platform for Action* and *The Beijing Declaration* to publicize goals for achieving gender equality. Given the Chinese ruling class's eagerness to "join tracks" with the world, and given the fact that the UN represents the "global" in bureaucratic terms, then by joining global feminist movements based on the principles laid out in the documents, the ACWF hit upon a legitimate means to engage in feminist activism, though it continues to avoid using the term "feminism." "Joining tracks" with "the international women's movement" has become a popular slogan in WF publications since the FUNCW. Moreover, the ACWF maneuvered to turn one phrase in Jiang Zemin's welcoming speech at the FUNCW, "equality between men and women is a fundamental state policy of China," into genuine state policy.¹⁴ Thus, under the rubric of implementing fundamental state policy, women activists inside and outside the official system openly embraced global feminist concepts and issues that have gushed into China via translated works, international conferences, workshops, collaborative research projects, and so on.

Of the myriad issues facing women, domestic violence rose to prominence after the FUNCW when feminists outside the WF system began to organize around the issue. The Stop DV Network, one of the largest feminist NGOs in China today, originated in 1998 when three women activists from Beijing attended a symposium on domestic violence in India. Observing grassroots activism against domestic violence in India made these urban professional women eager to know the situation of domestic violence in China. Ge Youli, co-founder of the East Meets West Translation Group, and formerly the assistant to the Ford Foundation officer Mary Ann Burris, recalled:

After we came back from this symposium, we thought about it and wondered what "domestic violence" meant for Chinese women. Also, what was the current situation for Chinese women? Actually, we did not understand this issue very well at the time; we only felt that this phenomenon existed. So what kind of societal, psychological and political-cultural influence did this have on Chinese women? We then discovered that there were very few resources, very few research materials, and very little data on this subject. This was

our first thought. Second, we wanted to know what kinds of mechanisms were available in China for responding to issues of violence, domestic violence, and how many of them aimed at helping women and sought to reduce domestic violence. We were not very clear about this. We also did not know if these kinds of institutions existed. So I felt that maybe China should also have a domestic violence project. Together we established a plan of action. The process of making this plan was rather long. It was not like the three of us returned from the conference with a clear understanding of “violence” and then sat down to think what we should do and acted. It was not such a simple process. Actually, what we did was to bring together people from about 20 or 30 women’s groups in Beijing, and brainstormed. We asked them to talk about, first, how they viewed “violence,” and, second, if we were to act against domestic violence, what exactly we should do. On a big blackboard we listed what everyone said, one after another. Then we put them in a certain order. On the list we had about seven or eight items that we thought were the most urgent. For example, I still remember, some pointed out that we had to be able to describe the situation of domestic violence in China so we needed data and research. So I said, OK, let’s do research and data collection. Some said that we needed to raise people’s awareness of domestic violence because this was still a topic that was not discussed. People did not recognize it as a problem and treated it as if it did not exist, but it did. So we should raise public awareness about domestic violence and therefore should work with the mass media. So we decided that our next urgent job was to mobilize the mass media and disseminate information about domestic violence. Thus we identified another activity. Some said that we must intervene on behalf of women, because we needed to make sure that when women were assaulted they could go to seek help. We discussed how the existing institutions such as residents’ committees and local police stations might feel about “violence” and if they had mechanisms in place to combat domestic violence or stop domestic violence. We did not know. So we needed to first go and try to understand their working procedures. Second, we needed to see if it was possible to develop these necessary resources within the existent systems. Third, we needed to train local officials so that they would realize that domestic violence was not simply a marital dispute. They must understand that as police or a residents’ committee member they should take on the responsibility to prevent violence. Therefore, we agreed that we wanted to mobilize police, raise their sensitivity and give them training. We also needed to mobilize judges and lawyers who dealt with these kinds of cases. So one item after another, we made a list for action.¹⁵

This detailed description of the organization process behind a feminist activist group illuminates several significant points. First, organizers were consciously aiming not only to generate an intervention action but also to transform Chinese political culture by introducing participatory democratic procedures that were typical for feminist NGOs abroad but new in the Chinese context. As Ge stated in the same interview:

I think that within our movement and within our organizational behavior, we should consciously pursue a kind of mode that is different from the traditional leadership style, managerial style, or organizational style. What did we think this kind of mode should be? It was participatory, equal and sharing, and it did not exclude, rank, or control.

So I think that the domestic violence project has two significant aspects. One is that this project was the first to address the phenomenon of domestic violence candidly and explore Chinese anti-domestic violence theories and actions. The second significant aspect was that during the whole process of establishing, implementing and organizing the project, we attempted to create a new model that is different from the traditional masculinist model. I believe that we are actively involved in establishing a new culture. I believe that ultimately feminism must create a new culture. It will break with the old, traditional culture and create a new culture.

I would like to emphasize that the explicit goal of transforming masculinist culture by increasing women's participation in political processes with feminist practices is shared by many Chinese feminist activists. In fact, many leading feminists had been enthusiastic about political reform in the 1980s and have found in feminist NGOs a feasible channel to engage in political reform. They have envisioned and become involved in creating a gender democracy, a political position, and practice that signifies the emergence of a new and different player on the political stage in the reform era. The brief history of the Stop DV Network, in this sense, records a crucial period in which Chinese feminists have successfully carved out social spaces for political action that promise a feminist transformation of the political system and social institutions.

Moreover, the various groups' brainstorming led to their decision to engage with the state. In this process we see neither wariness toward the state nor fear of the state, usually assumed to be typical of the relationship between NGOs and the state in China. Instead, we find tremendous ease and confidence in the ability to work with the state apparatus to address the issue of gender inequality. Two factors may explain this unique phenomenon of Chinese feminist activism. One is the power of a gendered modernity discourse as discussed in the previous section. Although market economy has canceled many socialist principles, values, policies, and practices, gender equality has remained a signifier of modernity in official discourse. It has proved extremely valuable for Chinese feminists in their efforts to advance women's interests and generate social change. They have the legitimacy to engage in feminist activism by claiming that they are just implementing a fundamental state policy. If China wants to be regarded by the international community as a modernized nation with a high level of civilization, the government has to pay attention to Chinese women's status. If the existence of domestic violence tarnishes China's image, Chinese feminists are helping the government to remove this stigma to elevate national status in the eyes of the global community. Chinese feminists have skillfully played this global/nationalist card to hold the government accountable.

Women's NGOs have also gained confidence to engage the state thanks to the provision of the state-sanctioned WF system. A gendered "bridge between the Party and the masses," the WF is the best channel for feminist infiltration into the state post-FUNCW. Since the early 1950s, the WF system had set up grassroots organizations in each rural community and urban neighborhood, making it the only mass organization other than the party itself to achieve such a vast spatial and population coverage. Since its hierarchical structure is modeled on that of the government administration, at each level of the government is a corresponding women's federation. Although it is not inside the government, WF personnel are nevertheless on the government payroll and its top officials are appointed by the Party's organization department at the same administrative level with the same privileges as any other government official of the same rank. The WF's non-governmental but official status gives this gender-based organization much more power than any NGO in China. Collaborating with the WF, women NGOs such as Stop DV can access both the human resources and official power of the WF.

The vision in Ge's description of their initial brainstorm for the Stop DV Network was not limited to utilization of state resources through the WF. More significantly, these feminists took the state as a major target for political transformation. Women's NGOs cannot survive and succeed without the state. Nor can they rely on the state to produce the social changes envisioned by feminists. The adopted strategy then is to institutionally and conceptually transform the state apparatus from within.

The Stop DV Network, initiated in 2000 with grants from multiple funding agencies amounting to US\$800,000, quickly evolved into a registered NGO affiliated with the China Association for Legal Studies in 2003. The network started with 15 research and intervention programs envisioned in the initial collective brainstorms, including interviewing domestic violence victims, setting up grassroots domestic violence monitoring mechanisms and supporting networks, launching large-scale awareness campaigns in the media, running gender training workshops, and becoming involved in legislation and implementation of new laws. In short, the network has engaged in a full spectrum of activism addressing domestic violence. Participants include victims-turned-activists at the grassroots level, as well as senior legal scholars and officials who were key figures in revising the Marriage Law. According to Chen Mingxia, the current coordinator of the board at the Stop DV Network and a senior legal scholar at the Chinese Academy of Social Sciences, the great contribution of the Stop DV network is that it creates an innovative model that "combines bottom-up with top-down."¹⁶

The operation of the Stop DV Network demonstrates interesting relationships between NGOs, GONGOs (such as the WF), and the Chinese state. Now named the Stop DV Network and Research Center, the NGO includes both individual activists nationwide and institutions such as women's studies centers in universities, local women's federations, bureaus of civil administration, hospitals, and local public security bureaus, making a national network with over 63 local institutions and organizations in 26 provinces. Local WF branches are the major partners of the Stop DV Network. Individual members of the Network are either government

and WF officials, or professionals from the legal, medical, educational professions, and mass media. Increasingly, women who received help from the network have become activists as well. The Network has swiftly brought feminist issues and concepts into the official system by running training sessions, workshops and conferences, serving to change public discourse, generate internal transformations in gender values and norms, and establish institutional mechanisms to implement new laws and change local practices.¹⁷

The emergence and development of a national women's NGO has changed the political topography of China in meaningful ways. The sheer existence of this registered national NGO reminds us of the political strides Chinese activists have made since 1989. The Network has not only subverted state restrictions on spontaneously organized activism, but also, together with many other women's NGOs, effectively broken the monopoly of the ACWF in "representing" women's interests. Furthermore, the emergence of NGOs like Stop DV has induced transformations within the ACWF, which has been eager to embrace issues and concepts from the "international women's movement," so as not to be left out in the process of a gendered modernization.

At the local level, WF officials have generally welcomed the resources and expertise provided by women's NGOs. Also, local WF officials who have been seriously fighting for women's rights and interests are happy to find collaborators in feminist NGOs, who not only share their aspirations but also often bring prestige to their work. A national NGO such as Stop DV is packed with top scholars from prestigious institutions or universities in Beijing whose status carries considerable weight in meetings with local activists and officials. Somewhat ironically, the current dominant spatial and occupational hierarchies augment the power of highly educated NGO activists in their collaboration with local officials, even though hierarchies are ostensibly the target of their work.

Chen Mingxia comments on the relationship between the Stop DV and the WF system in the following.

In our relationship with the Women's Federation, we try to maintain independence while seeking collaboration. At present people abroad have many (critical) views towards the WF, thinking that the Women's Federation is both a governmental institution and non-governmental organization. But I think regardless whether it is governmental or non-governmental, the Women's Federation, from the top to the bottom, is a national network at six administrative levels. Such a network of six levels could greatly help our anti-domestic violence project. Moreover, the Women's Federation is also a women's organization. We should cooperate with people there. Therefore, the Director of the Department of Women's Rights and Interests in the ACWF is a special consultant in our network, and local women's federations at various levels are members of our network. We have made it very clear to the ACWF that we are not out to compete with the WF for work; we want to help the WF with their work. I made this point very clear to the officials of the ACWF. Of course perhaps because I am senior in my age it is somewhat easier for me to

say such things. I said to them that we want to help them, and we should do women's work together. But we have one point that we are very clear about. We may ask them to be a consultant or ask them for other support, but we still must maintain our principle of independence. In other words, we insist upon our conceptual framework and our independent principles [from the official system]. Within our conceptual framework, based on the principle of feminism, or gender mainstreaming, we can collaborate in many aspects. Therefore, we have really good relations with local women's federations. Basically, local women's federations are willing to work on our project and to help us with our work. In some places our network's operating centers are located in the local women's federations. Thus we work together because local women's federations are very willing to work for women. What we do is to convey to them that we do not claim to protect women or to liberate women; what we seek to do is to liberate ourselves along with other women. In other words, as we help these women we are also empowering ourselves. At the same time we are helping other women we also empower ourselves. The local women's federations think that this is a very good idea.¹⁸

Chen Mingxia's emphasis on the good relationship with local women's federations is suggestive in multiple ways. Mostly, it reminds us of the reality that the WF system is itself a network of diverse women officials located differentially in a geographic hierarchy. Local women officials who care about women's affairs have no vested interest in blocking a particular NGO's activism, especially when it brings needed funds. Actually, top officials at the ACWF have also expressed their support for activities by women's NGOs, calling on all women to work together to promote women's social advancement. The ACWF has shown itself eager to catch up with the issues raised by women's NGOs so as to maintain their competitive edge as a leading body for women's issues, rather than begrudge emergent NGOs.

With money from international donors, the Stop DV Network has created a unique pattern for political participation in China. Linking itself to the official WF system, the network is able to access the institutional resources of that system. Since the WF organizational apparatus reaches down to each village and each neighborhood, the collaboration between the NGO and the WF enables urban feminist academics and professionals from core areas such as Beijing to connect with women at the grassroots level in peripheral regions. Their collaboration augments the influence of the NGO and allows a horizontal NGO to gain vertical channels. From the point of the NGO, this collaboration is also an important way to transform the WF by making the official organization more gender-sensitive, and more women-centered rather than party-centered. And, no less important, the collaboration provides the NGO legitimate means to engage the government at all levels.

Finally, the network defies theoretical boundaries between society and state by deliberately including government branches among its members. A holistic approach to domestic violence requires a comprehensive campaign that mobilizes society as well as the state. Therefore, eligibility for grants from the Network to

fund anti-domestic violence projects includes NGOs and central and government bodies. Thus, government branches apply for grants from an NGO to work on the issue of domestic violence. By tactfully maneuvering multiple terrains, the Stop DV Network has become a leading force acknowledged by the state in promoting social, cultural, legal, and political changes to address domestic violence. In a sense, the Stop DV Network is such an inclusive network that it also networks the state.

What else can we find in the success of the Stop DV Network?

To critically examine Chinese feminist NGO activism, it is necessary to ask not only what has been accomplished by feminist activists but also what has been neglected or omitted. In sharp contrast to transnational feminist emphases on multiple systems of oppression and intersectionality of gender, class, race, ethnicity, sexuality, and so on, the absence of “class” in Chinese feminist articulation is glaring. The rapid ascendance of the analytical category “gender” is, in a sense, at the expense of erasing the analytical category “class” in China. Feminists in China have voraciously embraced gender exactly at the moment when the term “class” has turned into a new political taboo. Women scholars in the 1980s contributed to the deconstruction of a Maoist class analysis that eclipsed and erased gender issues by presenting an essentialist notion of women.¹⁹ In the 1990s, feminists found in “gender” a much better analytical tool than an essentialized womanhood and femininity. In the post-Mao market economy, the state, with complicit help from elite intellectuals, has conveniently abandoned Marxist class analysis in the aftermath of critiquing the Maoist definition of class. Gone also were the previous socialist principles of social justice and equality. In their place we have witnessed the rise of neo-liberalism and stark class polarization over the past two decades. And the state has placed severe surveillance on spontaneous organizational activities around class issues. However, class and gender often intersect, resulting in large female populations with little resources both in urban and rural societies. In this context, the ascendance and centrality of “gender” in the past decade functions both as a feminist tactic to promote the value of social justice against a dominant social Darwinist ideology amid rampant capitalism and a feminist evasion of sensitive issues like class. Seen in this light, the success of the Stop DV Network has much to do with the fact that it focuses on a gender issue that crosses other social divides, hence, making an evasion of class possible. Nonetheless, at the local level WF officials have clearly observed the effects of gender and class in the phenomenon of rising domestic violence.²⁰

A focus on gender could, theoretically, include class issues as well. And feminist projects generally are already conceptually oriented towards the disadvantaged and marginalized, including laid-off women workers, migrant workers, and domestic helpers. However, without the freedom to articulate a clear critical framework that addresses multiple hierarchies and inequalities, Chinese feminists run the risk of being co-opted by the state. Their success in engaging the state via the official WF

and their discursive legitimacy to pursue gender equality as part of full modernity have been made possible largely because most feminists consciously operate within the parameters of the current political culture. In a time when women bear the brunt of downsizing, layoffs, early retirement, and severe violation of labor rights in the private sector, we have yet to see the emergence of national networks demanding women workers' rights.²¹ Chinese feminists are fully aware of the limits to state tolerance for organized activism, and few are willing to move outside the comfort zone of gender into the minefield of activism based around class issues. Self-censorship is routine. A sentiment shared by many leading feminist activists is that the legitimacy gained by organizing around gender issues should not be squandered by involvement in politically sensitive issues.

Tactful cautiousness is sometimes hard to separate from a desire to be accepted by the official system. Perhaps the danger of state co-optation is graver for academic feminists than for feminists whose activism takes place among marginalized women. Academic feminists are more accessible for temptation by the benefits offered by the state to compliant intellectuals. The timid approach is exemplified by the Women's and Gender Studies Network mission statement, which begins:

Under the leadership of the Communist Party and the ideological guidance of Marxism, Leninism, Mao Zedong thought, Deng Xiaoping theory, three representatives, and the view of scientific development, [we will] insist on the policy of "let a hundred flowers bloom, and let a hundred schools of thought contend," closely relate to Chinese reality, actively develop the academic field of women's and gender studies and related teaching, research, and activism, in order to serve the construction of a prosperous, powerful, democratic, and civilized socialist modern country.

Such official clichés, according to the drafter, are necessary for the organization to survive official scrutiny. Members of the organization debated whether to include a jargon-filled preamble to the bylaws of a women's NGO, but none pointed out the irony that an academic feminist organization would willingly accept, and in some cases even embrace, the dominant political discourse rather than challenge it. If academic feminists accordingly lose their critical voice, the meaning of activist success deserves careful scrutiny. However, in the political and intellectual environment of today's China, it is difficult for feminists to openly engage in meaningful debates of their political actions. As a result, problematic and ambiguous actions and ideas remain unquestioned.

The triangular relations between women's NGOs, GONGOs (WF), and the state should be a topic for serious feminist intellectual scrutiny. But, at present, discussion is limited to how to recognize the unique features of the Chinese state and in what ways feminists can best utilize official institutions and discursive resources, or how the WF may form partnership with NGOs.²² Feminists in China remain preoccupied with strategizing their engagement with the state via the WF, and are complacent about the positive results of their innovative strategies. Although building the capacity of women's NGOs is increasingly on the agenda of various

women's organizations, a critical examination of the political parameters in which women's NGOs operate and of the effects of the triangular relations on NGOs has yet to be seen. The mixed results of the ACWF's role over the past decade have largely been neglected by feminists. For instance, in order to promote research on women, the ACWF established a Chinese Association for Research on Women. Leading scholars on women and gender issues, including some prominent male scholars, have been invited to the board of the Association. Viewed positively, the ACWF's action lends needed legitimacy to the development of women's and gender studies in China. However, few recognize that its semi-official role can also exert a corrosive influence on women scholars who have been striving from marginal positions to establish a feminist field in the Chinese academe. Women scholars are discovering that their activism in support of women's studies could lead to semi-official positions in the Association. Thus the ACWF's mechanism to promote women's studies or empower women scholars could simultaneously function to co-opt women scholars, making scholars consciously or unconsciously identify with the ACWF's positions, as illustrated by the paragraph in the draft bylaws for the Women's and Gender Studies Network.

The Women's and Gender Studies Network has only just come into existence. Its future relation with the ACWF and the state will be interesting to watch. But, at this initial stage, an eagerness to conform to the ACWF line is already apparent. Moreover, the network's conforming acts are glossed as strategic decisions. Without an open intellectual space to debate and delineate differences between strategy and goal, political expediency may increasingly become the goal of women activists who aspire to officialdom or semi-official positions. Activism would then merely serve as a step to mainstream power. In a rare website piece critiquing Chinese feminism, one writer observes, "Involvement in 'the feminist cause' in China is an action of almost zero risk. Chinese universities, research institutions, media and press smoothly accept 'feminism,' which in turn has quickly become a resource for 'feminists' to seek promotion, publication and fame in their institutions."²³ Although it is debatable how "smooth" the process is for the academic mainstream to "accept" feminism, the writer is perceptive to point out that a supposedly subversive political movement is being co-opted by the mainstream. (The Women's and Gender Studies Network is intended as an activist space for feminist intellectual critique and new knowledge production. How far Chinese feminists can go in the direction of critiquing the existing political culture and dominant ideologies will depend on their determination of their positionality in the intermeshed relations between NGOs, the ACFW and the state.)

Conclusion

Feminist activists have been important players in China's dramatic social, cultural and political transformations since the 1980s. In the limited space here, I have demonstrated that they have enabled a decisive departure from Mao-era gender politics. Institutionally, feminists have succeeded in breaking the monopoly of the WF by gaining the legitimacy to pursue gender interests collectively on their own

initiative. Women's NGOs are now operating at local and national levels, taking on diverse activities addressing gender inequality. While the WF is still located in the state bureaucratic system, possessing tremendous institutional and material resources, its long assumed position as the leader of the Chinese women's movement has been brought into question by the growth of feminist NGOs, which have often placed themselves at the forefront by raising new demands and articulating new visions. The WF still exerts far more influence than any feminist NGO in China, but officials at different levels of the WF are forming partnerships with diverse women's NGOs in collaborative projects, as with the Stop DV Network. Designed as a "bridge" between the party-state and the "masses," the WF, in its close interaction with feminist NGOs, has made the state ever more porous and become a major channel for feminist negotiation with the state.

Conceptually, feminists have expanded on the Marxist theory of women that mainly focused on women's participation in production in the socialist period. Embracing gender as an analytical tool to dissect power relations in previously unquestioned gender norms, Chinese feminists have accomplished a paradigm shift in conceptualizing gender inequality. New understandings of gender hierarchy have led to a wide range of activism intervening in both public policy-making and social practices. Organized action against domestic violence exemplifies feminist engagement with both the state and society in raising gender awareness. Many more actions and programs centering on gender mainstreaming are taking place daily inside and outside the official system throughout the country. Advocacy for gender equity is an area that has continued socialist principles of social justice and equality while simultaneously transforming socialist gender politics in the new global context.

Chinese feminists have manifested their agency and creativity through various innovations over the past two decades. However, they have also largely played within safe political parameters. They have translated global feminist concepts into local practices and endowed many global concepts with local meanings. Most prominently, feminist NGOs in China have developed an entangled relationship with the WF and the state in their efforts to engage the state and promote gender mainstreaming. The triangular relations are unique, conditioned by the specific dynamics of contemporary Chinese political culture. The benefits of engaging the WF and the state to address gender inequality are broadly accepted among feminist NGOs. But a critical awareness of the dangers of state co-optation has yet to materialize. A glaring lesson of the past century for Chinese feminists is that China has no shortage of agitators for social change but few agents in the matrix of power relations able to retain a critical view of their own actions or interactions. The modern history of reform and revolution is mostly a story of efforts aborted and thwarted due to the limitations of historical actors hemmed in by the very historical environment they intended to change. Forging ahead with a feminist agenda while entangled with a patriarchal state characterized by an entrenched bureaucracy, a male-centered intellectual setting clearly leaning in service of the state, as well as a capitalist economy rooted in dispossession and displacement, Chinese feminists confront tremendous odds at producing a peaceful feminist revolution aimed at

deconstructing hierarchies, installing social justice, and transforming existing masculinist culture. Being a feminist neither offers sanctuary from the effects of political and cultural hegemony nor provides immunity from the mistakes of masculinist historical actors. Profound social changes, as envisioned by feminists, require much deeper and broader transformations than the formation of NGOs. To what extent NGOs, feminist or not, can remain a transformative force rather than being transformed by all corrosive forces around them is an open question, depending largely on whether NGO activists, feminist or not, have the ability to pause and reflect, and to explore how to regenerate ourselves while reconfiguring the external world.

Notes

- 1 Huang Qingyi's talk at the ACWF conference on protecting women's rights, December 23, 2004.
- 2 The initial feminist response to problems confronting women in the post-Mao era was expressed in a surge of research on women nationwide in the 1980s. See Wang Zheng (1996) "Maoism, feminism, and the UN contemporary China", *Journal of Women's History* 8(4): 126–53; and (1998) "Research on women in contemporary China" in Gail Hershatler *et al.* (eds.) *Guide to Women's Studies in China*, Berkeley: Institute of East Asian Studies, University of California, pp. 1–43.
- 3 Chen Fang's interview of Liu Bohong, 2004, for the Global Feminisms (GF) project at the University of Michigan.
- 4 Wang Zheng's interview of Gao Xiaoxian, September 26, 2005, for GF project.
- 5 The details of the Association's structure and activities can be found on its website: www.westwomen.org
- 6 For a detailed discussion of the role of the Chinese Society for Women's Studies (CSWS) in the US in disseminating feminism in China, see Wang Zheng (1998) "Research on women in contemporary China" in Gail Hershatler *et al.* (eds.) *Guide to Women's Studies in China*, Berkeley: Institute of East Asian Studies, University of California, pp. 1–43. The CSWS, a grantee of the Ford Foundation, has collaborated with women scholars in China to host numerous feminist workshops in China since 1993. Members of the society also worked collectively to publish four volumes of feminist works that have had a wide circulation among feminists in China: Bao Xiaolan (ed.) (1995) *Xifang nüxing zhuyi pingjie* (On Western feminist research), Beijing: Sanlian shudian; Sharon Hom and Xin Chunying (eds.) (1995) *English-Chinese Lexicon of Women and Law*, Paris and Beijing: United Nations Educational, Scientific and Cultural Organization and China Translation and Publishing Corporation; Wang Zheng and Du Fangqin (eds.) (1998) *Shehui xingbie yanjiu xuanyi* (Selected works on gender studies), Beijing: Sanlian shudian; and Ma Yuanxi, Kang Hongjin and Du Fangqin (eds.) (2000) *Shehui xingbie yu fazhan* (Selected translations on genders and development), Beijing: Sanlian shudian.
- 7 Ge Youli and Susan Jolly, "East Meets West Feminist Translation Group: a conversation between two participants" in Ping-Chun Hsiung *et al.* (eds.) (2001) *Chinese Women Organizing: cadres, feminists, Muslims, queers*, Oxford and New York: Berg, pp. 61–75.
- 8 See the Ford Foundation's (1995) publication *Reflections & Resonance: stories of Chinese women involved in international preparatory activities for the 1995 NGO Forum on Women*, Beijing.
- 9 This widely circulated statement on women's status, which has been taken as a quotation from the French socialist Fourier, was made in 1817 by John Stuart Mill's father

- James Mill when he commented on the level of civilization of India in *The History of British India*, 2 vols. (New York: Chelsea House, 1968), pp. 309–10. Sociologist Arland Thornton notes the early circulation of the idea in European feminist literature since the eighteenth century in *Reading History Sideways: the fallacy and enduring impact of the developmental paradigm on family life*, Chicago: The University of Chicago Press, 2005, pp. 165–7.
- 10 Huang's remark was circulated informally among ACWF officials.
 - 11 Major works on contemporary political transformation in China generally overlook feminist organized activism, including such recent work as Merle Goldman (2005) *From Comrade to Citizen: the struggle for political rights in China*, Harvard University Press. Feminist organized activism in China, in my view, poses interesting and serious challenges to theorizing the Chinese political system.
 - 12 See Jack Belden (1970) *China Shakes the World*, Monthly Review Press, pp. 275–317.
 - 13 Wang Zheng's interview with Chen Zhunlian, September 9, 2005. Her advocacy was effective. Changsha municipal government passed the Regulations on Anti-Domestic Violence in January 1996, the first of its kind in China.
 - 14 For a detailed discussion of this maneuver, see Wang Zheng (2003) "Gender, employment and women's resistance", in Elizabeth J. Perry and Mark Selden (eds.) *Chinese Society, Second Edition: change, conflict and resistance*, London and New York: RoutledgeCurzon, pp. 158–82. The ACWF named 2004 the year of publicizing "the fundamental state policy of equality between men and women." The whole WF system put in much effort to educate both officials and the general public about the "state policy" which at the time had not appeared in any legislation. The head of the ACWF, Gu Xiulian, went on a lecture tour to the Central Party School and provincial party schools to talk about the importance of implementing the "state policy," a highlighted activity of the theme year.
 - 15 Zhang Jian's interview of Ge Youli for Global Feminisms project, December 22, 2002.
 - 16 Shi Tong's interview with Chen Mingxia, September 6, 2005, for the GF project.
 - 17 For detailed information on the Network, see its website: www.stopdv.org.cn
 - 18 Shi Tong's interview with Chen Mingxia, September 6, 2005, for the GF project.
 - 19 See Wang Zheng, "Research on women in contemporary China" for a detailed discussion of this historical process.
 - 20 At a workshop on domestic violence organized by the Shanghai Women's Federation, a director of the Baoshan Women's Federation described mounting cases of horrific wife battery with indignation. In the predominantly working-class district dominated by a state-owned steel plant, the low morale of working-class men often finds an outlet in domestic violence. "What kind of working class is it? They only have one ability left, beating their wives!"
 - 21 A possible exception would be the Center for Women's Development and Rights at Northwestern Polytechnical University in Xi'an, which has organized domestic helpers to help them demand rights and benefits from the government. This effort, however, is framed as an issue relating to women's rights and development, not working-class rights.
 - 22 The volume collecting the most concentrated discussions on the topic is Ping-chun Hsiung *et al.* (eds.) (2001) *Chinese Women Organizing: cadres, feminists, Muslims, queers*, Oxford: Berg. Also, see Chen Fang's interview with Liu Bohong, 2004, the GF project.
 - 23 Sun Shaoxian, "'Aristocratic' Chinese 'Feminism'" ["Guizhuhua" de Zhongguo "nüxing zhuyi"], available online at: www.38hn.com/news.asp?id=472

7 Civic environmentalism¹

Guobin Yang

A civic environmental movement has been in the making in urban China since the mid-1990s. In contrast to earlier popular protests, civic environmentalism has an organizational base of non-governmental organizations (NGOs), a set of new practices, and a new language. It is largely routinized and non-disruptive, and yet has gained considerable influence at home and abroad. These features are indicative of important institutional change. China's civic environmental movement is a central element of the new social formations which are the subject of this volume. It is also part of the broader field of collective social action, which, as the editors point out, "is a prime mover of change."

The sources of institutional change have long occupied scholarly agendas.² In China studies, growing attention is paid to the role of social actors, especially how they creatively negotiate the political context (Pearson 1997; Gu 2000; Saich 2000; O'Brien and Li 2006). Several authors in this volume (e.g. Zhongdang Pan and Zheng Wang) follow this line of research. I join them to underscore the centrality of agency in institutional change. Yet as Pan argues in his chapter, this agency is conditioned by institutional factors so that what we witness is a process of constrained innovation.

One puzzle about civic environmentalism in China is its peculiar form. Why does it adopt non-confrontational tactics while some rural environmental protests turn violent? How has it developed an organizational base while many earlier social movements failed to do so? I argue that a key mechanism in producing the new features of civic environmentalism is cultural translation. Translation is the process of re-creation on the basis of existing materials. It requires an understanding of the audience and its culture, the source language and culture, and the ability to creatively adapt the original material to a new social context. A translator is a constrained but artful innovator and a skilled social actor (Fligstein 2001).

The concept of cultural translation directs attention to the sources, process, and product of "translation." This chapter argues that the main "sources" of Chinese environmentalism are global cultural forms. The process of "translation," however, is fraught with tension. While some elements are replicated, others are adapted to local circumstances or blended with local forms in a process of hybridization, and still others are contested or rejected (Merry 2006).³ The result is a hybrid form suited to – but also constrained by – the local context and the resources of the actors.

Theoretical perspectives on Chinese civic environmentalism

Until recently, studies of Chinese environmentalism have focused on the development of environmental NGOs. Some studies emphasize the role of the state in NGOs' development (Ho 2001); others argue that NGOs have strategies to negotiate the state (Saich 2000). Several studies (Wu 2002; Zhang and Baum 2004; Morton 2008; Yang 2005) have shown the transnational linkages of these organizations, though without theorizing the mechanisms of transnationalization.

Mol (2006) analyzes Chinese environmentalism from the perspective of "ecological modernization." Noting that ecological modernization is an experience of industrialized nations, he examines the extent to which main features of ecological modernization have been "exported" to China. Two of these features are the development of an environmental civil society and some degree of international integration. Mol is ambivalent about the relationship between civil society and ecological modernization in China. He sees environmental NGOs as emerging new actors while noting their limited influence. He maintains that China is resistant to international influences in environmental governance, but shows that on less controversial issues, foreign influences have been significant. On balance, he stresses foreign influences, but it is not clear through what mechanisms foreign influences are transmitted.

In explaining the rise of global environmentalism, sociological studies from the "world society" perspective emphasize diffusion. Thus Frank, Hironaka and Schofer (2000: 103) have argued "that blueprints for the nation-state are drawn in world society, that such blueprints have, over time, increasingly specified environmental protection as a basic purpose of the nation-state, and that the provisions of such blueprints diffuse from world society to individual countries." They identify three mechanisms of diffusion, namely, international environmental organizations, the advocacies of domestic scientists, and interstate pressure. Yet this perspective not only ignores the tensions and conflicts in the process of diffusion and the role of domestic social movements (Buttel 2000), but also implies that what is diffused remains the same when it moves from one society to another.

One might argue that civic environmentalism simply reflects structural changes in Chinese society, changes such as political decentralization, industrialization and environmental degradation, the rise of a middle class, and the globalization of environmentalism. Yet although these structural conditions are important, they cannot explain the *peculiar form* of Chinese environmentalism.

Among the few studies that have paid attention to the *form* of Chinese environmentalism are those by Peter Ho and Richard Edmonds. In Ho's (2008) introduction to their edited volume and in their joint conclusion (Ho and Edmonds 2008), they argue that China's environmental movement has features of an "embedded environmentalism." This embeddedness has two dimensions. One is "a *negotiated symbiosis* with the Party and state" (Ho and Edmonds 2008: 218; original emphasis). The other is informal social networks, which provide channels of interaction and negotiation with state actors:

Embeddedness is most certainly not a matter of subjecting oneself to the authoritarian restrictions of the state, or being silenced for voicing dissent, as some in the international media might want us to believe. Rather, embedded environmentalism is a resourceful and negotiated strategy employed by activists to gain maximum political and social influence, at least in name, by professing to uphold the principles of the Chinese Communist Party and state. This is the contradictory essence of the embeddedness of Chinese activism: limiting while enabling. (Ho and Edmonds 2008: 220)

The concept of embeddedness captures well the “limiting and enabling” aspect of Chinese environmentalism. Yet, understandably, an emphasis on embeddedness downplays the disembedding aspect. Ho and Edmonds argue insightfully that embedded environmentalism “is a resourceful and negotiated strategy,” yet the resources they emphasize are largely social – informal ties and networks.

As I suggest below, Chinese civic environmentalism has an important cultural and symbolic dimension. The process of political negotiation often takes cultural forms such as the deliberate use of a new language and the contestation over values. Furthermore, environmentalists are not only embedded in social networks. They are also free-floating, disembedded, and disembedding. They produce new cultural and organizational forms by appropriating both Chinese and global forms. In other words, they are like cultural translators immersed in different cultures. The more they are embedded in these cultures, the better they are able to act as cultural translators.⁴ The concept of cultural translation thus helps to highlight the creative potentials of an embedded condition.

Social movements and collective action are political translation practices in the sense that they are always the products of a trans-field communication and interaction. No social movements are entirely new, yet every movement has its innovative aspects. It is through a process of translation that the old and the new come together to bring forth a social movement. In this process, social movement activists, the “translators” of social movements, are constrained by the existing rules of political language. Yet in their translation activity, they can extend existing boundaries and create a new language of political action.

The translation perspective differs from the diffusion perspective in the social movement literature. Diffusion studies argue that direct social ties and media provide crucial channels for the diffusion of movement ideas and repertoire (McAdam and Rucht 1993). Yet who diffuses what and why is not quite as clear as the structural channels of diffusion. The translation perspective recognizes the central role of the translator as well as the constraints and opportunities he or she faces.⁵ A main challenge facing translators is linguistic and cultural ambiguities. Similarly, social movement activists must deal with ambiguities, especially in the political opportunity structure (Meyer and Minkoff 2004). As I will show below, this is particularly true of Chinese environmentalists, who have to steer the muddy waters of Chinese politics in order to eke out an existence.

Features of Chinese civic environmentalism

The Chinese government had long used mass campaigns as a means of dealing with environmental problems (Shapiro 2001; Liu *et al.* 2006), but voluntary and self-organized citizen action was new when it first appeared in the early 1990s. At that time, there was little legitimate space for such voluntary association. The 1980s had seen a wave of semi-autonomous voluntary association. Business associations and chambers of commerce appeared in large numbers (Pei 1998; Ma 2005). Yet the repression of the student movement in 1989 dampened the political atmosphere. Thus when a small group of individuals in Beijing attempted to register an independent environmental organization, they encountered great difficulties. Their eventual success in founding Friends of Nature in 1994, however, demonstrated the possibility of negotiating the political space (Saich 2000).

In 1995, Chinese environmentalists launched a public campaign to protect the golden monkey in Yunnan province. This campaign demonstrates that it is not only possible to establish social organizations outside the purview of the state, but also possible for them to organize collective action. By 1996, an environmental movement had emerged in the public sphere. Since then, it has undergone steady growth and assumed some distinct features.

One feature is its organizational base. It consists of formal and informal organizations that typically identify themselves with a global cultural form – NGOs. These organizations operate on a routinized basis with or without registration. All have to eke out an existence in between the constraining regulations of the state and the absence of a non-governmental political culture. Yet China's environmental organizations have survived and expanded. Since the launching of the first grassroots ENGO in 1994, over 200 have been founded. In addition, according to a survey by the All-China Environment Federation (2006), there were 1,116 college student environmental associations and 1,382 government-organized ENGOs as of 2005. The grassroots ENGOs are relatively independent from the state and come closest to the common understanding of civil society organizations as autonomous, non-profit, and voluntary associations.

The second feature is a critical green discourse. Although the state promotes environmental protection through public campaigns, public debates about the environment are a more recent phenomenon. As in the official environmental discourse, sustainable development is a key word. The civic discourse differs in its emphasis on public participation. While recognizing that environmental problem solving depends on the joint efforts of government, citizens, and NGOs, the civic discourse emphasizes the role of citizens. It rejects the values associated with instrumental developmentalism in an increasingly commercialized society (Yang and Calhoun 2008).

The third feature is a new repertoire of action, common in global environmental movements, which I will call "collective civic action." Largely deliberative and non-confrontational, this repertoire consists of media campaigns, public lectures, workshops and conferences, salon discussions, online discussions, photography exhibits, publication of books and newsletters, production and distribution

of publicity materials, and so forth. It is closer to institutionalized than non-institutionalized politics.

Who are China's environmentalists?

Sociological studies have found that new social movements in Western societies draw their constituencies from the new middle class, “especially those elements of it which work in the human service professions and/or the public sector,” elements of the old middle class, and “a category of the population consisting of people outside the labor market or in a peripheral position to it (such as unemployed workers, students, housewives, retired persons, etc.)” (Offe 1985: 831–2). The profile of Chinese environmentalists is remarkably similar.

Chinese environmentalists are well-educated urban professionals. On the spectrum of the burgeoning middle class,⁶ they represent the more intellectually oriented elements and are distinguished from business and political elites. A survey of the membership of Friends of Nature conducted in 2004 provides a rough picture of the demographics of Chinese environmentalists. Of 607 respondents (out of a total membership of about 1,500 at the time of the survey), 95 percent have a college or postgraduate education. In occupational composition, college students make up 34 percent of the membership, teachers about 15 percent, and journalists and editors about 6 percent. In other words, at least 55 percent of the members of Friends of Nature belong to what conventionally would be considered the intellectual stratum. The membership also includes scientists, accountants, management personnel, doctors, lawyers, engineers, salespeople, and office clerks. Only 13 (2 percent) of the 607 respondents identify themselves as workers (FON 2005).

To the extent that environmentalists resemble intellectuals more than other social strata in Chinese society, they are a new breed – they are “public intellectuals” or “intellectual-activists” (Ogden 2004).⁷ They differ from earlier intellectuals in some important ways. The overriding concern of modern Chinese intellectuals has been national salvation. In this endeavor to save the nation, modern Chinese intellectuals were compelled to introduce Western learning but were torn by the anxiety of losing Chinese tradition.⁸ Contemporary environmentalists are no longer burdened with a sense of the world-saving mission. No longer driven by an all-embracing vision of some future order, they now entertain rather modest and concrete goals.

This value change among environmentalists reflects broader changes in Chinese society. The most ironical change is that as Chinese intellectuals come to enjoy a more comfortable material life, their sense of idealism has decreased in proportion. The rise of a consumer society and commercial culture has eroded the moral high ground of the intellectuals. It is for this reason that, as I will argue later on, Chinese environmentalists have adopted rather mundane forms of civic action.

Many of these forms of action, such as doing a project and writing project proposals, come from standard international practices of non-profit management. Chinese environmentalists are equipped with the skills to learn and “translate” these practices. One skill is transnational competence, which, according to Koehn

(2006: 379), involves “analytic, emotional, creative, communicative, and functional skills” for operating across national borders. Some of these skills include the ability to communicate in English and knowledge about international NGO culture and practices.

Awards given to Chinese environmentalists by international organizations certify their transnational competence. For instance, Friends of the Earth (Hong Kong) gave “Earth Awards” for seven consecutive years from 1996 to 2002 to environmental educators, journalists, government environmental agencies, and environmental NGOs. Ford Motor Company’s “Conservation & Environmental Grants” are probably among the most influential annual environmental events in China. As Table 7.1 shows, well-known leaders of environmental NGOs have all received major international awards.

In recent years, many international environmental NGOs have set up offices in China. They bring the culture and practices of global environmentalism close to home (Wu 2002; Morton 2008). According to a directory of international NGOs in China published online by China Development Brief, 40 international environmental NGOs were operating in China as of 2004. These organizations influence Chinese environmentalism through exemplification and hands-on instruction. The director of Friends of the Earth (Hong Kong) was proud of her organization’s contribution in this respect, stating:

I believe in the importance of public participation. I believe in the role of non-government organizations (NGO) in community mobilization. I believe in the partnership between Government and the people. I am glad to have dedicated the last nine years’ work in China to transfer the NGO experience, which could serve as a useful reference for the budding green movement in Mainland

Table 7.1 Recipients of major international environmental awards

<i>Name</i>	<i>Organization and year founded</i>	<i>Awards</i>
Liang Congjie	Friends of Nature, 1994	Asia Environment Award (1995); Earth Award (1999); Ramon Magsaysay Award (2000)
Liao Xiaoyi	Global Village of Beijing, 1996	Sophie Prize (2000); Banksia Award (Australia, 2001)
Xi Zhinong	Green Plateau, 1999	Television Trust for the Environment (TVE) Panda Award (2002, UK)
Wang Yongchen	Green Earth Volunteers, 1996	Conde Nast Traveler Environmental Award (2004)
Yu Xiaogang	Green Watershed, 2002	Goldman Environmental Prize (2006)

China. ... It is encouraging to witness the establishment of increasing numbers of school and individual environmental groups around the country in the last five years. I see myself as a green seed sower. It is very meaningful and worthwhile.⁹

Chinese environmentalists also have social capital. A major social resource is their connections with the mass media. Many of them are media professionals. Green Camp, Green Earth Volunteers, Green Plateau, Tianjin Friends of Green, and Panjin Black-Beaked Gull Protection Association are all led by journalists or former journalists. Friends of Nature and Greenpeace (Beijing) have influential journalists in their membership. These media professionals serve as direct linkages between the mass media and the environmentalists.

The two forms of capital are mutually generative. Transnational competence is conducive to building connections with the global community, thus generating more social capital. Connections with the mass media give them easy access to politically controlled media channels. Such access can translate into media visibility, which then becomes a source of cultural prestige. Transnational competence and media connections are essential for many organizational activities such as fundraising and media campaigns.

Appropriating the NGO form

Although voluntary associations have a long history in China, they became almost non-existent in the Maoist era. With economic reform, voluntary associations revived, yet the state retained control through personnel appointment and financial appropriations. In the major social movements in this period, activists touted spontaneity and vehemently disavowed any claims to organization. Whatever movement organizations existed were either informal social networks, appropriations of official organizational forms (such as the work-unit), or products of the movements themselves. They did not enjoy political legitimacy, all were suppressed, and none developed into any legitimate forms.

Two international events propelled the development of environmental NGOs in China. One was China's unsuccessful bid in 1993 for the 2000 Olympics. Reportedly Beijing lost the bid to Sydney because Beijing's candidature file did not have an environmental component as Sydney did (Beyer 2006). The other was the UN Women's NGO Forum in Beijing.¹⁰ Although the forum took place in 1995, preparations for it in China had started long before. One of the preparation activities was training sessions to teach Chinese participants what NGOs were about.

Even with such impetus, introducing environmental NGOs into China is not a matter of simple replication. Hybridization is the norm. The "source language" of international NGOs has to be adapted to local conditions. These conditions are themselves ambivalent and require creative interpretations. A facilitating condition is what Peter Ho refers to as the "greening" of the state, namely, the process whereby the state has developed environmental laws and policies and built state institutions for executing or monitoring them.¹¹ Yet the state is ambivalent about

the development of non-state organizations, often encouraging it in rhetoric but discouraging it in practice. A set of regulations for the registration and management of social organizations requires applicants to have a sponsoring institution, which presents a major hurdle to registration, because an NGO is considered a liability not an asset to its sponsoring institution (Jin 2001).

Over the years, the NGO form has evolved into a variety of hybrid types. In terms of their distance from the government, there are government-organized NGOs (GONGOs) at one end of the spectrum and NGOs that are more independent of government sponsorship at the other end. In terms of their degree of institutionalization, there are formally registered organizations and those that operate without registration. In between, there are college student associations and research centers that identify themselves as NGOs. Finally, there are organizations that register as business entities but operate as NGOs. This last case reflects adaptation to political conditions, because it is much easier to register a business entity than an NGO. For example, the Institute for Environment and Development is registered as a business entity, while Green Earth Volunteers is not registered at all. Yet both are well-known NGOs. Rather than complaining about the lack of formal status as NGOs, their leaders have felt there is a degree of freedom in operating as they do.¹²

Organizational forms are thus quite flexible, reflecting creative adaptation of a global organizational form to the local context. Adopting an NGO identity is a strategy to melt into international NGO culture. To be part of this international culture brings recognition and much-needed funding and other resources (Howell 2004; Yang 2005). A disadvantage is that the term “NGO” carries political overtones. The Chinese for “non-governmental,” *fei zhengfu*, can be (and has been) interpreted as “anti-governmental.”¹³ Such interpretations are of no help to organizations striving to survive in a restrictive political environment. For this reason, some organizations also identify themselves as *minjian* (non-official) organizations, an indigenous term that is perceived to be more benign than the oppositional interpretations of NGO.

Although the multiple forms of environmental NGOs are mainly a response to political conditions, they also reflect the relations and interactions among NGOs. In these interactions, some groups are founded by individuals who splinter off from another organization. Some members of an organization belong to several other organizations. Some smaller organizations, such as college student clubs, join larger organizations as group members. All the while, these different groups have their own leaders and maintain close relations with one another. In fact, the overall structure of Chinese environmental NGOs resembles remarkably the SPIN structure characteristic of American environmental groups studied by Gerlach (2001). Like the American environmental group, they are “segmentary,” “polycentric,” and “networked.” They make up a dynamic structure open to input and change, providing opportunities for innovation to creative individuals.¹⁴

Mixing environmental frames

Chinese environmentalists deliberately speak a new language, though they also invoke official rhetoric as a way of claiming legitimacy. They often mix several

“master frames” in their discourse.¹⁵ These include the global frame of sustainable development, the traditional rhetoric of human–nature harmony, and, most recently, the official language of “harmonious society.” Underlying all these frames is an emphasis on public participation.

The new environmental discourse manifests itself as a “greenspeak.” Greenspeak refers to the gamut of linguistic and other symbolic means used to raise awareness of environmental issues (Rom, Brockmeier, and Muhlhauser 1999: 2). This new language is often a direct and literal translation of a language associated with global citizen action (Edwards and Gaventa 2001). Examples include “grassroots initiatives,” “community action,” “projects,” “workshop,” “volunteerism,” and “PRA.” Most of these English terms had Chinese expressions that were in circulation in the past. Yet current Chinese environmentalists have abandoned the former Chinese expressions and adopted new translations instead. The purpose is to displace an old language associated with state mobilization. For example, in the Maoist period and to some extent the Dengist period, there was also an emphasis on grassroots and community initiatives, but that emphasis entailed mobilizing local communities as constituencies for achieving the goals of the central party-state.

In the current environmental movement, however, grassroots initiatives mean just that – plans and action initiated at the grassroots level. The difference between the two kinds of grassroots approaches is linguistically marked. In the earlier period, *jiceng* was the Chinese equivalent for the English word “grassroots.” Literally meaning “foundation” or “infrastructure,” *jiceng* is a term with a revolutionary history. The hallmark of Mao’s organizational approach, the so-called mass-line, was based on the assumption that the voice of the party should penetrate into the very basic fabric of Chinese life – the *jiceng* or foundation (Blecher 1983). The discourse of the current environmental movement, however, has abandoned the term *jiceng* and adopted a literal translation of the English word “grassroots” as *caogen*. The new language indicates a new emphasis on grassroots political action.

Public participation is the central value in this search for a new language. The concept is borrowed from the global environmental discourse but given new meaning in the Chinese context. Again, Liang Congjie made revealing remarks. In an essay first published in 1995, one year after the founding of his NGO, he states, “International experience proves that government management without public supervision and participation cannot possibly sustain environmental protection well in a country, a city, or a region” (Liang 1995/2000: 3). Yang Dongping (1997/2000), vice-president of Friends of Nature, published an enthusiastic article praising public participation in environmental protection in the United States with the clear message that the American example is worthy of emulation. Directly or indirectly, the language of public participation spoken by Chinese environmentalists led to a first step at institutionalization when in 2005 the State EPA promulgated the “Methods for Public Participation in Environmental Impact Assessment.”

The discourse of public participation is about self-empowerment. It gives legitimacy to environmentalists. This language, however, is often skillfully dressed in other, more legitimate frames. One such frame is the recent official discourse

of harmonious society. Harmonious society (*hexie shehui*) is an official slogan with overtones of Confucian political ideals. It is an invention of the new Chinese leadership under Hu Jintao and Wen Jiabao. Since its enunciation, this concept has become a common umbrella term used in all sorts of intellectual discourse as a marker of legitimacy. Environmentalists have also made strategic use of it. This can be seen from a speech Liang Congjie made at an award ceremony. In 2006, his organization was selected as the “Most Responsible NGO” of the past year. Concluding his award acceptance speech, he said:

Over the past twelve years, Friends of Nature has been dedicated to promoting public environmental awareness and encouraging the public to improve the environment by feasible means and actively participate in environmental decision-making and management. We strongly believe that the environmental awareness and participatory capacity of the general public are essential elements for the construction of a harmonious society. (*Friends of Nature Newsletter*, 2006, No. 2, p. 31)

Another “master frame” of Chinese civic environmentalism is the global rhetoric of sustainable development (Fischer and Hajer 1999: 3).¹⁶ Achieving currency after the Rio Earth Summit in 1992, this global discourse was adopted as a state policy in China in the “China Agenda 21” published in March 1994. It has since become a familiar trope in Chinese mass media.

Chinese environmentalists invoke the rhetoric of sustainable development frequently. Some organizations, such as Global Village of Beijing, consider it their mission “to advance sustainable development in China by creating community environmental awareness and enhancing public participation.”¹⁷ Yet the term sustainable development lends itself to different interpretations. Even businesses engaged in environmentally damaging production sugar-coat their practices by speaking the language of sustainable development. Environmentalists have their own way of adapting the language to local circumstances. For example, the Western development project launched by the Chinese government in 2000 has an environmental component, according to which development of the western regions must balance environmental protection (Economy 2002). Local responses to the universalistic discourse of sustainable development reflect their particularistic concerns. For local communities, biodiversity entails not only the protection of species, but also of cultural diversity. This vision is articulated clearly by a local NGO leader:

The protection of the biodiversity and cultural diversity in the western part [of China] should receive equal respect. The development of the western part is the development of the minority regions. Therefore, it also involves the issue of cultural diversity. There is a lot of emphasis on the protection of biodiversity, but not enough emphasis on the protection of cultural diversity. (Haxi Zhaxiduojie 2002)

A third master frame is the notion of nature–human harmony. A concept in traditional Chinese philosophy, it emphasizes human existence as an integral part of the cosmic order. In essence, this notion admonishes human humility and mutual respect. Tang Xiyang, a leading environmentalist and founder of Green Camp, is an influential advocate of the idea of nature–human harmony. This notion is a central motif in his best-selling book on environmental ethics and practices titled *Wrong! Wrong! Wrong!* (2004). As the title indicates, the book decries human practices that he deems damaging to the environment and to the harmonious relationship between humans and nature. He places the blame unequivocally on humans, arguing that “nature is the best teacher” and people are but “monkeys in pants” and should be nature’s “pupils.” His main message is that humans should cultivate the ethics of humility and respect, values which he believes are essential for promoting democratic participation in environmental governance.

Collective civic action

The typical repertoire of contention in modern Chinese history includes mass demonstrations, rallies, hunger strikes, and the posting of big-character wall posters. These were used in a variety of movements, from the Red Guard Movement through the Democracy Wall Movement down to the 1989 student movement. This is essentially a confrontational and provocative repertoire aimed at galvanizing public support and directly challenging state authorities.

The action repertoire of Chinese civic environmentalism is deliberative and non-disruptive. It differs from the repertoire in earlier social movements in China and resembles that in contemporary global environmental movements. Although earlier environmental movements in Western societies adopted disruptive tactics, institutionalization and the use of cooperative and non-confrontational tactics (Dalton 1994; Hernes and Mikalsen 2002) have been the dominant trend in recent decades (Rawcliffe 1992; Salazar 1996; della Porta and Rucht 2002). This trend may have existed even longer. Some scholars have argued, for example, that social movement theory has distorted reality by overemphasizing 1960s-style disruptive protests when in reality non-disruptive forms are more common. Sampson, McAdam, MacIndoe, and Weffer-Elizondo (2005: 691) call them “collective civic action” and find that the following 15 discrete forms were the most widely adopted from 1970–2000 in the Chicago metropolitan area: (1) charity events, (2) public meeting, (3) community festival, (4) recreational activity, (5) lecture/talk/workshop/seminar, (6) ceremony, (7) conference, (8) public hearing, (9) volunteer effort, (10) rally/demonstration, (11) awards/recognition dinners, (12) ethnic celebration, (13) lawsuit, legal maneuver, (14) march, and (15) petition.

Except for three (rally/demonstration, ethnic celebration, march), all these forms of civic action are common in the Chinese environmental movement. The campaign to stop dam-building on the Nu River is an example. In the campaign, environmentalists made use of such time-tested moderate tactics as the issuing of open petition letters and the gathering of signatures. For example, in October 2003, the China Environmental Culture Promotion Society issued a public petition signed

by over 60 influential public figures to oppose dam-building on the Nu River. In December 2003, an NGO in Chongqing City collected more than 15,000 petition signatures to oppose the same construction project.¹⁸

Besides petition letters, the campaign consisted mainly of public meetings, lectures and workshops, public hearings, volunteer efforts, petitions, and public exhibitions. On November 17, 2003, the Tianxia Xi Education Institute organized a forum to educate the public about the Nu River.¹⁹ In January 2004, five research and environmental organizations, including Friends of Nature and Green Watershed, organized a forum in Beijing to discuss the economic, social and ecological impact of hydropower projects. In February 2004, a group of journalists, environmentalists and researchers from Beijing and Yunnan conducted a study tour along the Nu River. They returned to Beijing to organize a photo exhibition and even took the exhibition to the UNEP 5th Global Civil Society Forum (GCSF) held in Jeju, South Korea, in March 2004.

The routine activities organized by Chinese environmentalists are non-confrontational. For example, according to a 2005 survey of members of Friends of Nature, the top 12 favorite activities among members are, in order of popularity: (1) environmental education, (2) lecture, (3) social activities of members, (4) training, (5) tree-planting, (6) plant-watching, (7) publicity activity, (8) bird-watching, (9) film-watching, (10) visiting exhibitions, (11) office volunteering, (12) chorus (FON 2005). Many groups organize workshops and seminars. For example, since 1997, Green Earth Volunteers has been holding regular “journalists salons” to educate journalists on environmental issues. The Tian Xia Xi Education Institute in Beijing focuses on local environmental issues and the values of traditional Chinese culture for rural and urban rejuvenation. Its signature public forums have featured issues such as organic agriculture, investigations of the coal-mining industry in Shanxi province, the rights of marginalized groups, and urban–rural mutual aid. In contrast, the China Environment and Sustainable Development Research and Reference Center (CESDRRC) has put more emphasis on introducing global environmental values and practices – of the 122 events it organized from December 2000 to March 2007, 88 featured foreign speakers (see Figure 7.1).²⁰

What do Chinese environmentalists accomplish through civic action? To be sure, they have educated the public, challenged environmentally unfriendly practices, and even influenced policy. Environmental civic action, however, is probably most important as *arenas and practices of translation*. An event is organized not just to accomplish some manifest goals (such as to prevent the building of large dams). It serves the latent function of generating visibility and recognition for the organizers and the participants. The numerous workshops, seminars, and other projects organized by environmental NGOs not only transmit environmental values, skills, and knowledge. They are also meeting grounds of like-minded people and arenas of self-transformation and identity production. Green Camp, for example, owes its identity to the summer environmental camps it organizes. At the same time, camp participants develop their environmentalist identity through the collective camp experiences.²¹ Thus it is not simply that environmental groups organize action. Action is a way of producing organizations and discourse.

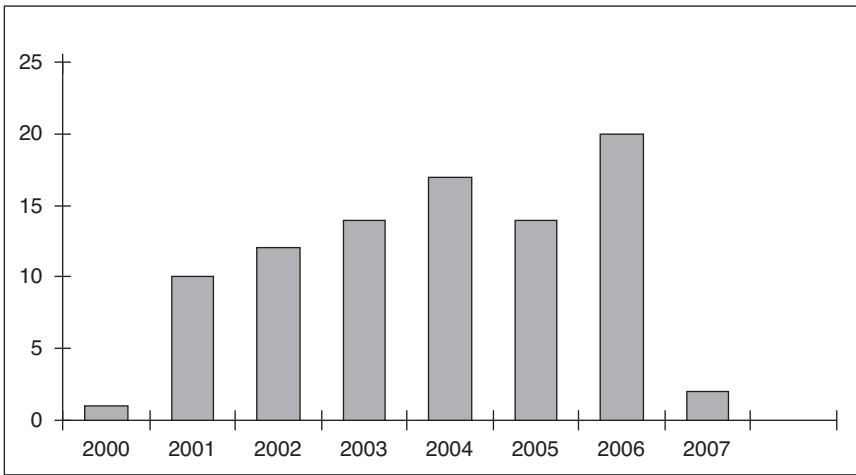


Figure 7.1 Number of events featuring international speakers hosted by CESDRRC, 2000 – March, 2007 (n= 88)

Ambiguity and tension: the case of animal rights

Translation is about dealing with ambiguities. The process is wrought with tension and contestation. In all aspects of their work, Chinese environmentalists must manage political ambiguities and constraints in order to derive workable solutions. In addition, because they work against the much stronger tide of economic development and promote values and practices incongruent with the dominant culture of commercialism and consumption, they face the challenge of winning broader public understanding and support. They have come under direct challenges no matter whether the values and practices they promote are Western or Chinese.

One example is a debate about animal rights. With the rise of environmental discourse in China, there appeared discussions about how humans should treat animals and what ethical criteria should apply to the consumption of exotic and endangered animals. The consumption of exotic animals has attracted criticisms from China's environmentalists. The harvesting of animal organs and manufacturing them into medicine and health products have also come under attack.

In 2001, a group of environmentalists in Beijing launched a campaign to boycott a medicinal product made from wild tortoise by a pharmaceutical company in Hainan Province. The campaign stimulated debates about (1) whether the wild tortoise product does indeed improve human well-being and (2) even if it does, whether it is ethical to use it, because such consumption will lead to the extinction of the species. The campaign failed to stop the pharmaceutical company, but the ethical issues surrounding the consumption of exotic animals caught public attention.

This case illustrates the intricacies in the interactions of global and local cultural discourses. Animal rights is a Western discourse. Its introduction into the Chinese

language is at least partly a by-product of cultural globalization. Chinese responses to the animal rights discourse have been polarized. While environmentalists condemn the eating of exotic animals and the manufacturing of animal health products as unethical “traditional” practices, critics accuse China’s animal rights activists of being blind followers of Western values. The main detractor of the animal rights activists in these debates, a professor in Qinghua University, argues that animal rights is a Western discourse with hidden imperialist pretensions, because in this discourse non-Western societies with different attitudes toward animals are portrayed as primitive and uncivilized. He notes, however, that the ideal expressed by the animal rights activists is nothing new, because it has already found its fullest expression in Buddhism. He further contends that the crucial thing is that Buddhism is a religion that does not impose its values on others, whereas current animal activists are going too far in advocating legislation to protect animal rights.²²

That this critic falls back on traditional religious ideas in his challenges against the animal rights discourse suggests that indigenous traditions and practices may be turned against global cultural flows. But that again is not the whole story. Tradition can be selectively rejected or promoted. Thus some environmentalists have attempted to draw on traditional Chinese philosophy as an indigenous foundation for building a new environmental ethics while at the same time appropriating elements of the global environmental discourse. An example is the environmental writer and activist Tang Xiyang mentioned earlier. Over the years, Tang has published many articles on environmental issues and has developed what he calls his “green philosophy” (Tang 2004). This philosophy stresses harmony between humans and nature, rejects homo-centricism, and calls for a sense of human humility before nature. It is an ethics of eco-centricism. Tang thinks classical Chinese philosophy has rich resources for developing a contemporary environmental ethics, but notes that concepts like “animal rights” and “animal abuse” are worth introducing into Chinese culture. Rejecting the practice of using exotic animal products to improve health, he asks if Westerners have lived well without them, why can’t the Chinese do so too? Tang’s green philosophy is an attempt to reinvent environmental ethics through a creative combination of Western and traditional Chinese ethics.

Conclusion: environmentalism as an emerging identity

Chinese civic environmentalism has taken on its peculiar features in a process of cultural translation. Like translators, Chinese environmental activists creatively adapt global cultural forms to local social and political contexts. The result is not mere replication, but the hybridization of indigenous and global organizational forms, discourse, and collective action repertoire. The emergence of civic environmentalism illustrates the dynamics of institutional change in China. It brings into relief the centrality of skilled social actors – cultural translators – in tapping global and local cultural resources in their efforts to negotiate China’s political context.

Chinese environmentalists are the central actors in this process of cultural translation. For them, the search for organization, for a new language, and for new forms

of action is ultimately a search for recognition and inclusion. It is a search for a new collective identity. Like participants in earlier new social movements in Western societies (Offe 1985), Chinese environmentalists consist of those segments of the population that, while prospering as part of the emerging new middle class, increasingly find themselves in a peripheral position vis-à-vis the economic and political elites. Their persistent efforts to prove themselves in mundane but seemingly altruistic activities (such as campaigning to protect endangered species) mask a palpable sense of identity crisis in a rapidly commercializing society. Organizing in the name of universal values such as human–nature harmony and environmental protection thus becomes a means of achieving recognition.

After years of efforts, environmentalism has become a new form of collective identity. Growing numbers of people identify themselves as environmentalists, alongside villagers, workers, white-collar professionals, homeowners, and so forth. Many who do not consider themselves environmentalists may easily identify with the values of environmentalism. Yet both as a source of solidarity and of social power, environmentalism remains weak. This is not only because it is relatively young, but also because it faces tremendous odds in a culture of materialism and economic development, and because of the limits of its social basis.

The middle-class character of Chinese civic environmentalism is a source of both weaknesses and strengths. It partly explains the moderate nature of its action repertoire. As Yongshun Cai (2005: 777) argues, members of China's middle class are “moderate” “because of their intention to maintain the political order and limited ability to stage disruptive action.” In the case of environmentalists, the preoccupation with organizational development may itself hinder political radicalism. As scholars of environmental movements have often noted, more formal and institutionalized organizations tend to adopt cooperative approaches (della Porta and Andretta 2002).

The concern with organizational development is compounded by another condition – the legitimacy of urban environmentalists as members of organized groups is contingent on state recognition. Such recognition is not extended to groups that directly challenge state legitimacy. Under this condition, Chinese environmentalists must seek organizational development by operating within the range of the possible. Confrontational action may not only undermine their political legitimacy but also alienate allies among state elites. This is the paradox of institutionalization in social movements.

Additionally, the middle-class basis of environmentalism may hinder the building of broad-based social alliances and thus limit the appeal of environmentalism as a collective identity. For both political and social reasons, urban NGOs in China are more directly concerned with issues of interest to the middle class rather than the poorest of the poor. Thus although pollution is the most serious in rural areas, few environmental groups work on rural pollution issues. Most of them focus on environmental education, nature conservation, and the protection of endangered species. The debate about animal rights discussed above is another issue of middle-class concern. For poverty-stricken groups worried about daily survival, animal rights must be seen as a low priority.

This is not to say that activists cannot transcend their social locations. Indeed, they have often done so. From another perspective, the middle-class background of Chinese environmentalists may even be an advantage. Their strong educational and professional credentials and experiences are essential cultural and social resources. These resources enable them to reach out to global environmental communities and access local cultural and political institutions. Their transnational competence matters in an age of globalization. Their aspirations for recognition are ultimately inclusive rather than parochial and exclusive. This is borne out nowhere more clearly than in their persistent efforts to put public participation at the center of their vision, and, in their vocabulary, public participation is nothing short of grassroots democratic participation.

Notes

- 1 I thank You-tien Hsing and Ching Kwan Lee for providing valuable comments on an earlier draft.
- 2 For general social science studies of institutional change, see Clemens and Cook (1999) and Thelen (2004). For studies of institutional change in China, see Shue (1994), Whiting (2001), Nathan (2003), Walder (2004), and Perry (2007).
- 3 Thanks to Ching Kwan Lee for directing me to Merry's (2006) work on cultural translation.
- 4 This resonates with the argument made by Stark, Vedres and Bruszt (2006). Civic associations with transnational ties are also more rooted in domestic societies than those without such ties.
- 5 Translation provides more than a metaphor for understanding some basic features of China's environmental movement. It is a central mechanism of Chinese modernity (Liu 1995). In the nineteenth century, when the Qing dynasty first began to look to the West for methods of modernizing the nation, the court ministers came up with a recipe of introducing foreign learning: "Chinese learning as essence and Western learning as function." The idea was to use foreign technology and methods to strengthen the nation without dispensing with traditional Chinese values. Since the 1990s, the Chinese government has been promoting new policies to "link up with the international track" which mainly aim to introduce Western science and technology. It has been argued that contemporary government efforts in China to internationalize follow a similar logic in its instrumental emphasis on functions (Wang 2007). Yet whether non-state interactions with international partners follow the same logic is less clear.
- 6 The middle class in urban China is not exactly the same as the middle class in Western industrialized societies. Chinese and Western scholars have both emphasized that this new middle class is primarily made up of salaried professionals (Tomba 2004).
- 7 Some influential environmentalists are referred to as public intellectuals in the Chinese media. For example, in 2004, the *Southern People Weekly* in Guangzhou named Liang Congjie, president of Friends of Nature, as one of 50 most influential public intellectuals in China. Yang Dongping, then vice-president of Friends of Nature, was also listed. In her study of contemporary Chinese intellectuals, Suzanne Ogden (2004) refers to the growing number of public intellectuals engaged in social activism as "intellectual-activists."
- 8 In a study of the appropriation of the West in late Qing and early Republican China, Theodore Hutters (2005: 45–6) argues, "no ultimately satisfactory method could be found to balance these conflicting demands. There seemed . . . no way to ensure a smooth reception for the inevitable foreign ideas by neatly fitting them into a domestic context. Too great an insistence upon difference – with its clear implication of absolute Western

superiority – led to nationalistic backlash. ... Claims for universality, however, led to even shriller denunciation of provinciality and downright failure to understand Western knowledge on the part of those who claimed by every more radical voices.”

- 9 “Message from Mei Ng, Director of Friends of the Earth (HK).” Available online at: [www.foe.org.hk/welcome/geten.asp?id_path = 1,%2011](http://www.foe.org.hk/welcome/geten.asp?id_path=1,%2011) (accessed March 15, 2007).
- 10 For more discussion on the impact of the UN Women’s NGO Forum in China, see Wang Zheng’s chapter in this volume.
- 11 On problems in implementation, see Alford and Shen (1998).
- 12 This was conveyed to me in my interviews with them in July 2002 and December 2004.
- 13 Interview with NGO leader, December 20, 2004.
- 14 On the use of personal networks in China’s environmental movement, see Xie and Mol (2006).
- 15 Frames are ways of perceiving and labeling the world, or in Goffman’s language, “schemata of interpretation” (Goffman 1974). Master frames are encompassing categories of perception. See Snow and Benford (1992).
- 16 I do not mean that there is one uniform global environmental discourse. While there are many divergent discourses, however, the language of “Rio” has been among the most dominant, official environmental discourse of the world. See Fischer and Hajer (1999).
- 17 www.gvbchina.org/EnglishWeb/Ourmission.htm (accessed February 11, 2007).
- 18 See Yardley (2004).
- 19 Announcement of Tian Xia Xi’s mailing list, November 4, 2003.
- 20 See its informative website: <http://chinaeol.net/cesdrrc/> (accessed March 20, 2007).
- 21 Some participants in Green Camp went on to start their own NGOs. In this sense, Green Camp is a training ground for organizational development.
- 22 The two sides of the debates are represented in a newsletter published by Friends of Nature. See *Friends of Nature Electronic Newsletter*, 5, March 4, 2003. www.fon.org.cn

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8 Religious revival

Richard Madsen

Since the beginnings of the reform era in China, there has been an explosion of religious belief and practice. According to the government's own statistics, there are now 100 million religious believers in China, a number that is almost certainly underestimated and does not include "unregistered" or "underground" religious communities. (A survey published in January 2007 by scholars at East China Normal University estimates that there are 300 million believers.)¹ And if one counts as religious any evocation of supernatural powers – like fortune telling, good luck charms, celebration of the folk rituals customary at seasonal festivals, ancestor veneration – then by one estimate, more than 90 percent of the population have some form of religious belief (Ng 2003). This increase in religious belief was unexpected by most social scientists and it has been difficult to explain in terms of mainstream sociological theory. When social scientists do attempt to explain it, they often resort to one-size-fits-all explanations: for example, the rise of religion is due to the opening of a marketplace for ideas; or it is the result of the anomie that comes with economic modernization. A more adequate explanation, I would argue, would be based on recognition of the multidimensionality of religion. Different forms of religion are developing for different reasons and along different paths.

A theoretical framework

First, let us make some distinctions between different forms of religion and offer the beginnings of a theoretical framework for the discussion to follow. We can distinguish the religion of community, the religion of authority, and the religion of personal conviction – distinctions that correspond to the angles of vision taken by the classical theories of Emile Durkheim, Max Weber, and William James.

The religion of community

At the local level, religion in China has long appeared in Durkheim's guise: "a unified system of beliefs and practices relative to sacred things ... which unite into one single moral community ... all those who adhere to them" (1995). Before the twentieth century, most rural folk religion was the essential part of the identity of

local communities. Temples were the focal points for the social interaction among community members. As Kristofer Schipper puts it:

Before modern iconoclasm held sway, religion was in evidence everywhere in China: each house had its altar, each district and village its temple. They were numerous and easy to spot, for as a rule, the local temple was the most beautiful building, the pride of the area. ... [Temples] were always built by an association or a local community. ... In the countryside, they were erected by all the members of a village community or regional association. Management of the common property – buildings, land, furnishings, and revenue – was strictly egalitarian. ... [W]orship in a temple is not reserved exclusively for the saint or gods to whom it is dedicated. The *miao* is a place open to all beings, divine and human. A community as well as a truly communal house, it is a place for casual and formal meetings. The elders go there daily to discuss village affairs. Grandmothers, the family delegates in religious matters, go there every day with offerings of incense and to fill the lamps with oil. Music and theater associations, along with clubs for boxing, reading, chess, charity, pilgrimages, automatic writing, medical research, kite flying, and cultural associations of all kinds create their headquarters in the temple, and find there as well a place of worship for their particular patron saint. (1993: 20–2)

Besides giving each community its distinct identity, the local temple was traditionally the main agency for connecting the local community with other communities in its region. Ties of economic and cultural exchange with other communities were established by commingling some of the ashes from the incense burner in one temple with those of another, and by the ritual interchange of visits by the people who centered themselves on different temples.

The local communities that achieved this solidarity by common religious practice were not voluntary congregations. One of the primary rituals was that of ancestor worship. A community's identity was defined by the kinship ties that linked it (through the male line) to common forbears. The fundamental communal identity was one that was given, not chosen (Ahern 1973).

Stable, ascribed identities are the building blocks of ethnicity. The religious practices through which Han Chinese express their local communal identities are broadly similar throughout Chinese culture, even though each community has its own local deities and, of course, its own ancestors. The existence of these similarities facilitates the imagining of a greater Han Chinese community – an imagined community of many local communities and regional alliances.

Some local communities, however, have beliefs and practices that, at crucial points, are in sharp contrast to the forms of religion commonly found among the Han. For example, Catholics have a different understanding of the fate of their deceased ancestors than practitioners of traditional folk religion, and Catholic death rituals are in clear contrast to traditional rituals among most Han Chinese. But, like the traditional folk religion, Catholic practices commonly constitute the identity of local communities. It was the Catholic missionary practice to convert

whole villages and whole lineages rather than individuals. Catholic identity then becomes ascribed – even if one is only a lax Catholic, one cannot give up one’s faith because eventually one will have to be buried with Catholic rites to link one to one’s extended family and one’s ancestors. Thus, in Catholic villages the local church has much the same function as local temples in non-Christian villages, but since it carries out these functions in a somewhat different way from folk religion temples, Catholics throughout China are seen to be different from non-Catholic Chinese. This ascription of difference is the basis for a larger imagined community of Catholic communities – for a quasi-ethnic Catholic identity (Madsen 1998).

The religion of authority

When a social world organized in terms of small groups gives way to larger kingdoms, dominated by rulers who set themselves apart from ordinary people and dominate their kingdoms through specialized staffs of administrators and priests, then religious teaching and practice becomes more complex. It usually refers to gods who stand apart from ordinary people, and to moral rules that need to be interpreted and enforced by priests. Often, rulers themselves are seen as divine, or at least as the privileged emissaries of the gods, although there eventually develops tension between the ethical demands of religion and the practice of politics. This corresponds to the world of patrimonial rulership so brilliantly analyzed by Max Weber (1964).

Late Imperial China fits this pattern. Emperors presented themselves as mediators between a divine Heaven and the earth and its peoples. Functionaries of the imperial household carried out elaborate state rituals that symbolized this relationship and served to legitimate imperial rule. Literati educated in neo-Confucian learning elaborated the moral teachings that subjects of the emperor should follow.

When the imperial system collapsed, some of its religious functions survived, albeit in new forms. Although both the Nationalist and Communist governments were heirs of the religious iconoclasm and skepticism of the May Fourth movement, these regimes insisted on carrying out quasi-religious rituals which identified their claims of being mediators between ordinary Chinese and the order of the cosmos. With solemn ceremony, the KMT transported the remains of Sun Yat-sen to Nanjing and interred him in the great shrine that connected his nationalistic vision with the mission of the KMT and the destiny of the Chinese people. In the 1930s, the Chiang Kai-shek regime carried out the New Life Movement to instill its version of modern morality into a new Chinese citizenry. Later, in Taiwan, the KMT government sought legitimacy by promoting state Confucianism.

Under Mao Zedong, the Communist government outdid the KMT in cloaking itself with a sacred mandate. Through ritual and pageantry on such occasions as National Day, the party represented itself as embodying the inevitable force of History. During the Cultural Revolution, Mao himself was worshiped as a quasi-deity (something that Chinese monarchs had not done since the Shang Dynasty) and his teachings were given sacred status (Madsen 1984). The disasters of the Cultural Revolution discredited Mao’s transcendent pretensions in the eyes of

most people (though people in some parts of the countryside today burn incense in front of statues of Mao ensconced in newly refurbished temples). The collapse of the Maoist sacred aura has led the governments of the reform era into a somewhat erratic search for new forms of sacred legitimation. In its religiously weakened form, the government now has to contend with other sacred hierarchies, which, under conditions of globalization, are amplified by connection with global hierarchies.

The religion of personal conviction

Although, in practice, most of the major world religions are simply used as markers of communal identity or justification for hierarchal authority, they all owe their origins to breakthroughs in individual self-consciousness and moral universalism during the “axial age” of about 2,500 years ago (Jaspers 1951). The legacies of the axial age for China are the traditions of Confucianism, philosophical Daoism, and Buddhism. Alone and in combination, these traditions have long provided vehicles for individuals to pursue personal quests for meaning. In the modern world, the breaking of communal ties that comes with mobility and urbanization has made possible widespread quests for personal meaning. And for many, the existential traumas of war and revolution and the unsettling effects of a global market economy have all made such quests urgent (Fan 2005).

In the reform era, these quests have taken the form of new religious movements. The best-known of these is Falungong, but there have been many others. Most of these consist of voluntary associations of individuals attracted to charismatic leaders who teach a syncretistic mixture of Daoist, Buddhist, and Confucian beliefs (Chen 2003). Another extremely influential religious movement, however, is evangelical Christianity, especially of the Pentecostal variety (Aikman 2003). Similar to movements based on Daoism, Buddhism, and Confucianism, the Christian movements take the form of voluntary associations attracted by charismatic preachers and involve a mixture of Christian doctrines with practices drawn from folk religion.

The efflorescence of religion in China is thus best understood as the growth of several different kinds of belief and practice that are caused and encouraged by different social forces and are following different paths of development. It should be noted, however, that these different dimensions of religion are not neatly separated from each other. A particular religious institution may encompass all three of the dimensions – communal religion, sacred hierarchy, and personal conviction – at once. Or different dimensions may predominate in different contexts.

Take, for example, the different identities that have been given to the sacred image of the Virgin Mary on the pilgrimage site of Sheshan, near Shanghai. The image is said to have miraculous powers for curing the sick and protecting Catholics everywhere. It was brought to Shanghai by French Jesuits in 1863 amid fears that the small community of Shanghai Catholics (many of them Catholics by birth, with their ancestors going back to the time of Matteo Ricci) might be attacked by Taiping armies. Painted in France, the image was a reproduction of

Our Lady of Victories from the Basilica of that name in Paris. The Basilica is in honor of the Mary who originally helped the French fight off the Turks. (There is another Basilica by the same name in Montreal in honor of Mary helping the French fight off the English.) It was the sacred symbol of an ethnic community mobilized to fight its enemies.

Our Lady of Victories continued to rally the Shanghai Catholic community to stand up to anti-Christian persecution throughout the 1870s. But by the early twentieth century, the identity of the image changed. Now it was *Mary Queen of China*, a symbol of Catholicism in its guise as a religion of authority. Although the original image (with a new name) was still venerated on top of Sheshan, a new painting was created depicting Mary in regal robes wearing a crown. Later a statue of this Mary was put on top of the basilica that was erected on Sheshan in the 1930s. This was all taking place in the context of the Vatican working toward the establishment of a Chinese Episcopal hierarchy that would take over from the foreign missionaries who had previously dominated the Church. This was also in the context of the Church becoming a significant political force in China and an ally of the KMT government. In a solemn ceremony held in the Sheshan basilica in 1946, China was officially dedicated to Our Lady Queen of China. After the Communist victory, Catholic worship was highly restricted, and during the Cultural Revolution it was completely stopped. The statue of Our Lady Queen of China was torn down. Now the basilica has been reopened and a new statue erected, which is identified as *Our Mother of China*. Pilgrims still flock to Sheshan, but to seek individual comfort and healing – the religion of personal devotion – rather than affirmation of a collective identity. Thus, the same image in the same church has in different contexts been connected with the different dimensions of religion. Similar analyses might be made of other religious images in China (Madsen and Fan 2009).

A contextualized analysis of Chinese religion might show how these different dimensions become prominent in one set of religious practices at one time or another and be able to account for their particular paths of development and their mutual interaction. It would make us aware of the enormous diversity and complexity of religious practice in China (or anywhere else for that matter), and would help us imagine ways to make sense of this diversity. Below, I apply this perspective to Chinese religious developments during the reform era.

Religious change in the market economy

The reform era has been driven by the steady adoption of a neo-liberal strategy for economic development – albeit one justified through pseudo-Marxist rhetoric. The most dynamic areas of China's growth are made possible by exposing workers to the tender mercies of a largely unregulated labor market, where wages (and working conditions) are determined by relentless global competition. This economic strategy has made it possible for hundreds of millions of people to escape the bureaucratic controls that pervaded the entire country during the era of state socialism, but it has also led to great insecurity. The loosening of bureaucratic controls has made it possible for people to build new forms of community or to

re-establish older forms. The insecurities have also made it increasingly urgent to gain the protections of community.

Communal religion

Thus, communal religion – the beliefs and practices that signify the solidarity of local communities – is making a strong comeback in many parts of China. Villages whose members have managed to gain disposable income in the new market economy are rebuilding ancestral halls and erecting new temples to local folk religious deities. Catholic communities are rebuilding churches and celebrating public religious services. The temples and churches are a representation of the relative prosperity of a community. Their construction reinforces mutual obligations rooted in kinship and locality – obligations that can provide some security for individuals faced with the capriciousness of the global market (Dean 2003). In the Chinese government’s accounting system, most local popular religion is considered not religion but “feudal superstition” – so the extent of this local religious practice is not captured by any government statistics about religion. It is difficult to estimate the number of people involved in this practice, but one finds revivals of such communal religion throughout China, especially in the southeast.

In some places in the underdeveloped hinterlands this activity may be a way of reaffirming the “traditional” moral solidarity of village community, in which local economy, family life, and politics all intersect around a sacred center, as suggested by the quote from Kristofer Schipper above. In many other places, however, the revival of such communal forms may be an attempt to compensate symbolically for a unity that is rapidly disintegrating. For example, in “Chen Village” – the south China village first studied by Anita Chan, Jonathan Unger, and the author three decades ago – the villagers have refurbished their ancestor temple and installed new tablets, and are constructing a new ancestor hall at a cost of over 1 million yuan. (Public ancestor worship had disappeared during the period studied in our book.) But this has all occurred at a time when the village has been virtually obliterated. It is now been buried under a vast urban sprawl, its farmlands occupied by factories and worker dormitories and its farmhouses replaced by apartment buildings housing mostly migrant workers (Chan, Madsen, and Unger 2009). The new religious buildings – made possible by the wealth that has trickled down from this new industrial development – are a “temple of memories” (Jing 1996), which give the people who used to live and work there a sense of continuity with their past even though their lives are fundamentally changed.

Other sites of communal religious revival seem to represent a middle ground between representing a traditional integrated village order and preserving a symbolic substitute for a vanished order. In his studies of revived local rituals in Fujian, for example, Kenneth Dean describes a place where high-rise apartments, factory buildings, and expressways intermingle with farming communities centered on temples. He describes the ritual participants as living in several different worlds at once: the “folding of worlds with other worlds” (Dean 2003). In any case, religious practices give symbolic shape to community solidarity – but this is not necessarily

a solidarity grounded in practical interdependence. To varying degrees it is simply a solidarity of memory and imagination. Such memories and imagination are not devoid of practical utility, however. They establish circles of loyalty, on which claims can be made for assistance in business opportunities and help in times of need. It is perhaps never certain that such claims will be answered, but they can hold out the possibility of trust and a hope of security in a heartless and unstable economy.

Under some circumstances, the circles of loyalty represented and reinforced by religious practice can constitute the basis for local economic development. Adam Yuan Chau has provided a splendid example of such a case in his study of the construction and management of the “Black Dragon King” temple in northern Shaanxi (2004). The Black Dragon King Temple is governed by a very large local association. “Regular employees include the caretaker, the divination poem decipherer, the accountant, the driver, the electrician, the treasurer, the custodian, the supplies procurer ... the gardener, and the teachers of the primary school (a dozen). There are also numerous part-time or seasonal laborers and helpers” (Chau 2004: 19). The head of the governing association is “Temple Boss Wang,” a former party secretary who actually seemed to have gained wealth and power by exchanging his party secretary job for that of temple boss. The temple’s annual festivals draw visitors from far and wide and become important venues for local commerce. It brings in a large amount of income and has used this to build roads, irrigation systems, and a local primary school. It is not just a source of cultural pride, but also an engine of local economic growth and a nexus of local political power. All of this was made possible, of course, by the mobility for many and the prosperity for some that the market economy provides.

Temples are not a sure fire way to bring in money. Some, like the temple to Wang Da Xian that Graeme Lang has studied in Guangdong, fail to draw enough visitors to make their communities prosperous. But, one can say that, at the very least, the temples provide one realistic possibility for bringing security and prosperity to communities that, in the free-wheeling Chinese economy, have to keep looking for such possibilities (Lang, Chan, and Ragvald 2005).

These examples suggest how the revival of local temple worship, and also the revival of local Christian and Muslim worship, have a dialectical relationship with the market: it is enabled by the market economy, but it represents ties that go against the logic of the market; it can be used to gain local prosperity within the market economy, but it is also rendered precarious and undermined by the market. Based in family and locality, the religious practices through which Han Chinese express their communal identities are an affirmation of unchosen roles and statuses. One does not choose the forebears enshrined in the local ancestral temple. One does not choose the gods that are the patrons and protectors of one’s local village. Yet the market makes it possible for pilgrims (or tourists) to choose to visit an area, which can help in turn generate surplus capital that community religious entrepreneurs can choose to invest in a temple or a church. At the same time, the market scatters people across large distances and attenuates their relationship to their home communities.

The same is true of Catholic communities. There are about 12 million Catholics in China, only one third of whom worship in officially registered churches. The new openness of the market economy has brought in resources that have enabled the construction of many new local churches, whether officially approved by the government or not. But, as a priest in northern China told me during a previous study on China's Catholics, villagers who migrated to the cities from the village are prone to "forget about God" because in the cities there is "no one to remind them" (Madsen 1998: 98). The secularization of migrants in the cities is a concern not only of Catholic but of Muslim leaders as well.

Yet the partial disintegration of communities under market pressures does not inevitably destroy communal religion. It can also transform it. It is perhaps precisely when community identity becomes decoupled from an actual lived experience of togetherness and exists mainly in the realm of imagination that it can expand to encompass wider collectivities. This becomes especially powerful when such imaginary identities can be propagated by modern means of communication. In the end, this can lead to the phenomenon that we commonly call ethnic nationalism. The rise of Tibetan nationalism, Islamic nationalism, various forms of "national minority nationalism," and even heightened senses of common identity among China's Catholics might be attributed to this decoupling of community imagination from the actual practices of local community life. Later in this chapter I will discuss how the state addresses the challenges posed by this religious nationalism for the maintenance of political order.

The religion of authority

Besides generating insecurities that lead Chinese citizens to seek the support of communal religion, the government's recourse to a market-driven strategy for economic development leads to a legitimacy crisis that opens the door to religiously based rivals for authority. Despite its continued use of Marxist rhetoric, the Chinese Communist Party can no longer credibly claim to represent the historical mission of the proletariat to bring about the culmination of world history. It mainly attempts to legitimate itself by its ability to bring about continuous economic growth – a growth that may soon be reaching ecological and geopolitical limits. At the same time, the behavior of top officials who have succumbed to the temptations for corruption in the market economy has created great cynicism on the part of ordinary citizens about the state. In this religiously weakened form, the government now has to contend with other sacred hierarchies which, under the openness made possible by integration with the global market, are amplified by connection with global hierarchies.

The Chinese Catholic Church, for example, is newly invigorated through connections with the Holy See in the Vatican, a religious hierarchy with quasi-political ambitions (the effectiveness of which was demonstrated by the role played by Pope John-Paul II in undermining Communist regimes in Eastern Europe). One can understand the determination of the Chinese to keep the Vatican from asserting control over the appointment of Chinese bishops not only by reference to the

practical political reasons that Vatican control might cause, but also by reference to the symbolic challenge this represents. Never in Chinese imperial history did imperial rulers have to contend, as did European monarchs, with a separate hierarchy of authority in the Church. Modern Chinese rulers do not want to retreat from this tradition of monopolizing religious and political authority (Potter 2003).

Tibetan Buddhism and Islam present similar problems. Although in neither case do these religions have a hierarchy as articulated as that of the Catholic Church, the Dalai Lama has a strong claim to primacy over other lamas and his authority is enhanced by his international celebrity. Global Islamic revivals open Chinese Muslim teachers to authoritative teachings from a variety of religious leaders around the world. In each case, the presence of alternative religious hierarchies raises for the Chinese government the specter of political “separatism.”

The government’s response to the existence of rival religious hierarchies is, first, to cut them off from allegiances to authorities that extend beyond China’s borders and, second, to demand their political and symbolic subordination to the Chinese state. Thus, Chinese bishops are not supposed to be selected by the Vatican, but through democratic election by the Chinese people themselves. In practice, this means bishops are selected through a process controlled by the Patriotic Catholic Association, which in turn is under the control of the State Administration for Religious Affairs. However, about 90 percent of the bishops in the “official church” are approved by the Vatican through informal negotiations with the Chinese government.

Likewise, the Chinese government has reserved for itself the prerogative of determining the new incarnation of the Panchen Lama, and will likely try to control the determination of the incarnation of the next Dalai Lama. Finally, the government tries to control interactions between Chinese Muslim leaders and sources of authority outside of China. The government’s fierce denunciations of “separatist” and even alleged terrorist movements show that the government’s control continues to be threatened.

In an age of porous borders and easy global communication, efforts at control are only partly successful. The Vatican has found ways of establishing communication with Catholics throughout China. There has sprung up a vigorous unregistered hierarchy that rejects government oversight and claims ultimate allegiance only to the Pope. This hierarchy is usually called “underground,” but the term is misleading, because in most places unregistered church buildings and congregations are out in the open. Less visible are the sources of support for such communities. Money flows into local unregistered churches from a network of supporters in countries like the United States – not necessarily from affluent supporters, but sometimes from Chinese immigrants remitting money earned in American sweatshops. Such contributions, either from the local community or abroad, help support underground priests, who, unlike priests connected with the official church, obviously cannot collect a stipend from the government’s Administration for Religious Affairs. Early stages of seminarian training often take place through direct apprenticeship with a priest or bishop, but some underground seminarians even manage (with the help of foreign scholarships) to go abroad for theological study.

Since most “underground” Church activities are, in fact, very visible, they persist with the indulgence of local officials, perhaps lubricated through bribes. But they are vulnerable to periodic crackdowns when Catholic leaders cross a vaguely defined, shifting line, or when the government becomes alarmed at the possible challenges to its authority presented by such religious activity. However, the government no longer has the resources to wipe out such groups completely; and in any case, if it attempted all-out repression it would provoke a chorus of international human rights complaints potentially damaging to China’s stature.

Even most of those bishops within the “official Church” have received “apostolic mandates” from the Vatican that affirm their good standing with the Pope (Madsen 2003a). Despite government condemnations and the threat of persecution, many Tibetan Buddhists remain strongly loyal to the Dalai Lama. A steady stream of Chinese Muslims participates in the *hajj* and returns with new contacts and new ideas from the worldwide *umma* (Gladney 2003). The most dramatic religious events in recent Chinese history are a result of the intersection between government efforts to isolate and subordinate rival religious hierarchies and the capacity of the rivals to evade government control.

Because of the ambiguity surrounding competing claims to authority by religious and government figures, in all cases controversy arises within the religious communities over which leaders to support. A heavy-handed government approach suppressing rival religious hierarchies can intensify and harden the communal dimensions of religion. It can create belligerent solidarities among local communities, which can then find themselves pitted not only against the government but even against other communities that nominally share the same religious faith. Thus, there arise bitter factional divisions – for example, between underground and officially registered parts of the Catholic Church or Tibetan Buddhists who compromise with political authorities and those who remain resolutely loyal to the Dalai Lama.

For devout believers in all these cases, however, religious authority claims a higher status than secular political authority, and obedience to religious authority promises a salvation that is not of this world. Thus, government attempts to use physical force or material inducements to assert the primacy of its own authority may backfire. It may engender resistance by producing martyrs, whose tales of struggle circulate by word of mouth and become celebrated in ritual. The Patriotic Catholic Association deleted feasts of the martyrs from the Catholic liturgical calendar. But this certainly does not eliminate the tradition of venerating martyrs. A strong politics of recognition is created here that cannot be effectively controlled through an ordinary politics of distribution.

The religion of personal conviction

Finally, the materialism and competitiveness of the market economy engenders existential crises that drive people toward personal quests for meaning. The quest is made possible by the breakdown of traditional communal structures – in the countryside through the circulation of migrant labor and in the cities through the disintegration of the old work-unit, or *danwei*, system. Because of the rapidity

of modernization, there is widespread anomie expressed in common complaints that society has become corrupt and that people care about nothing but money. There are opportunities for religious entrepreneurs to propagate multiple brands of spirituality in such an environment. Thus the religion of personal conviction is growing vigorously. The messages that seem most likely to gain significant audiences are those that are permutations of vaguely familiar religious symbols – notions about *qi*, *yin yang*, karma, meditation, and Confucian rectitude. The most effective messages are fairly simple, encompassed in a few simple practices and easy-to-remember ideas. Propagation follows personal networks (Fan 2005).

Though these principles apply directly to new religious movements based on traditional Chinese religion, they can also apply to Christian movements, especially to the Pentecostal networks that are growing at a spectacular rate in the countryside. Like other varieties of personal religious experience, Pentecostalism is organized into fluid networks rather than rigid hierarchies or isolated communities. The religiosity embraced by these networks is based on new permutations of vaguely familiar Christian symbols. The networks had their beginning in independent non-denominational churches founded by Chinese preachers in the early twentieth century. Influenced by the early twentieth-century Pentecostal movement, such churches rejected control by foreign mission organizations and emphasized faith healing and a direct, ecstatic relationship with God. Because of their resistance to outside control, they were harshly suppressed by the Communist government after 1949 (Madsen 2003b and Bays 1996).

Many of their early leaders spent years in prison, 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 to move surreptitiously from place to place and provide channels of communication between scattered congregations (Aikman 2003). The networks were thus built through personal ties among charismatic itinerant preachers. In the 1980s, these networks gained a new jolt of energy from foreign evangelists who, through personal contact and the dissemination of videos and other teaching materials, taught receptive Christians how to “receive the Holy Spirit” and speak in tongues in the style of worship that was then becoming popular in global Pentecostal movements. It was these networks that have provided the foundation for a spectacular expansion of Christianity in rural China during the reform era – from well less than one million Christians to probably well over 30 million in the past 25 years (Aikman 2003). Because this form of Christianity is so highly decentralized and because it is driven more by emotion than by reason-driven theology, it tends to give rise to multiple diverse sects, which sometimes accuse one another of heresy or worse. A well-known example is the Eastern Lightning sect, which seems to be especially active in northwest China and whose members claim to follow a female reincarnation of Jesus Christ. Other Christian groups have called this sect a “cult from the nest of Satan.” Fearing a replay of movements like the Taiping Rebellion of the nineteenth century, the government has also moved vigorously to suppress the Eastern Lightning – but apparently without complete success (Madsen 2003b: 277–8).

Following a pattern common in the rest of the world, the environments in which Chinese Pentecostal Christians flourish are among the marginalized rural poor and migrant workers to the cities (Robbins 2004). However, other movements of religious seekers, like the Falungong and its variants, have proven especially attractive to urban middle classes. Such developments of new religious movements are looked at with alarm by the Chinese government, which has cracked down on varieties of such movements that it considers “evil cults” (Chen 2003 and Thornton 2003). In some cases, as with Falungong, the suppression has mostly worked. However, it would be difficult for the government to stop the movements as a whole because they are indeed networks, constructed and inspired by many religious entrepreneurs, and not dependent on a central leadership. Falungong networks still flourish outside of China, especially within the Chinese diaspora, and have accumulated enough resources to develop sophisticated websites, a newspaper (*Epoch Times*) and a television network (Tang Dynasty TV). Within China, various *qigong*-inspired groups still pop up to meet the desires of spiritual seekers left bereft by the suppression of Falungong (Thornton 2003).

Conflicts among different factions within Chinese religious groups – for example between the officially recognized and underground Catholic Church, between various Pentecostal sects, between mainstream Buddhist and Daoist movements and unorthodox charismatic movements like the Falungong – represent both a threat and an opportunity to the government. They are a threat to social stability. But they are an opportunity for the government to pursue a divide-and-rule strategy. The Catholics whom I interviewed in the 1990s widely suspected that the government was using *agents provocateurs* to deepen divisions between the official and underground church.

The international context of religious change

The end of the Cold War broke down many barriers to global proselytizing. The Soviet Union’s collapse and China’s reforms have made possible new flows of ideas across formerly closed borders (Hoeber Rudolph and Piscatori 1997). The demise of authoritarian regimes in places like Indonesia and the Philippines has shattered the corporatist arrangements through which such regimes attempted to establish religious peace by granting religious communities a fixed sphere of activity while forbidding them from encroaching on the sphere of other religions. (In the Philippines, for example, the Marcos regime attempted – unsuccessfully, in the end – to co-opt both the Catholic and Muslim communities while restricting Catholics from proselytizing in Muslim communities in the southern Philippines.) The opening of borders and the demise of corporatist arrangements for co-optation and control have created a freer market for missionary work, not only for Christians, but for Muslims and Buddhists as well. This has given rise to a global scramble for souls, which inspires ever-increasing levels of competitive energy. Entrepreneurial missionaries can raise considerable sums of money from followers in developed countries.

This globalized missionary movement is reminiscent of the evangelistic

movements that emanated from the United States during the “third great awakening” at the end of the nineteenth century. There are important differences, however. Now, many different faiths from around the world have the resources to join in the scramble for souls. The geographical sources of the missionary energy are also more diverse. For example, Christian missionary enterprises arise not just in the United States or Europe, but in Asia, from South Korea and the Philippines. And modern forms of communication make missionary impact more pervasive than ever before.

China still sets up barriers to missionary work. Indeed, it forbids entry to foreigners who want to proselytize. The barriers, however, are porous. Many Christian missionaries enter China as English teachers or business entrepreneurs. Muslims cross the Xinjiang borders as traders. Buddhists come from Taiwan as purveyors of disaster relief (Madsen 2007). Unlike in the late nineteenth and early twentieth centuries, the most effective missionary movements do not send large numbers of professionally trained personnel to live in China for long periods of time. Rather, they send temporary visitors and use modern media networks to transmit money and resources to indigenous proselytizers.

Local Christian communities, for example, receive a steady flow of money and of religious literature smuggled in from outside China, often from the United States, and often passed through Hong Kong. The money supports ventures such as underground seminaries. The literature includes bibles, sometimes smuggled in by ship off the China coast, sometimes printed in illicit printing plants in places like Shenzhen (Aikman 2003: 268–71). (The officially recognized Amity Press, based in Nanjing, has already printed tens of millions of bibles, but these are easily available only to officially registered churches but not to illicitly organized religious communities.) In addition, the literature includes a great variety of tracts and educational materials, sometimes brought in on easily smuggled and easily copied flash drives and CDs, which can be viewed on personal computers.² Similar patterns of international support and similar means of channeling money and information can be found on the part of new religious movements like Falungong.

Missionary activities are not randomly distributed, of course. It is only some variants of the world religions that support energetic missionary activity. In the United States, for example, mainstream Protestants take an “ecumenical” approach to spreading the faith. Believing that divine grace is available to people of good will who do not profess belief in Jesus Christ, they prefer dialogue with people of other faiths rather than direct attempts to convert them. Evangelical Christians (including Pentecostals), however, believe that salvation is directly tied to an explicit profession of faith in the Gospel. From this point of view, missionary work thus becomes much more urgent – and the bulk of direct missionary work in China is thus carried out by Evangelicals.

Besides theology, the effectiveness of modern missionary work is shaped by religious organization. Although large, hierarchically organized institutions like the Roman Catholic Church can marshal considerable resources, they lack the boldness (or recklessness, depending on one’s point of view) and adaptability to local circumstances possessed by decentralized, loosely organized movements like

Pentecostal Christianity. The most effective missionary enterprises in China are those that travel light, not those that possess the most money. Because Pentecostal Christian movements in China are not burdened by bureaucratic organization, they can adapt very nimbly to their local environments. However, the lack of firm discipline structures brings about many competing versions of the same faith, adherents of which sometimes bitterly accuse one another of heresy (Madsen 2003b: 271–88).

Thus, since the end of the Cold War, the global marketplace for commodities has been joined by a global marketplace of ideas and faiths. China has been more intent on restricting access to the global marketplace of religions than that of commodities, but because of the porosity of its borders and the effectiveness of modern communication technologies, it is obviously impossible to close the religious market completely.

Another feature of the global environment is the rhetorical hegemony of human rights discourse, especially discourses about religious freedom. The Chinese government, like many other governments, is not afraid to violate human rights norms when support for such norms affects the security of the regime. Direct criticism sometimes makes it tighten up even more rigidly. Yet, in the long run, the Chinese government is not immune to international pressure in support of the right to religious freedom (Kindop and Hamrin 2004).³

The most important pressures may be indirect. For example, China can ignore international criticism for suppressing Falungong, but it cannot stop other governments from giving support to exiled Falungong members in the name of respect for international religious freedom. This gives platforms to banned religious organizations from which to propagate their views, which in the digital age cannot be completely blocked by Chinese censors.

International influences affect the growth of all three of the forms of religious practice distinguished here, but they affect the different forms in different ways at different times. For example, Chinese who have prospered after emigrating abroad often send money to their home communities to rebuild ancestor halls and local temples. Likewise, Chinese Catholics in New York, Taiwan, and Hong Kong remit money to build new churches in their local communities (Lozada 2001). This provides constant support for a regeneration of the religious bases for some forms of communal life. At the same time, conservative and liberal Catholic advocacy groups separately channel money to underground and officially approved factions within the Chinese Catholic hierarchy, and the Vatican uses its diplomatic channels to press for more religious freedom for Catholics. Finally, international agencies send support for *qigong* groups like Falungong, Pentecostal Christians, and perhaps Islamic reform movements. But these different kinds of support travel through different channels and have varying degrees of influence. Moreover, international pressure for religious freedom varies in its intensity. For example, thanks to the global prestige of the Dalai Lama, there is fairly strong international pressure on behalf of Tibetan Buddhism; but because of fears (misplaced or not) about terrorism, there is less pressure in North America and Europe on behalf of Islamic revival.

Toward a contextualized theory of Chinese religion

Such differential influences further complicate the religious picture. There are many forms of religion in China, serving different social functions, arising for different reasons, and influenced by different international forces. Religious interests by no means unite religious believers against secular society or against the state. Different religious communities find themselves in opposition to other communities. The religion of community sometimes finds itself supported by the religion of hierarchy or the religion of personal conviction, but is also sometimes at odds with these. Even among adherents to the same basic religious beliefs, there can form bitterly opposed factions.

A contextualized analysis of Chinese religion might show how these different dimensions become prominent at one time or another and be able to account for their particular paths of development. It might also lead to suggestions for formulating wise policies toward regulating religious belief and practice – policies that would protect religious freedom and encourage the most positive contributions of religion in providing meaning and inspiring care, but would also protect society from religion's negative aspects.

The problem of much of China's religious policy, however, is that it often assumes a one-size-fits-all pattern. The policy is based, first of all, on broad distinctions between "religion" defined as five world religious institutions – Daoism, Buddhism, Islam, Catholicism, and Protestantism – and "feudal superstition," defined in terms of traditional folk rituals that are based on "erroneous" pre-modern knowledge, and "evil cults," defined vaguely as any kind of spiritual activity deemed threatening to social order. Having made these distinctions, the policy assigns evil cults to the public security bureau for suppression, feudal superstition to the educational system for gradual elimination through enlightenment, and "religion" to the state administration for religious affairs for regulation (Potter 2003). The official expectation is that religion itself, being based on false premises, will wither away some day, but in the meantime can be tolerated (in the name of global norms about religious freedom) and encouraged to make positive contributions to a good society. When events occur that do not fit within these categories and fail to conform to these expectations, religious policy-makers tend to overreact. Apt examples of this are the suppression of Falungong after 1999, "strike hard campaigns" against Uighur activists, destruction of Christian house churches, and arrests of Tibetan Buddhist monks and nuns. These efforts then unleash international condemnation or domestic reaction that leaves government and society worse off than before the overreaction. The government then sometimes retreats to a more *laissez-faire* approach to religion, which then sometimes creates new problems, which lead to more overreaction.

A more nuanced policy would have to be based on a multidimensional conception of religion coupled with awareness that these dimensions arise from fundamental social forces that cannot be dissolved through scientific enlightenment or a generalized secularization. Such a policy would have to be based on a contextually sensitive theory that could account for the prevalence of the different

dimensions of religion under different circumstances. But such a theory does not yet exist.

Notes

- 1 See Tong Shijun and Liu Zhongyu's survey, reported by Wu Jiao in *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.
- 2 Much of the information about channels of communication between Chinese Christian communities and international organizations is from the author's interviews and observations.
- 3 See especially Peng Liu (2004) "Unreconciled differences: the staying power of religion", pp. 149–64, and Carol Lee Hamrin (2004) "Advancing religious freedom in a global China – conclusions", pp. 165–85.

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Part III

Politics of representation

9 Film as cultural politics

Seio Nakajima

By examining Chinese film as cultural politics, this chapter attempts to “reclaim” the significance of society in two ways. First, as lucidly expressed in the introduction to this volume, I share the premise that society “is not just a passive receptacle reacting to transformations in the economy or the state.”¹ From the very beginning of the history of the People’s Republic, the Chinese party-state has considered film as one of the most important means of political propaganda and education, and this political role of film has continued to this day. On the other hand, with the deepening of the policy of economic Reform and Opening, film’s function as a form of entertainment has become increasingly important, and success in the economic marketplace has become one of the main priorities of Chinese film. Hence, film is an ideal site for examining the mechanisms through which society may reclaim and reconfigure its role in relation to the state on one hand, and to the economy on the other. In other words, the world of Chinese film is where politics, economy, and culture meet. However, at the same time, overemphasizing the causal role of society *as against* or *as separate from* the state and economy entails a danger of falling into a sterile zero-sum view of state–society and economy–society relations. By zeroing in on the interaction of the logic of the state and the logic of economy as played out in what I call the “film field,” I attempt to avoid the pitfalls of the “society-vs.-state-vs.-economy” view. Consequently, the first research question I tackle in this chapter is: How is the contemporary Chinese film field structured *in relation to* (not necessarily *as against*) the logic of state politics on one hand, and to the logic of economy on the other?

Second, I attempt to reclaim the importance of society, more precisely, the social “context” of production and consumption, in relation to the films as “text.” With the development and recognition of Chinese films in recent years both in China and abroad, academic studies on Chinese film have flourished. However, most, if not all, of the existing research focuses on analysis of films as texts, while detailed discussions of the social and cultural context of production and consumption of the films have yet to be developed. In this chapter, I attempt to foreground the social context of production and consumption of film text. Hence, the second research question to be tackled is: How are the social contexts of production and consumption linked to film as text under the specific historical and institutional conditions in contemporary Chinese society?

In order to address these questions, I rely on two sociological concepts. One is the notion of the “field of cultural production” as presented by the sociologist Pierre Bourdieu.² The other is the notion of “appropriation” as put forward by the cultural historian Roger Chartier.³

As I attempt to show, the notion of field is a useful analytical tool to examine the structure of *production*, e.g. what kinds of film are produced by whom and why. However, in order to account for the variable “readings,” or *consumption*, of films, I introduce another analytic concept, that is, the notion of “appropriation,” a process through which the readers or consumers actively interpret and attach meanings to film “text” that at the same time are being shaped by the social conditions in which the readers are positioned.

Let me briefly describe the structure of the chapter. Starting from a reading of the film *Frozen* (Jidu hanleng, dir. Wu Ming, 1995), I show both the possibility and limitation of the exclusively textual, internal reading of films. Then, in the following two sections, relying on Bourdieu’s notion of the field of cultural production, I map out the structure and the recent transformation of the “film field” in contemporary China. Then, I will shift the focus of examination from production to consumption by utilizing Chartier’s notion of appropriation to show that the transformation of society occurs not only at the point of production, but also of consumption. In the concluding section, I will briefly recapitulate the empirical findings of this chapter and reflect on the two research questions posed above, that is, the question of reclaiming the significance of society in relation to politics and economy, and the question of reclaiming the importance of social context in relation to the film text.

A reading of *Frozen*: possibility and limitation of internal readings⁴

Although I argue in this chapter that the exclusively internal reading of text cannot give us a full picture of what is going on in the broader “film field,” close reading of text can sometimes give us a clue with which we can look for directions in integrating the textual and contextual analyses of the field of cultural production of film. Such is the case of the film *Frozen* (1995), directed by Wang Xiaoshuai, released under the pseudonym Wu Ming (“No Name”).

Qi Lei, a young, struggling artist in the bleak atmosphere of post-Tiananmen Beijing, confesses, “Each day, life is a major strain on me. I get very agitated. At day’s end, I’m completely exhausted.” He becomes increasingly attracted to the idea of death, and decides to make his suicide his last work of art, in which he melts blocks of ice with his own body and dies of hypothermia. “He calls this protest against the coldness of society ‘Funeral on Ice’ [*bingzang*].”⁵

Frozen is a film claimed to be based on a true story and depicts the life (and death) of an artist in the stifling environment of art worlds in Beijing around 1994. The film opens bleakly with a blacked-out screen with only the film production credits in white gothic fonts without any accompanying sounds for more than 60 seconds. As the ominous music by Roeland Dol is introduced, the voiceover states:

The story is based on a real event. On 20 June, 1994, on the eve of the first day of summer, a youth crowned his brief career as performance artist with his own suicide. Nobody could say what his motives had been. But it did make people wonder: Is a life too high a price to pay for a work of art?

As the above voiceover suggests, it is difficult to determine the “real,” individual-psychological motive(s) of his suicide. However, a sociological reading of the film suggests that Qi Lei was pursuing an ideal of “artistic autonomy,” or the autonomous logic of art independent from the logic of politics on one hand and the logic of the economy on the other.

In the film, the logic of politics or the party-state is represented as a mental hospital, to which Qi Lei was taken by his girlfriend and another male artist friend for an examination. The film has a rather stark sequence at the institution, with two broad-shouldered doctors taking away the patient. A tragic twist is that the doctors mistook Qi Lei’s male friend, who took him to the hospital out of concern, as the mentally ill one. Even though Qi Lei’s friend repeatedly claims that he is not the patient, the self-proclamation is met with deadly ignorance. The misrecognition gives utter disappointment to the male artist friend, who at least hopes to be suppressed because of his “true” self-identity. Anything that is deemed out of the mainstream (including avant-garde artists like Qi Lei and his circle of friends) is considered “abnormal” and has to be held in custody to be re-educated and rehabilitated to be “normal.”

Second, the logic of economy is represented by Qi Lei’s brother-in-law, with whom Qi Lei lives, together with his sister. In one scene, after hearing that Qi Lei has suicidal tendencies, the brother-in-law sneaks into Qi Lei’s room and attempts to take away his paintings. Pressed by his wife (Qi Lei’s sister), the brother-in-law proclaims:

Qi Lei is so confused. I must save some paintings for him. I’ve heard if a painter becomes famous, the price soars. The dealers know that Qi Lei becomes famous one day.

Scolded by his wife, the brother-in-law in the end gives up stealing Qi Lei’s paintings, but the scene shows the growing logic of the market economy, which is encroaching on the sphere of artistic autonomy.

My reading of the film suggests that Qi Lei’s attempt at suicide by way of performance art represents the logic of artistic autonomy independent from the logic of politics and the logic of economy as represented in the scenes and the characters described above. As Lee and Kleinman point out, suicide in Chinese society can, if not always, be a form of social resistance.⁶ By deciding to take his own life through the ritual of performance art, Qi Lei can be seen to have pursued his own autonomous artistic creativity.

In sum, this exceptional film presents us with the possibility that there exist three contradictory logics surrounding artistic endeavors in contemporary Chinese society. First is the political logic, the ultimate purpose of which is the legitimation

of the rule of the Chinese party-state. Second is the economic logic, in which the ultimate goal is to be successful commercially. And the third logic is the logic of artistic autonomy, or the freedom to pursue art for art's sake independent of the logic of politics and the logic of economy. In other words, the film maps out the basic structure of the field of cultural production, including the field of film as it exists in today's China.

We *could* go on to say that director Wang Xiaoshuai, one of the leading figures of the Chinese underground film scene, is represented in the film as Qi Lei, who pursued the autonomous logic of art even to the degree of committing suicide. This argument *could* be buttressed by the fact that the director needed to produce the film by hiding his real identity under the pseudonym Wu Ming (“No Name”). In other words, we could argue that the “real world” of the field of cultural production of film in China is directly *reflected* in the film text, or the film's narrative and the relationship among the characters. However, this sort of “reflection theory” needs to be rejected because of the more complex relationship between film text and the social context of production and consumption. Just as an example, the director Wang Xiaoshuai used a pseudonym not solely to avoid possible interference from the government for producing the underground/independent film *Frozen*. Indeed, at the time of the release of *Frozen*, he was preparing another movie entitled *So Close to Paradise* (Biandan guniang, 1998), which he was intending to produce with the state-owned Beijing Film Studio.⁷ In this sense, Wang himself is *not* Qi Lei. He might have felt the need to maintain certain artistic autonomy from the logic of the state and the market at some historical point in time. However, the fact that he produced his film *Frozen* using the pseudonym has to be analyzed by going beyond the film as text, and by looking closely into the social context of production, distribution, and exhibition in relation to the logics of politics and economy.

The field of film production in contemporary China

In this section, I will move on to the empirical examination of how the field of film production is structured in contemporary China by relying on Bourdieu's approach to the field of cultural production.

Pierre Bourdieu's approach to the field of cultural production

Bourdieu's approach to the field of cultural production attempts to transcend the antinomy of two futile conceptions in accounting for the process of cultural production – the antinomy between “internal reading” and “external reading.”⁸ According to the first, a text has to be read “formally,” that is, independent of the social and historical contexts surrounding the production of the text (e.g. where it was written, when it was produced, who wrote the text). The external reading attempts to relate a text to its socio-economic conditions of production and producers. As a sociologist, Bourdieu does not deny the importance of social contexts in which cultural works are produced. What he strongly rejects is “reflection theory,” an approach that “relates them [cultural products such as film] directly to the social characteristics

of the authors, or of the group to whom they were addressed or were assumed to be addressed, and regards them as expressing those social characteristics.”⁹ He rejects this sort of external analysis as a fallacy of “short circuit.”¹⁰

But how can we go beyond the apparent *aporia* between internal and external analyses? The answer lies in the concept of field. Bourdieu differentiates society into a number of relatively autonomous “fields” (e.g. political, economic, literary, religious, scientific, journalistic).¹¹ Each field is autonomous to the extent that its logic or “rules of the game” are “*specific and irreducible* to those that regulate other fields.”¹² At the same time, all fields contain similar structural oppositions between the dominant and the dominated, or the powerful and the powerless, and decide which rules prevail in a certain field. This structural opposition is maintained according to the specific mechanism of legitimation or “criteria of reward” for different kinds of “capital” (e.g. economic, cultural, social, political) as well as economy of exchange (i.e. “conversion rate”) regulating those different forms of capital.¹³ In addition, each field (e.g. literature, music, paintings) is encompassed by what Bourdieu calls a “field of power,” which expresses the power relations among different fields. Within the field of power, the literary field or the field of cultural production in general is situated in the *dominated* position in relation to those fields such as the economic and political fields, which are situated at the *dominant* pole in the overall field of power. In accordance with the power relations among the fields, each field contains within itself a “heteronomous pole,” a part of the field influenced by the logic of the field outside itself, and an “autonomous pole,” a part of the field governed by the logic unique to the field in question.¹⁴ For example, in the literary field, the autonomous pole within the field (e.g. poetry) may insist on the logic of “art for art’s sake” indifferent to the logic of economic success and reward, which is the logic existing in the economic field. On the other hand, the heteronomous pole within the literary field (e.g. popular novel) may well pursue the rules of the game of the economic field.

In addition, in the field of cultural production, this distinction between autonomous pole and heteronomous pole often corresponds with the distinction between the “field of restricted production (i.e. in which the consumers of the products are mostly producers themselves; e.g. poetry in the literary field)” and “the field of large-scale production” (i.e. the field in which the products are produced and distributed for mass-consumers; e.g. the popular novel in the case of literary field).

One of Bourdieu’s main hypotheses about the field of cultural production is that there exists a “homology” or correspondence between the space of producers and the space of products. According to Bourdieu:

The science of the work of art thus takes as its very own object the *relationship between two structures*, the structure of objective relations between positions in the field of production (and among the producers who occupy them), and the structure of objective relations among the position-takings in the space of works. Equipped with the hypothesis of a homology between the two structures, research – by setting up a to-and-fro between the two spaces and between identical data offered there under different guises – may accumulate

the information which gives us *at one and the same time* works read in their interrelations, and the properties of agents, or their positions, also apprehended in their objective relations.¹⁵

In addition, Bourdieu introduces the concepts of “habitus” and “trajectory” by making reference to the notion of the field in physics.¹⁶ In the case of the “field of force,” molecules entering the field can be defined by the characteristics of the molecules (e.g. types and sizes) and the inertia of those molecules.¹⁷ In the field of cultural production, the social actors entering the field can be characterized by their habitus (historically and socially constructed dispositions) and their trajectory (where they come from, where they are heading) within the field.

Structure of the film field in contemporary China

With the deepening of the reform through the 1980s, by the 1990s there had emerged a distinctive structure of the field of film production with four interrelated subsectors, each containing different types of film “text” and different social “contexts” of production. In other words, there has emerged a distinct “homology” between the space of products and the space of producers.

Commercial film subsector

“Commercial film” (*shangye pian*) (or “entertainment film” [*yule pian*]) here refers to an equivalent of the so-called “blockbusters” in the US, which targets first and foremost commercial success at the box office. In other words, the primary logic of filmmaking in this subsector is economic logic or what I call the “market logic of filmmaking.”

One of the central directors active in this subsector is Feng Xiaogang. As is typical of directors in this category, Feng has never received any formal education in filmmaking at film schools. Before becoming a film director, he had been a director of TV dramas. One of his TV productions, *Beijingers in New York* (Beijingren zai niuyue, 1992), became tremendously popular throughout urban China. His career trajectory of moving from a popular director of TV drama into the field of film production brings in a distinctive habitus of seeing film primarily as a means to earn commercial popularity and money (i.e. economic capital). In the field of cultural production where the possession of cultural capital through formal education in film schools, particularly the prestigious Beijing Film Academy, is highly respected, this distinct trajectory and habitus are often frowned upon as somehow inauthentic in the field of film production. As one film scholar who is also involved in independent filmmaking confessed to me in Beijing, “I know he earns a lot of money and that’s important in today’s China. But I never can sit through his entire film.”¹⁸ Feng strategically releases his film, targeting the exact time of the Chinese spring festival season in order to get the most commercial success. His first film, *Party A, Party B* (Jiafang yifang, 1997), the more recent *Cell Phone* (Shouji, 2003), and the latest *Assembly* (Jijiehao, 2007) were all released during the festival season,

and became box-office successes. In an interview in the *Los Angeles Times*, Feng captures the essence of the emerging niche of commercial film within the overall field of Chinese film production.

Generally, there are two kinds of filmmakers in China. There are those artistic ones, who like to take their films abroad and participate in international film festivals. Of course, they've made beautiful films – Zhang Yimou, Chen Kaige, Tian Zhuangzhuang – and I respect them. Then there are those who are hired to make “official” films for specific organizations. Me, I'm interested in the audience. I'm interested in making entertaining, commercial films that please the audience. My greatest reward is sitting in the theater and having lots of people enjoy my films. Yes, the box office is my measure of success.¹⁹

During the question-and-answer session after the screening of his *A Sigh* (Yisheng tanxi, 2000) at an art-house film theater in San Francisco on February 28, 2002, which I attended, Feng expressed his thoughts on his films in relation to the “political ideology of the party-state.” Responding to a question from the audience whether he had had any trouble with the authorities, he replied: “I think I can make any film I want to make in today's China. Because films I want to make are entertainment films and they are irrelevant to the political ideology of the party-state. The state doesn't mind about the films I make. My films are solely for fun.” This clearly shows that the category of commercial films represented by Feng's films is largely apolitical in the sense it does not “talk about politics.”²⁰ This leads to the following characteristics of this subsector (see Table 9.1).

(1) The rationale for filmmaking, or what I term the “key logic of filmmaking,” revolves around how much money the film will earn, and hence can be termed the “market logic of filmmaking.” (2) The most important capital for production is economic capital. (3) In terms of Bourdieu's autonomous/heteronomous distinction, this subsector locates at the heteronomous pole, influenced by the logic of the economic field. (4) In terms of the distinction between the “field of restricted production” and the “field of mass production,” this group of film directors clearly locate themselves in the field of mass production.

To document fully the process of conversion of different types of capital requires a thorough historical analysis of the field, which is beyond the scope of this chapter. However, I can point to a few interesting signs of such conversion. The first three of Feng's “New Year films” (*hesuipian*) were clearly targeted at domestic audiences by relying on the local knowledge of the city of Beijing (including the usage of heavy Beijing dialect) to convey the comedic messages to the audiences. However, in the fourth film, Feng turned to more “serious” melodrama of the mid-life crises of a middle-aged couple, and actively promoted the film in film festivals and art-house theaters abroad. Moreover, in a rare diversion of the strategy of releasing his films during the Chinese New Year, the film was released in September. The film earned five prizes at the 2000 Cairo International Film Festival, including the Golden Pyramid Award for best film. Although the film was the least successful in terms of economic capital (box-office receipts) of all the films he made, he

Table 9.1 Summary of the structure of the field of cultural production

<i>Subsector</i>	<i>1) Key logic of filmmaking</i>	<i>2) Important capital</i>	<i>3) Heteronomous/ autonomous</i>	<i>4) Field of restricted/mass production</i>
1 Commercial film	“Market logic of filmmaking” (logic influenced by the logic of economic field = box-office success).	Economic capital.	Heteronomous = dependent on economic field.	Mass.
2 Main-melody film	“Political logic of filmmaking” (logic influenced by the logic of the political field = legitimization of the party-state).	Political capital.	Heteronomous = dependent on political field.	In between restricted and mass.
3 International Chinese film	“International artistic logic of filmmaking” (logic specific to the film field, but influenced by international factors).	Cultural capital related to film production (e.g. education, knowledge, ability in filmmaking).	(Relatively) autonomous.	(Relatively) restricted.
4 Independent film	“Independent artistic logic of filmmaking” (logic specific to the film field).	Cultural capital related to film production (e.g. education, knowledge, ability in filmmaking).	Autonomous.	Restricted.

earned cultural capital in the form of an award in an international film festival. Also, when the film was shown at an art-house film theater in San Francisco, Feng was introduced as a “leading independent filmmaker in China,” which probably would not be the characterization given by his Chinese peers and audiences. In sum, whether it is by the strategic maneuver of the directors or by the “misrecognition” on the part of the international audiences, different forms of capital are actively converted to other forms of capital, and the process continuously adds dynamics to the field of film production.

Main-melody film subsector

Main-melody film refers to those films which the government sponsors for production both politically and financially. Numerous military films on the “victory” of the Chinese Communist Party, for example, are included in this type. Also, films glorifying certain political figures in the Chinese Revolution as well as stories on “model workers, peasants, and soldiers” can be classified into this category.

The traditional studio system, which depended exclusively on government funding, has been collapsing since the initiation of reform. However, the government is still more than willing to fund those movies that help disseminate the party-state policy as well as those which depict the history of the People’s Republic of China as “victorious.” For example, in 1997, the government enthusiastically supported the production of renowned director Xie Jin’s film *The Opium War* (Yapian zhanzheng, 1997), which coincided with the Chinese take-over of Hong Kong, which had been colonized by the British after China was defeated in the Opium War (1840–2). Xie Jin is a very well-known figure in the Chinese film field, and often recognized as having a distinctive style of filmmaking, sometimes dubbed the “Xie Jin Model.”

Another example is Zheng Dongtian, who recently directed *My Bittersweet Taiwan* (Taiwan wangshi, 2004). He is a professor in the Directing Department of the Beijing Film Academy and returned to film directing after a long hiatus. He could make *My Bittersweet Taiwan* with political and financial support from the state. But the consequence was a big-budget film product which had only a few days of screening in Beijing. A person who was closely involved in the production of the film told me in an interview that the director might have earned a “bad reputation” because of the film. In terms of habitus, then, this group of directors is seen by others as “only caring about supporting the party and the state.” And in terms of *trajectory*, once you pass through this subsector of filmmaking, returning to other types of filmmaking is often difficult, if not possible. *My Bittersweet Taiwan* attempts to depict the lives of “ordinary people in Taiwan” during the Japanese colonial rule.²¹ The film was released right before Taiwan’s presidential election in March 2004. The Chinese government was planning a large-scale press conference on the day the result of the Taiwanese election was to be confirmed in the hope of making it a film that would celebrate the anticipated victory of Lien-Chan and James Soong, who are said to be sympathetic to the policies of the Mainland Chinese government. The press conference had invited numerous foreign journalists, but because Chen Shui-bian, who is said to be sympathetic to Taiwanese independence, won the election, the press conference was significantly downsized and only a few foreign reporters were allowed inside the conference room. The film was shown for less than a week in Beijing and was then withdrawn from exhibition.²²

Some less established directors also participate in main-melody film production. For example, two films that came out after the Tiananmen Square protests (1989), both depicting Mao Zedong’s historical legacy (*Mao Zedong and His Son* [Mao Zedong he ta de erzi, dir. Zhang Jinbiao, 1991] and *The Story of Mao Zedong* [Mao

Zedong de gushi, dir. Han Sanping, Mao Mao, Luo Xing, 1992]), were produced by such directors.

The following characteristics of this subsector can be noted (see Table 9.1). (1) The rationale, or the key logic of filmmaking, revolves around how much the film conveys and legitimizes the political rule of the Chinese party-state, hence the term “political logic of filmmaking.” (2) The most important capital to be recognized within this subsector of the field is political capital in the particular sense of connections to and supports (both political and financial) from the Chinese party-state. (3) In terms of Bourdieu’s heteronomous/autonomous distinction, this subsector of the field is located at the heteronomous pole influenced by the logic of the political field. (4) In terms of the distinction between the field of restricted production and mass production, it is in the middle. It is restricted in the sense that not very many ordinary people want to watch these films. But at the same time it is produced in mass scale and sometimes shown to what can be called party-state corporate audiences (i.e. mass-screenings at the bureaucratic units of the party-state or in the military), the numbers of which can be substantial.

In terms of the conversion of different forms of capital, the directors in this subsector can convert political capital to economic capital and continue to make films without worrying much about the success or failure in the market economy. However, as the result of the close connection to the state, they are often frowned upon both by the “commercial film directors” described above and film directors claiming artistic superiority, including the “international Chinese film directors” and independent film directors described in the following sections.

International Chinese film subsector

I mean by “international Chinese films” those films that are relatively well-known outside China. For instance, Zhang Yimou’s *Ju Dou* (1989), a story of forbidden love between an abused wife and her nephew that ends in tragedy, which was nominated for the Palme d’Or (the highest prize) at the Cannes International Film Festival in 1990, is an early example of films included in this category.

The so-called Fifth Generation of Chinese film directors such as Zhang Yimou and Chen Kaige is included in the group of directors active in this subsector.²³ Just to note some of the international recognition of the productions of these international Chinese film directors, Chen’s *Farewell My Concubine* (Bawang bieji, 1993) received the Palme d’Or at the Cannes International Film Festival in 1993. Zhang’s *Ju Dou* was the first Chinese film to be nominated for the Best Foreign Language Film at the Academy Awards in 1990. One of the most important characteristics of this group of directors is that they rarely face financial problems in making the movies. Since they are world renowned, production companies and investors around the world are waiting to finance this group of directors. In an interview with the *Los Angeles Times*, Chen remarked: “If I want to, I can raise money from Europe, and I think some American companies are willing to do some things in China.”²⁴ Indeed, at the time of the interview, Chen had just completed a film, *The Emperor and the Assassin* (Jingke ci Qinwang, 1999), production costs of which

amounted to US\$10–11 million in addition to the US\$20 million cost of making a replica of the Chinese imperial palace. The major part of the funding came from Hong Kong and Japanese companies. He does not think he can ever raise money inside China “[b]ecause some of the business people who have enough money to finance films always say ‘yes’ but end up saying ‘no.’ They don’t take filmmaking too seriously. I just can’t get along with those guys. The reason they want to make a film is because they think that can make them famous.”²⁵

Zhang Yimou is in a similar situation. Although he has faced difficult times financing his films domestically, he has been exceptionally successful in the international scene. From his relatively early film *Ju Dou* (1989) to his more recent film *Not One Less* (Yige dou buneng shao, 1999), he has managed to finance his films in the form of co-production with foreign financial sources. The former film was mostly financed by Tokuma Shoten Publishing and Tokuma Communications of Japan, while the latter was financed by Columbia/Tri-Star of the US.

In terms of trajectory, the filmmakers share a similar history of experiencing the Cultural Revolution and having to wait until the end of the 1970s and early 1980s to start their filmmaking career. In addition, they share a particular filmmaking habitus of having to deal with their personal-historical experiences in their films. They have all made a representative film, a historical epic dealing with the turmoil of modern Chinese history, through the Cultural Revolution, up to the present (Zhang Yimou’s *To Live* [Huo zhe, 1994], Chen Kaige’s *Farewell My Concubine* [Bawang bieji, 1993], and Tian Zhuangzhuang’s *The Blue Kite* [Qing Fengzheng, 1993]). As is clear from the cases of “banned” films in the past, this type of film often, if not always, counters the official ideology of the party-state.²⁶ Thus, they often cannot expect direct financial support from the party-state. This leads to the following characteristics of the subsector (see Table 9.1).

(1) The key logic of filmmaking is to pursue “artistic autonomy,” which is the logic specific to this film field. Also, the logic is supported by the international factors. Hence the term “international artistic logic of filmmaking.” First, it is international in the sense the directors look for resources beyond the boundary of the country. Second, it is international in the sense the criteria of recognition also go beyond the national boundary to include international audiences and prestigious film festivals including Cannes, Venice, and Berlin. (2) The most important capital is cultural capital that is needed to produce and appreciate films, including the credentials earned by attending the Beijing Film Academy. (3) In terms of autonomous/heteronomous distinction, since the subsector gets funds from foreign capitals, it is in a sense heteronomous. However, with these funds, the directors try to be autonomous, i.e. to be “artistically creative for art’s sake” to be recognized within the circle of not only domestic but international filmmakers and audiences. (4) In terms of the restricted/mass production distinction, this group of directors locates somewhere in between the above commercial film directors and the independent film directors described below. It is produced and shown on a relatively large scale, but it is not necessarily targeted at a mass audience, rather at a more restricted sub-population of people who have the cultural capital to appreciate their films.

For this group of film directors, an interesting process of conversion of different forms of capital exists. Although they start out with relatively high cultural capital (e.g. education at Beijing Film Academy), in order to gain more recognition and enhance the cultural capital, this group of directors heavily depends on vast amounts of private capital, especially foreign capital. In other words, they get economic capital with the prestige of cultural capital (the first generation of “artistic” film directors who emerged on the international film scene from China in the reform era), and convert the economic capital back to further consolidate their cultural capital.

Independent film subsector

Independent film here refers to relatively low-budget experimental films directed at a narrow circle of people in the film field (or what Bourdieu terms the “field of restricted production”). The group of directors who are active in this subsector is often called the Sixth Generation. In terms of habitus and trajectory they share similar characteristics. As described above, they came into the film scene after the international recognition of the Fifth Generation, and were educated at the Beijing Film Academy in the late 1980s and early 1990s. They share a habitus of having to deal with the issues of rapid social change and attendant social problems emerging in the urban areas in the 1990s. Hence, they are often called the “urban generation.” But with the internationally established Fifth Generation preceding them, together with the emergence of successful commercial films described above, the Sixth Generation seems not to have found a comfortable niche in the rapidly changing structure of the film field in China. Shaoyi Sun aptly characterizes the Sixth Generation of directors as follows.

[They are] a group of young artists, who are hard hit by the growing trend of commercialization and have to try every means to get their films made. Innovative yet lacking the glamour of the establishment, they often find it hard to even raise a modest amount of money to fulfill their big-screen dream. It is not long ago that the enthusiastic talk about the birth of the so-called Sixth Generation had wide circulation. But, in reality, the Sixth Generation, if there is one, lacks a collective identity as strong and integrated as that of the Fifth Generation. This is largely due to the fact that they could not differentiate themselves from other Chinese filmmakers.²⁷

Zhang Yuan is an example of this group of filmmakers. It is well-known that when Zhang’s film *Beijing Bastards* (Beijing zazhong, 1993) was shown at the 1993 Tokyo International Film Festival, the Chinese state bureaucracy was enraged and the official Chinese delegation to the festival protested. According to Paul Pickowicz:

They were attacked by officialdom because, unlike all the work produced by the Fifth Generation, these “Sixth Generation” films were independent and

relatively low budget productions funded by the filmmakers themselves with help from backers in Hong Kong. These defiant filmmakers were not working in conjunction with any state studio, and they consulted with neither the Film Bureau nor the Film Distribution Corporation.²⁸

Clearly, the film often counters the official line of production provided by the party-state. Thus, they cannot expect financial help from the state. Also, because it is an “art” film, they cannot rely solely on financing from the mass market because as a product it often will not “sell” much. Last but not least, because they are not as established or renowned as the Fifth Generation “international film directors”, they cannot rely as much on overseas funding. This leads to the following characteristics of the subsector (see Table 9.1).

(1) The key logic of filmmaking is to pursue independent artistic autonomy, which is the logic specific to the film field. Also, since it locates at the autonomous pole within the field of cultural production, the logic can be termed the “independent artistic logic of filmmaking.” (2) In terms of different forms of capital, the cultural capital specific to filmmaking is the most important, as is epitomized by their formal education at the Beijing Film Academy. (3) In terms of autonomous/heteronomous distinction, it clearly locates at the autonomous end of the pole. (4) In addition, it positions itself in the field of restricted production as the main audience of the film in this category is people in some way or another also involved in producing films.

As for the conversion of different forms of capital, there exists an interesting mechanism. As is the case of films made by the “international Chinese film directors” described above, many, if not all, of the films in this category are “banned” in China. However, in reality, “banned in China” is a difficult and fuzzy condition to define. Sometimes it is indeed the case that the Film Bureau announces the prohibition of certain films publicly (as in the case of Wang Xiaoshuai’s *Beijing Bicycle* [Shiqisui de danche, 2000]). However, in other cases, it is not so much that a film is “banned,” but a film simply does not have an official permit to produce, distribute, and exhibit only because the production of the films does not go through the official production line of the state-owned studio system. However, the label “banned in China” can be converted to cultural capital in the sense the film can be considered artistically avant-garde because of the fact that it is banned. Also in the art-house film theater scene abroad, this label of “banned in China,” which could be seen as “negative political capital” in the sense it claims to be under pressure from strong political actors like the Film Bureau, sells well because it earns the attention of enthusiastic audiences looking for “underground” works coming out of China.²⁹ One prominent producer of Chinese independent film confessed in an interview: “I actually had [international art-house] distributors ask me if was OK to say our films have been banned, even though they haven’t.”³⁰ Put differently, the “negative political capital” works as a kind of “symbolic capital” to enhance the cultural capital which also could lead to more economic capital as measured by box-office success at art-house theaters abroad.

The recent transformation of the film field

As the policy of Reform and Opening progresses, the structure of the field of cultural production characterized by the relational division into the four subsectors described above has seen signs of transformation. With the opening up of the market to the outside world, films produced in foreign countries have been introduced to the Chinese domestic market. Although the introduction is far from complete, the general direction of importing more and more foreign films is clear. For example, for the first time in 1995, the China Film Corporation (Zhongguo Dianying Gonsi) imported “ten big films” (*shibu dapian*) with box-office split agreement. In December 1999, China and the US signed an agreement that would allow 20 foreign films to be imported annually at the time of China’s entrance to the WTO, and increase the number thereafter. Although at present (2007), the number of imported films still remains at 20 (usually below 20), China’s accession to the WTO on December 11, 2001 was a clear sign of the increasing trend of the importation of foreign films in the future. China is no exception to the popularity of the so-called Hollywood blockbusters all over the world. In China, the film *Titanic* (dir. James Cameron) set the box-office record in 1998. This situation puts the Chinese film industry in a very uncertain environment.

Responding to this uncertainty in the global environment, the Chinese state bureaucracy (the State General Administration of Radio, Film and Television [SARFT] and its Film Bureau) has come up with numerous policies that attempt to promote the domestic film industry to compete with the foreign blockbuster films and industrial actors which produce those films. Policy changes have been introduced in all of the three sectors of film production, distribution and exhibition. At the same time, filmmakers themselves have come up with a number of suggestions to overcome the crisis imminent with the opening up of the film industry to global competition.

In response to this perceived crisis in the domestic film industry, the Film Bureau contacted Wang Xiaoshuai, who, less than a decade ago, had directed the film *Frozen* under the pseudonym Wu Ming (“No Name”), and asked him about the possibility of having a roundtable discussion between independent film directors and the state officials from the Film Bureau.³¹ Wang Xiaoshuai notified other independent film directors, including Jia Zhangke and Lou Ye, and agreed to have a meeting on November 13, 2003 at the nation’s center of film education, the Beijing Film Academy. At the roundtable, seven people, including film directors, film scholars, and film critics, signed a petition asking for changes in film-related laws/regulations and film policies.³² The petition included four points: The first point asks the Film Bureau to allow the domestic independent films produced in the past (i.e. films that had not applied for censorship and thus currently prohibited from distribution and exhibition) to apply for the censorship *ex post facto*, and have opportunities to be shown to domestic audiences. The second asks that film censorship and the future film-rating system have clearer standards and have a transparent and fair process of application. The third asks for more creative freedom in filmmaking and hopes that a film-rating system will replace the film censorship system.

The fourth hopes that the government will support with money and policy those films that have “artistic creativity” but which lack market appeal.

In response to the above petition, the Film Bureau of the SARFT implemented three new film regulations in December 2003. One of them, SARFT Regulation Number 18 “Film Script (Synopsis), Film Censorship Temporary Regulation,” states that (1) the film production unit needs only to send a 1000-characters-or-more synopsis of the film script, and not the whole script, when applying for permission to begin shooting, and (2) when applying for permission for film production, censorship will be performed at provincial-level film administration units which have been approved by the central SARFT.

At least compared to the past, the views and opinions of the independent filmmakers and the state film bureaucracy apparently are coming to have more and more commonality. Simplification of the film-censorship process (from central-level censorship to provincial-level censorship) and the slated emergence of the film-rating system corroborate this point.

Indeed, many, if not all, of the filmmakers who can be classified as “independent” have made films with official permission. For example, Zhang Yuan (*I Love You* [Wo ai ni, 2002], *Green Tea* [Lücha, 2003]) and Lou Ye (*Purple Butterfly* [Zi hudie, 2003]) both have made films with official approval. Jia Zhangke’s recent film *The World* (Shijie, 2004) has also been approved by the Film Bureau and was produced by the state-owned Shanghai Film Studio. Moreover, some of the films these filmmakers make are not necessarily low budget anymore. Lou Ye’s budget for *Purple Butterfly* amounted for more than 10 million yuan. Jia Zhangke’s *The World* has a budget of 8 million yuan. In other words, this group of film directors, including Zhang Yuan, Lou Ye, and Jia Zhangke, is, at least in comparative terms, embracing more and more the “market logic of filmmaking.” Thus, compared to the past, this group of directors is becoming more dependent (heteronomous) on the logic existing in the economic field as well as the political field.

One reason for the apparent convergence between some of the (formerly) independent film directors and the state bureaucracy seems to lie in the recent changes in the attitudes and logic of the state film bureaucracy itself. When I had a conversation with a Film Bureau official, I asked what films he likes most. He answered Zhang Yimou’s *Hero* and Feng Xiaogang’s New Year films (*hesuipian*). When I asked why he likes those films, he replied, “Because their films seriously take into account market considerations . . . they try to make films that target a specific group of audiences, like younger people, middle-aged, etc.”³³ As the recent official slogan for the film reform policy, “Industrialization” (*chanyehua*), signifies, the logic of the party-state now incorporates the logic of the market in the sense that the film bureaucracy now considers the economics of the film as most important – rather than its political-ideological function. According to this new logic, if the film is not openly critical of or against the party-state, films that are made for commercial markets are more than welcome by the officials in the state bureaucracy. It really struck me when he said in another meeting, “Directors like Zhang Yimou and Feng Xiaogang are really important to us. They are trying to help the Chinese film industry develop. I think they should really be respected.”³⁴

This state official's view is shared and welcomed by a marketing director of one private production company, which has produced numerous international Chinese films targeted at international audiences as co-productions with foreign production companies. She explained her views to me in an interview:

It used to be that the state bureaucracy was really difficult to deal with. But now, since the reform process in the film industry has sped up in the late 1990s, it's much clearer that the state officials want to help us. Although some people criticize, for example, the recent policy change in the process of script approval [she is talking here about recent simplification of the script-censorship process from submitting the whole script to a 1000 characters-or-more synopsis submission] because in the end, the state can always interfere by saying it is a "special case." I don't think that is true. The government is trying to make things easier, not more difficult. In this sense, I'm very much optimistic about the future development of the film industry with the help of the state.³⁵

This shows that not only commercial films targeting mainly the domestic market (e.g. Feng Xiaogang's film) and a section of the formerly independent film sector as described above, but also at least some sections of the "international Chinese film" subsector are incorporated by the new logic of the state film bureaucracy, which increasingly is embracing the market logic of filmmaking. Also, increasingly the state is positioning itself in the field of mass production (targeted audiences include both international and domestic as in the case of Zhang Yimou's *Hero* [Yingxiong, 2002] and the recent *House of Flying Daggers* [Shimain maifu, 2004]). Thus, in relative terms, it is becoming more and more dependent (heteronomous) on the dynamics existing in the economic field.

However, the state has not completely abandoned the political function of film. If a film depicts something critical or against the official pronouncement of the history of the Chinese Communist Party, it will not be tolerated even if it has potential market appeal. When I asked what the state official quoted above thinks about *Devils on the Doorstep* (Guizi laile, Jiang Wen, 2002), the person told me that "Everything was wrong in that film!"³⁶ What he meant was that ridiculing the Chinese peasantry during the Anti-Japanese War was unacceptable. This clearly shows that political criteria, though often vague, still exist within the logic of the party-state.

The political, main-melody film subsector has also been repositioning its role in recent years with the deepening of Reform and Opening. For example, in October 1995, the Ministry of Radio, Film and Television (renamed as the State General Administration of Radio, Film and Television in 1998) called for the Discussion Group of National Feature Film Studio Heads.³⁷ The discussion group adopted a strategy of making "masterpiece films" (*jingpin*), which was indeed an attempt to merge the categories of main-melody film and commercial film. With the rapidly declining popularity of typical main-melody film in mind, the discussion group defined "masterpiece films" as a "trinity" (*sanxing tongyi*) of "[political] thoughts" (*sixiangxing*), art (*yishuxing*), and visual entertainment (*guanshangxing*).³⁸ Rao

Shuguang sums up the essence of this new type of commercial main-melody films, also called “new mainstream films” (*xinzhuliu dianying*), as follows:

In sum, the “new mainstream films” are the new development and new form of “main-melody films” under new conditions, and are the products of the combination of government’s mainstream ideology and the socialist market economy system. They correspond to the current stage of national conditions in China, and are the type of film with Chinese characteristics.³⁹

In another direction, the Film Bureau official I interviewed expressed strong derision for “art films” that target only small sections of the film-viewing population. Talking about a film directed by a prominent Sixth Generation film director, he told me:⁴⁰

That film is no good, too “artistic.” I don’t like that film. The film doesn’t have a clear sense of the importance of marketing to the larger population. You know, everyone can make that kind of film. Just bring a home video camera and shoot our conversation now, no story, just a random chat while drinking and eating. And call it an “art film.” [We were having dinner and drinks together and he acted as if he had a DV camera on hand and spurted these words a bit angrily.] What they call “art film” is exactly like this. Making it too difficult to understand for ordinary people like me. I really don’t like films which don’t think about the importance of market and the audience. And, you know, filmmakers from the Beijing Film Academy like this person are too much influenced by French art films. They simply don’t work here in China.

To use Bourdieu’s concepts, the state official was criticizing a particular habitus and cultural capital that emphasize “too much” orientation to “art for art’s sake” (“Making it too difficult to understand for ordinary people like me”).

But the same story is interpreted very differently by those occupying a different position in the field of film production. When I told this story about the state official to the producer of a Sixth Generation film director, he responded with a bit of angst.⁴¹

You know, we had to make hundreds of changes to what we wanted to make because of the Film Bureau’s order. We wanted to make this film the first real suspense film made in China. But the state official didn’t understand our intention, and tried to make it a boring story of young love comedy. The result was a half-done film, neither fully a suspense nor a love comedy. If we let people who don’t understand film take the lead, the consequence is a half-done film like this one. I mean the film is still well-made, but it is very different from our own original intention.

Thus, seen from the perspective of the filmmaker, it is the state film bureaucracy that has to change its attitude. In other words, the producer was criticizing the lack

of cultural capital on the part of the Film Bureau official and despising the habitus of seeing film as the state's political tool.

In relation to the above clear dislike on the part of the state bureaucracy for films that focus on a narrow audience, the so-called “art films,” another interesting phenomenon is appearing in the subsector of independent films, that is, further differentiation of the subsector into two poles that correspond with heteronomous logic and autonomous logic. Although they still are considered to be independent filmmakers by those working in the Chinese film industry, more and more independent film directors, including Wang Xiaoshuai, Lou Ye, and Jia Zhangke, are incorporating the logic of the party-state (not in the sense of making clearly political “main-melody films” but in the very simple sense of pursuing the possibility of getting official permission for film production, distribution and exhibition from the Film Bureau) as well as the logic of the market (in terms of increasing budget as pointed out above). In response to this move within the independent film subsector, some are distancing themselves more and more from the logic increasingly incorporated by this sub-group of independent filmmakers. Arguably one of the most “independent,” “experimental,” and “autonomous” filmmakers in today's China told me:

Nowadays, many of the formerly underground film directors are making big-budget commercial films with official state approval. I have no intention of blaming them, but I personally want to make films that have important social impact. Zhang Yuan made *Green Tea*, but it didn't change anything in society, it doesn't matter to society if he makes one, two, three or four other films like that. I have no intention of making those kinds of commercial, big budget entertainment films made for the so-called audience.⁴²

A similar point of view was expressed to me by another film director who is increasingly positioning himself at the autonomous pole within the relatively autonomous subsector of independent films. This prominent documentary filmmaker told me in an interview that he did not have any interest in making commercial films. He told me, “It used to be that there was only political censorship. But nowadays, we have to face economic censorship. You know, sometimes, economic censorship is worse than political censorship.”⁴³ In other words, because of the move of some independent filmmakers toward the market logic, some of the filmmakers in the subsector are increasingly embracing the reinvigorated autonomous logic of filmmaking. In this section of the subsector, cultural capital is the most praised capital and their audience remains restricted (i.e. a field of restricted production). Thus, in comparative terms, it is becoming increasingly “autonomous” within the relatively autonomous subsector of independent filmmaking (see Figure 9.1).

Film consumption in contemporary China

Now that I have mapped out the structure and the recent transformation of the field of film *production*, let me move on to film *consumption* in contemporary China.

An analysis of consumption is crucial as I will attempt to show that the momentum for the transformation of society exists not only at the point of production, but also of consumption. Only by carefully examining the relation between the spheres of production and consumption can we adequately reclaim the importance of society, first, in relation to the state and the market economy, and second, in relation to the text-centric approaches to Chinese cinema.

Roger Chartier's notion of appropriation

Roger Chartier, the cultural historian noted for his analysis of the social practice of book-reading in *Ancien Regime* France, focuses on the importance of the social context of consumption. One of the important keywords for his analysis is “appropriation,” a process of social practice in which a social actor, though conditioned by social structural constraints, actively reads and uses texts in his or her own way. In other words, he, like Bourdieu, attempts to go beyond the exclusively internal reading of text. In Chartier’s own words:

In my own perspective, appropriation involves a social history of the various uses (which are not necessarily interpretations) of discourses and models, brought back to their fundamental social and institutional determinants and lodged in the specific practices that produce them. To concentrate on the concrete conditions and processes that construct meaning is to recognize, unlike traditional intellectual history, that minds are not disincarnated, and unlike hermeneutics, that the categories which engender experiences and interpretations are historical, discontinuous, and differentiated.⁴⁴

In other words, appropriation can be characterized by three important factors. The first is the notion of the “activeness” of reading. The reader does not “passively” accept the meaning of the text intended by the author or other producers of text, but “actively” reinterprets and re-presents the meaning of text according to his or her own agency. The second and related factor is the notion of multiplicity of readings, or put differently, the fact that the text could be understood and interpreted very differently by different readers. Third, Chartier is careful to point out that social structure and historicity shape the way the reader appropriates the text. The agency of the reader is conditioned by the particular historical and institutional configuration of the relation between the reader and the text. In sum, appropriation necessitates us to look for the historically and socially shaped but possibly multiple meanings of the text produced by the active reader. For example, my particular reading of the film *Frozen* earlier in this chapter actively made possible the writing of this chapter. Perhaps the director Wang Xiaoshuai never imagined that his film would be appropriated by a sociologist to write a chapter like the present one. However, not less importantly, the fact that I read the film *Frozen* “sociologically” and found in the text clues to understanding the field of cultural production of film in contemporary China is clearly shaped by my particular social positioning as a sociologist in the field of intellectual production.

In this section, with the help of the notion of appropriation, I attempt to complement the analysis of the field of cultural production by zeroing in on the significance of social and cultural consumption of films and its role in reconfiguring the contemporary Chinese film field. I will briefly attempt to analyze the process of appropriation of the four different types of films I have discussed above.

Appropriation of the four types of film in contemporary China

First of all, let us examine the social practice of appropriation of main-melody films. It is often the case that the state, with its explicit policy of subsidy, attempts to control not only the production but also the reception of the political films. For example, *Mao Zedong and His Son* (Mao Zedong he tade erzi, dir. Zhang Jinbiao, 1991), a main-melody film produced in 1991 with the explicit purpose of re-educating the masses in the wake of the 1989 Tiananmen Square protests, was the year's box-office hit. On the surface, this seems to be the representative case of the success of the state control of reception. However, on closer examination, the situation was more complex. According to Paul Pickowicz, the film was popular not for the reasons intended by the state, but for the wrong reasons: "Images of a perfect Mao, no matter how unconvincing, only served to remind the audience of the moral failings of the current leadership. In late state socialist China, even crude propaganda works to subvert state power."⁴⁵

Second, let us examine the appropriation of commercial films. As I have mentioned above, Feng Xiaogang, a noted commercial film director, was introduced by a person at an art-house film theater in San Francisco as "China's leading independent filmmaker." Part of the reason might have been that the film screened at the occasion was *A Sigh*, which is clearly in the realm of non-commercial, art films within Feng's inter-textual oeuvre. However, this misrepresentation shows a possibility of transnational appropriation. Indeed the questions and answers that followed the screening centered on the issue of censorship and the difficulty in making films in contemporary China, although none of his films has ever been banned in China.

Third, the international Chinese films can also be appropriated by some of the audiences. For example, Hu Ge, a 31-year-old sound engineer in Shanghai, made a spoof film entitled *The Bloody Case that Started from a Steamed Bun* (Yige mantou yinfa de xue'an) satirizing Chen Kaige's martial-arts epic film *The Promise* (Wuji, 2006).⁴⁶ The spoof film deconstructs and reconstructs the original story by suggesting that all the grand plot of the film stems from revenge for one lost steamed bun. It also pokes fun at Chinese state-sponsored mainstream news reports. Hu Ge dubs the real CCTV news program called China Law Report (Zhongguo Fazhi Baodao) and edits it as if the reporter was reporting on the incident caused by the revenge for a steamed bun. The parody was produced and circulated in February 2006 immediately after the official release of *The Promise* in the mainland. The spoof film became extremely popular among net surfers, particularly after it got media attention because film director Chen Kaige threatened to sue Hu Ge. In the end Chen Kaige dropped his law suit, but the incident made Hu Ge even more famous.

This case clearly shows that some audiences can appropriate this type of film very differently from the originally intended reception of the film, that is, international positive reception and commercial success similar to other epic martial arts films like *Crouching Tiger, Hidden Dragon* (Wo hu cang long, dir. Li An, 1999) or *Hero* (Yingxiong, dir. Zhang Yimou, 2002).

Finally, independent films that target an art-house audience can be appropriated differently by active film viewers. My previous research on “film clubs” in the city of Beijing showed that the consumption and watching of independent films in the film clubs are highly differentiated, from those emphasizing political orientation, commercial orientation, and artistic autonomy, to the ones that try to combine commercial orientation with artistic orientation.⁴⁷ The appropriation of the independent films was shaped by such factors as the price of attendance to the film-screening activity, different combinations of films to be screened, and whether or not they try to show films with English subtitles to entice non-Chinese, English-speaking audiences.

The agency of the actors of appropriation notwithstanding, we should not forget that they are constrained by power relations (what Bourdieu terms “field of power”) existing in the cultural field of film in today’s China. For example, the film club that emphasized political orientation disbanded after pressure from different sections of the state authority.⁴⁸ Also, the fact that Chen Kaige could threaten to sue Hu Ge shows that the power is skewed to those who have economic and political means to set the limits on what the appropriation could accomplish.

As this brief discussion of the process of appropriation shows, there are sources of the transformation of society at the point of consumption in addition to production. Thus, integrating Bourdieu’s analysis of production and Chartier’s examination of consumption gives us a better clue to understanding the change of the structure of the cultural field of contemporary Chinese film.

Conclusion

In this chapter, through the close examination of the empirical case of Chinese film as cultural politics, I have attempted to “reclaim” the significance of society in two ways. First, by shifting the focus to the interaction of the logic of the state and the logic of economy as played out in the film field, I attempted to avoid the pitfalls of the “society vs. state vs. economy” view. The first research question I tackled in this chapter was: How is the world of Chinese film structured *in relation to* (not necessarily *as against*) the logic of state politics on one hand, and to the logic of economy on the other? As I have tried to show, via the concept of the field of cultural production, treating the state and the economy as separate from the sphere of society, or in the present case, the field of cultural production of film, would only result in the futile, zero-sum view of their relations, that is, “either the state, economy, or society matters the most.” By elucidating the fact that the cultural field of film itself is differentiated into different subsectors with various logics influenced by the logic of politics and the logic of economy, I have attempted to avoid essentializing the politics or the economy, or for that matter society. At the same time,

by seeing the film field as the meeting point of the logic of the state, economy, and artistic autonomy, I have shown that the field itself entails the sources of the transformation of society.

Second, I attempted to reclaim the importance of society, more precisely, the social “context” of production and consumption, in relation to film as “text.” The question was: How is the social context of production and consumption linked to film as texts under the specific historical and institutional conditions in contemporary Chinese society? As I have shown with the case of *Frozen*, the close reading of text provides important insights into the field of cultural production and consumption of film in contemporary China. However, as I have shown throughout this chapter, only by going beyond and carefully observing the interaction between the space of text and social context of production and consumption can we begin to understand the complex historical and institutional conditions existing in the contemporary Chinese film field.

To conclude, Andrew Tudor once deplored the fact that “it is both surprising and disappointing to discover how little the discipline [of sociology] has contributed

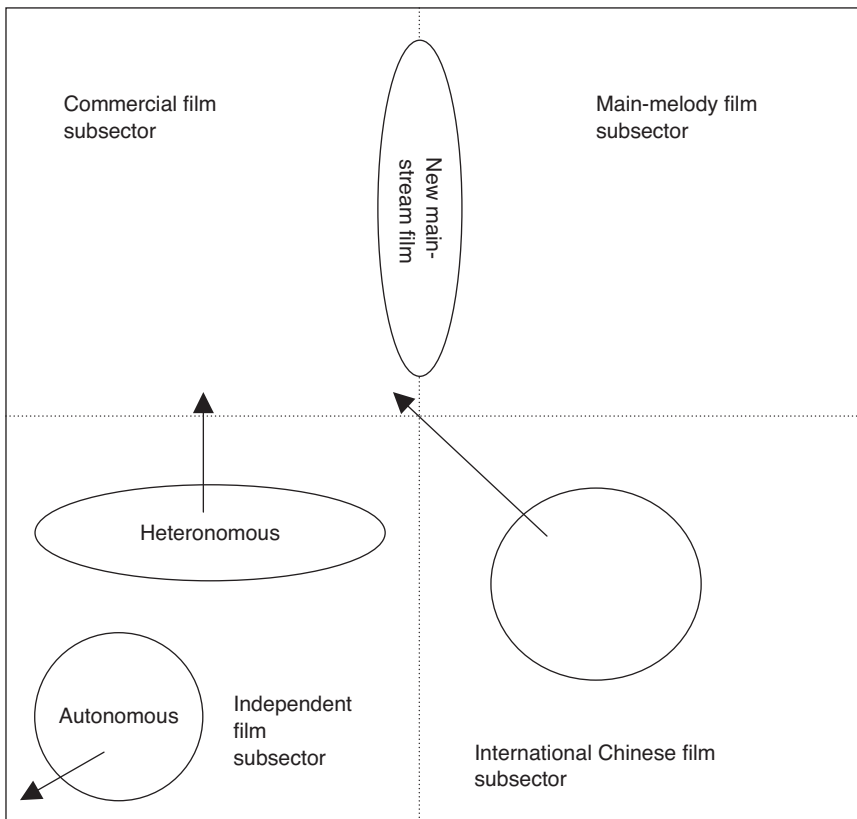


Figure 9.1 The recent transformation of the structure of the field of cultural production

to our understanding of film.”⁴⁹ In this chapter, by carefully examining film as cultural politics, I have tried to show that sociological analyses of film have a lot to provide in understanding the extremely complex and fascinating world of film in contemporary China.

Notes

- 1 Ching Kwan Lee and You-tien Hsing’s introduction to this volume, p. 2.
- 2 Pierre Bourdieu (1993) *The Field of Cultural Production: essays on art and literature*, New York: Columbia University Press; Pierre Bourdieu (1996) *The Rules of Art: genesis and structure of the literary field*, Stanford: Stanford University Press.
- 3 Roger Chartier (1988) *Cultural History: between practices and representations*, Ithaca: Cornell University Press; Roger Chartier (1995) “Popular appropriation: the reader and their books” in Roger Chartier, *Forms and Meanings: texts, performances, and audiences from codex to computer*, Philadelphia: University of Pennsylvania Press, pp. 83–97.
- 4 This section is inspired by Bourdieu’s reading of Gustav Flaubert’s novel *Sentimental Education* in “Flaubert, analyst of Flaubert: a reading of *Sentimental Education*”, in Pierre Bourdieu, *The Rules of Art*, pp. 2–43.
- 5 “Plot Summary for Jidu hanleng” available at the Internet Movie Database: www.imdb.com/title/tt0125279/plotsummary (accessed June 4, 2008).
- 6 Sing Lee and Arthur Kleinman (2003) “Suicide as resistance in Chinese society” in Elizabeth J. Perry and Mark Selden (eds.) *Chinese Society: change, conflict and resistance*, 2nd ed., London: Routledge, pp. 289–311.
- 7 Wang Xiaoshuai was indeed able to produce his film with the state’s official approval through the Beijing Film Studio. However, the process of getting through the censors took him a full three years before the completion and final release. See “Wang Xiaoshuai: Banned in China” in Michael Berry (2005) *Speaking in Images: interviews with contemporary Chinese filmmakers*, New York: Columbia University Press, pp. 162–80.
- 8 Pierre Bourdieu, *The Rules of Art*, p. 193.
- 9 *Ibid.*, p. 202.
- 10 Pierre Bourdieu, *The Field of Cultural Production*, pp. 181, 188; (1994) “Bungakuba no seisei to kozo” (Genesis and Structure of the Literary Field), *Bungaku* 5(1): 56.
- 11 Pierre Bourdieu and Loic J. D. Wacquant (1992) *An Invitation to Reflexive Sociology*, Chicago: University of Chicago Press, pp. 16–17, 97–8.
- 12 *Ibid.*, p. 97.
- 13 Diana Crane (1976) “Reward systems in art, science, and religion” in Richard A. Peterson (ed.) *The Production of Culture*, Beverly Hills: Sage, pp. 57–72.
- 14 Pierre Bourdieu, *The Field of Cultural Production*, p. 38; *The Rules of Art*, pp. 216–18.
- 15 Pierre Bourdieu, *The Rules of Art*, pp. 233–4.
- 16 Pierre Bourdieu, “Bungakuba no seisei to kozo”, p. 59.
- 17 *Ibid.*, p. 60.
- 18 Author’s interview, December 11, 2003.
- 19 *Los Angeles Times*, November 1, 1998.
- 20 This does not mean that Feng is somehow naively unaware of the possible limits of what he can do in the political context of today’s China. Quite the contrary; he has an acute, practical sense of how to make commercially successful films that he himself can also be happy with as an artist. For example, during the public Q and A after the screenings of his *The Banquet* (Ye yan, 2006) and *Assembly* (Jijiehao, 2007) at the University of Southern California on April 26, 2008, a moderator asked if he had had any difficulty

getting *Assembly* passed by the censor because the film touches on the Chinese Civil War (1945–9), which can be politically sensitive. As usual, Feng answered the question comedically: “No, there was no obstruction [*zuli*] at all.” However, later in the Q and A, when an audience member asked about the main theme of the film, he responded with an unusually serious expression: “From the beginning, we said that we wouldn’t discuss whether the war had meanings or not, nor do we discuss whether it was worth the sacrifices. If we had gone in these two directions and had written the script, this film definitely would not have passed [the censor]. So, we just shot a story in which a hero endures a hardship.” This response clearly shows that Feng is quite knowledgeable about the rules of the game in the field of film production in today’s China.

- 21 In the words of an assistant director of the film, whom I interviewed on May 18, 2004.
- 22 The information here is based on the author’s interview with an assistant director of the film, May 18, 2004.
- 23 The Fifth Generation are sometimes referred to as the Chinese “New Wave” since their films are very different from those produced before them, with their distinct uses of color and composition as well as strong social-philosophical messages. It is often noted that other generations are *ex post* inventions after this distinctive group of film directors made its mark on the Chinese film field. However, the following distinctions are commonly accepted as a broad generational categorization of Chinese film directors. See Paul Clark (2005) *Reinventing China: a generation and its films*, Hong Kong: The Chinese University Press, p. 213. First Generation refers to the pioneers of feature filmmaking in China who were active in the 1920s. The Second Generation are those who made films in the 1930s, including the so-called “leftist films.” The Third Generation are those who emerged after the founding of the PRC and were active in the 1950s. The Fourth Generation are those filmmakers who started their filmmaking in the 1960s, but were disrupted during the Cultural Revolution, and resumed their career again in the late 1970s. The Fifth Generation are those who graduated from the Beijing Film Academy after the Cultural Revolution and began making films actively in the mid-1980s. The Sixth Generation are those who entered the Beijing Film Academy just before the Tiananmen Square protests (especially the entering classes of 1985 and 1987) and began making films in the 1990s.
- 24 *Los Angeles Times*, December 17, 1999.
- 25 *Ibid.*
- 26 But see the next subsection on the recent repositioning of some of the filmmakers closer to the logic of the party-state and/or the logic of market.
- 27 Xiaoyi Sun (2000) “Under the shadow of commercialization”, *Celluloid*, May.
- 28 Paul G. Pickowicz (1995) “Velvet prison and the political economy of Chinese filmmaking” in Deborah Davis, Richard Kraus, Barry Naughton, and Elizabeth Perry (eds.) *Urban Spaces: autonomy and community in contemporary China*, Cambridge: Cambridge University Press, p. 219.
- 29 For example, the phrase “BANNED IN CHINA” is clearly printed in conspicuous orange fonts (other letters are printed in white) on the front cover of the DVD of *Frozen* available in the US. The back cover reads: “*Frozen* is based on a true story according to the filmmaker, who must hide behind the pseudonym Wu Ming, or ‘No Name.’ Independently produced films are strictly illegal in China. This controversial movie provides a glimpse into the underground counterculture that exists in China.”
- 30 www.indiewire.com/biz/biz_001208_ChinesePartII.html (accessed June 15, 2007).
- 31 *Nanfang Dushibao*, “Duli dianying qi junzi lianming shangshu dianyingju: zuotanhui neimu shoudu gongkai” (Seven Lords of Independent Film signed a petition to the Film Bureau: The Forum’s inside information made public for the first time), December 14, 2003.
- 32 The seven people include: He Jianjun, Ju Anqi, Jia Zhangke, Lou Ye, Wang Xiaoshuai, Zhang Xianmin, Zhang Yaxuan.

- 33 Author's interview, March 27, 2003.
- 34 Author's interview, July 30, 2004. The view is in stark contrast to the opinions held by film officials a decade ago on the same Zhang Yimou and his films. For example, Zhang's film *To Live* (Huozhe, 1993) enraged the film bureaucracy by its "misrepresentation" of the government's role in the historical turmoil Chinese people had experienced, especially during the Cultural Revolution. The fact that the film was sent, without official permission, to numerous international film festivals added fuel to the fire. As a result, the film was "banned" in China and Zhang had to write a letter of "apology." He was also "banned" from traveling abroad and making films for two years (*New York Times*, December 2, 1994).
- 35 Author's interview, March 2, 2004.
- 36 The film depicts life in a small Chinese village during the Anti-Japanese War. It was considered "unpatriotic" and was banned in China. The director/leading actor of the film, Jiang Wen, was reportedly banned from acting, making films, and appearing on television for a period of seven years (FBIS [July 13, 2001]), although in reality he resumed his film-related activities before the end of the seven-year period designated by the film bureaucracy.
- 37 Liang Lu (1996) "General Report on the National Study Group of the Heads of the Feature Film Studios" ("Quanguo gushipianchang changzhang yantaohuiban zongshu"), in *China Film Yearbook* (Zhongguo dianying nianjian), Beijing: Zhongguo Dianying Chubanshe, p. 125.
- 38 Ibid.
- 39 Rao Shuguang (1996) "On the trend of film thought in the last 10 years" (Lun xinshiqi-hou shinian dianying sichao de yanjin), *Contemporary Film* (Dangdai dianying), June, p. 67.
- 40 Author's interview, March 27, 2003.
- 41 Author's interview, February 17, 2004.
- 42 Author's interview, March 8, 2004.
- 43 Author's interview, December 16, 2003.
- 44 Roger Chartier, "Popular appropriation", p. 89.
- 45 Paul G. Pickowicz, "Velvet Prisons and the political economy of Chinese filmmaking", p. 220.
- 46 This incident has been widely reported both in Chinese and Western media. See, for example, "China's greatest film-maker outraged by 'steamed bun' parody on Internet," *The Independent*, February 22, 2006.
- 47 Seio Nakajima (2006) "Film clubs in Beijing: the cultural consumption of Chinese independent films" in Paul G. Pickowicz and Yingjin Zhang (eds.) *From Underground to Independent: alternative film culture in contemporary China*, Lanham: Rowman & Littlefield, pp. 161–208.
- 48 Ibid., pp. 165–72.
- 49 Andrew Tudor (1998) "Sociology and film" in John Hill and Pamela Church Gibson (eds.) *The Oxford Guide to Film Studies*, New York: Oxford University Press, p. 190.

10 Bounded innovations in the media

Zhongdang Pan

China is becoming an increasingly affluent and vibrant society that is building a rapidly growing market economy. Correspondingly, Chinese media are also becoming increasingly open, lively, and even assertive at times vis-à-vis the state. These are among the visible changes that have made the state–society dynamic an appealing theoretical focus among China scholars (e.g. Brodsgaard and Strand 1998; Brook and Frolic 1997; Hook 1996; P. Huang 1993; White, Howell, and Shang 1996; G. Yang 2003). But, while many have noted the increasing alignment of the media with the society pole in the state–society axis (e.g. Lin and Zhao 2008; Sun 2008), there has been no convincing demonstration that China’s reforms have enabled the media to function as the Habermasian public sphere or a public arena sustained by a flourishing civil society.

This cautious reading of China’s media reforms is for a good reason. Compared with Eastern and Central European countries, where media changes followed the demise of communist regimes and were part of the post-communist growth of civil society (Sparks and Reading 1994; Spical 1994), China’s media changes have been part of the economic and social reforms directed by the communist party-state.¹ They result from deliberate efforts by the party-state to co-opt market forces to articulate the party-press system with the expanding market economy. Correspondingly, China’s media reform is filled with “contradictions and ambiguities” (Lee 1994), constituted by “*ad hoc* adjustments, pragmatic experiments, and lively analytical discussion” (Watson 1992: 1). It is a process of uneasy collusion between party-state authorities and media practitioners (Chan 1993; He 2000; Yang and Lee 2006; Zhao 1998).

Some have suggested that such media changes have resulted in a hybrid media system, variably labeled “communist state capitalist system” (Lee 2004), “market-based Party media system” (Pan and Chan 2000), or a state corporatist system (Pan, Chan, Lee, and So 2001; Lee, He, and Huang 2007). Extending this line of analysis, this chapter argues that state corporatism captures the tension--filled relationship between the state and the market-emboldened society in China’s new media. In this relationship, the party-state’s administrative agencies design and enact control policies geared around permission, prohibition, and various requirements, while practitioners, situated in *de facto* profit-seeking media organizations, implement, localize, or particularize such policies. The interaction between the two is a highly

charged political process filled with uncertainties. Molded by this process, the reform measures are, inevitably, “bounded innovations” in that they do not have the “optimal” fit to any paradigmatic framework or the initial impetus for changes that such measures are devised to achieve. With continued state control, the media, while foregrounding people’s everyday lives and opening up for kaleidoscopic presentation of voices and modes of expression, remains aloof to the democratic impulse in the society.

State corporatism in China’s media reforms

Many have recognized that China’s reforms involve, among other things, strengthening state power by incorporating market forces (e.g. Gu 2001). Specific to media, such reforms take place at two levels. At one level, the reforms involve devising institutional measures to resituate the media from being “in the state” to being “in the market,” but to do so without letting the media off the party-state’s leash. At another level, the reform discourse has inspired innovative practices among practitioners (Pan 2000b; Pan and Lu 2003). Together, innovations at these two levels constitute the substance of China’s media reforms and are configuring the state–market relationship in the media system.

Such systemic reconfiguration is a state-directed project, evidenced in part by official statements on the reform goals. As one Chinese scholar (Fang 1996) characterized, media reforms involve six “changes” and six “maintenances.” The six changes are all about devising organizational mechanisms and institutional rules to incorporate market and societal forces into China’s media system. The six “maintenances” are all about adhering to the principles of the party-press system, including that media must be the party’s propaganda organs, submit themselves to the leadership of the party, confine their production within the ideological and policy framework of the party, and so on. These “fundamentals” of the party-press media system are reiterated throughout the reform era by top party leaders (Y. Hu 1985; R. Li 1989; Jiang 1993, 1996) and media regulators (Guo 1997; Liang 1992, 1996; G. Xu 2000). They also get repeatedly annotated with the scholarly vocabularies fashionable at a given moment, by media scholars and elite journalists who can only be called “the establishment intellectuals” (Hamrin and Cheek 1986). Between the maintenance and change is a highly contested but also innovation-producing terrain. Struggles in this terrain have led to periodical swings between “liberalizing” and “tightening of control” over the last two decades (e.g. Chan 1995). Such swings attest to the rising societal forces and continued grip on the media exercised by the state. The anchor of these swings, however, remains in the political center of the party-state.

A recent swing happened after the new party leadership was installed in 2002. Because the new top party leaders instructed the media to report less on official meetings, to focus more on ordinary people and their everyday life, and to report “fully and truthfully” on the SARS epidemic in the early spring of 2003, some felt “a spring breeze of press reforms” (Baozhi Guanacha 2003) and saw “a green light for press reforms” (Du 2003). But before long, the breeze turned into a chilly wind.

On October 29, 2003, the Party's Propaganda Department, together with the State Administration of Radio, Film and TV (SARFT), the State Press and Publication Administration (SPPA), and the All-China Journalists Association (ACJA), issued a joint directive, ordering a nationwide campaign to educate journalists about the Marxist perspective on journalism and professional ethics. A few months later, a SPPA top official declared (Su 2004), "no matter how much the managerial mechanisms of the media change, the party's control over the media, the cadres who manage the media, the ideological direction of the media, and the property rights of media organizations will not change." This announcement was made in conjunction with the unveiling of a plan to restructure the media industry, aimed to create media conglomerates and build synergy across media platforms. The point is clear: restructuring the media industry is to "strengthen the party leadership and to improve the party-press" in a market economy. It is also domestic house cleaning in connection with China's entry of the WTO (e.g. Lu and J. Zhang 2002; Luo n.d.).²

Typical of most major reform measures, what is involved in this "reform to industrialize the media" is to reconfigure the institutional space of the party-media system so that various actors with market-based interests can be "properly" positioned. A key test of such "proper" positioning is that at key moments, the media take directives from the party-state and perform the required harmonious orchestration, as was the case with regard to Hong Kong's handover in 1997 (Pan *et al.* 2001) and the SARS crisis in 2003.³

Structurally, "properness" means a systemic arrangement for interests rooted in the market to be filtered into, and to serve, state policies. One aspect of such arrangements is to maintain the core of the media system that was established as part of the communist state's formation (A. P. L. Liu 1971; Pan and Chan 2000). At the same time, it also involves articulating this system with the market through state-controlled reforms. Such control is observable first in policies of permission, such as reviewing and registering all media outlets, traditional as well as new media, and issuing licenses to journalists accredited through officially designed exams.⁴ It also takes form in policies of prohibition, including no private ownership of the media and strict limits on joint ventures with foreign corporations or private investors. The third area of state control involves policies of requirements and preferences. For example, only party organs can form media groups by absorbing other media outlets as subsidiaries; coverage of important news events, ranging from the Party Congress meetings to the Olympics, must remain privileges of the central party organs and a few officially selected media outlets.

With this structural configuration, while market-situated media organizations acquire certain autonomy, they do so with state certification. Consequently, they must "burrow into the state for protection" (Brodsgaard and Strand 1998: 16) of both their fragile autonomy and their market advantage that such status bestows. In return, they preserve such protection and maintain their status by performing key tasks on behalf of the state. They frame their reform practices in the terms of better serving the state. They also negotiate with political authorities to translate their market-rooted interests into state policies. A good example is the symbiotic relationship between SARFT, the state's regulatory agency, and China Central

Television (CCTV), the sprawling state-owned monopoly in the broadcast market. This particular mode of interfacing the state and market – intermingling and collaboration – is what characterizes “state corporatism” (Bell 1995; Cawson 1986; Gu 2001; Schmitter 1974). In a nutshell, the party-state certifies, regulates, and protects a media organization’s occupation of a particular market niche in return for its service; the media organization earns market advantage by performing state-designated roles.

The means of enabling this cozy arrangement are institutional rules in the form of state policies and tacit understandings. The rules enacted or drawn upon by policy actors and practitioners inevitably privilege the state, including even those tacit and informal ones that may, in their appearance, erode or undermine the legitimacy and domination of the party-state. To understand how such a process operates in the Chinese brand of state corporatism (Gu 2001), we now turn to the micro-level mechanisms that, to paraphrase Tang Tsou (2000), comprise and enable the macro-level structural or systemic changes.

Institutional changes via “bounded innovations”

The micro-level mechanisms concern institutional changes in media reforms. Following Douglas North (1990), I define institution as the totality of rules, explicit and implicit, written and tacit, formal and informal, that regulate actors’ actions and interactions. But I depart from the formal institutionalist model based on the recognition of two basic features of China’s media reforms. These are “crossing the river by groping for the stones” (*mozhe shitou guohe*), an oft-invoked motto of the reforms, and maintaining the fundamentals of the party-press system through reforms. These two features reveal the parameters of not only *what* reforms are designed to change but also *how* such changes take place (Pan 1997). Considering these two features, we can see that the most telling ingredients of China’s media reforms are entrepreneurial actors, their actions, and “analytical discussions” (Watson 1992).

This empirical recognition is coupled with the theoretical premise that an institution and actions of social agents mutually constitute each other. While constraining, regulating, and structuring human actions and interactions, an institution comprises “*humanly devised rules*” (North 1990: 3, italics added) to be *acted* out in the actions and interactions of human agents. A media institution, in other words, is *embedded and revealed* in the situated practices of media practitioners and media organizations. Institutional rules only become “sociological facts” when they are manifested in social practices. In practicing such rules, actors always interpret them in relation to specific action situations, bringing “life” and sociologically interpretive potentials to them. Consequently, social actors must not only recognize such rules and devise a shared understanding of them, but also appeal to them when designing, implementing, and justifying their actions. It is thus the “knowledgeable social actors” (Giddens 1984) who develop the linkages between institutional rules and their practices discursively, and provide us with the “sociological facts” to be observed and analyzed.

This critical institutionalist perspective leads to three theses on China's media reform. First, the reform takes place in a highly confined systemic and ideological space (Pan 2000a). Journalists and media managers all recognize this confinement as a basic condition. For example, they talk about their work and evaluate their superiors in terms of being able to "hold the right direction" (*bawo hao fangxiang*), meaning, to hold the party line. As one senior editor from a major Beijing newspaper said in an interview during my fieldwork, "This paper belongs to the party, it's not yours, nor is it mine. The party is the boss and I'm just an employee. Submitting to the boss's leadership is only logical." In 2004, the newly installed editor of *Southern Weekly*, which had become a symbol of the increasingly "liberal" and assertive media fostered by the reforms, stated in an interview (Xu and Gao 2004), "News control is always necessary. News as we understand it now can only be within the current system." Predicated on this recognition, to most journalists, media reform is to find a way to manage the fundamental political relationship, between the party and the masses, and to enable the media to serve both "masters" (Polumbaum 1990). With "media industrialization," the situation has now evolved into serving "three masters." In the words of journalists, media must "satisfy the senior officials, the masses, and business bosses" (*san lao manyi, laoganbu, laobaixing, laoban*) (Pan and Lu 2003). Thus, while necessary changes to the party-press system must be made, at the same time there are highly fortified off-limit areas, delineated in both formal and informal rules.

The second thesis is that media reform is a joint adventure into some unknown terrain for both the party-state authority and media practitioners. Collaboration between them is the key. Reflecting this collaboration, both officials and media practitioners insist that the reform involves changing only certain operating mechanisms and rules to better implement the principles of the party-press system. This is not merely a matter of expressing the intention of party officials and cynicism among media practitioners. Rather, it states both actors' recognition of the reality that the reforms *are* instigated and controlled by the party-state authority. To both actors, adhering to the fundamentals of the party-press system is historically as well as sociologically real in their everyday practices, regardless of how they may deconstruct them in their private and thus more peripheral spheres. To media practitioners, such talk is also a discursive means to enable their innovative practices. Engaging in such talk, therefore, is more than a tactical maneuver, but a constituent of what is recognized as media reform (Pan 1996 ; Pan and Lu 2003).

In this collaboration, it is often the practitioners who are first compelled to take non-routine actions when facing changing conditions, namely increasing market competition among media outlets and the changing society that journalists report on. They hope and even strive to ensure that their non-routine actions are co-opted by the party-state authorities (Pan 2000b). For example, in early 1979, after acquiring the municipal authority's acquiescence, two Shanghai media outlets carried the first media ads in the post-Cultural Revolution era (S. Huang 1997). It was then a politically high-risk action because, as party propaganda instruments, media were not supposed to engage in financially gainful activities. Not until three months after party authorities officially approved of media carrying "economic information"

to serve the party's mission of revitalizing the economy (White 1999), did media advertisements become legitimized. It was the beginning of a rapidly expanding advertising industry, enjoying a 30 percent annual growth rate in the past 15 years (Yao 2002).

The third thesis of the critical institutionalist interpretation of China's media reform is that there are tacit rules governing the "co-conspiring" process of reforms. The parties in this game play mutually recognized roles and their actions are contingent upon the premise that each abides by the rules that define their roles. On the one hand, media practitioners consent to the legitimacy of party control and submit themselves to such control. On the other, the party recognizes the imperative for change and is willing to co-opt *manageable* changes into its orbit. On the one hand, the practitioners devise non-routine practices to "break through" the confines of the party-press system in some localized domains. On the other hand, party authorities use ideological, administrative, and, increasingly, legal apparatuses to selectively retain and therefore legitimize some such non-routine practices. Within each media organization, a similar collaboration takes place between media managers, who are often the executive tips of the control apparatus in the party-press system, and journalists. Normally, localized (i.e. in a particular outlet and under a specific setting) non-routine practices are allowed and institutional space for such practices is not obstructed *if* the practitioners involved abide by the rules of not threatening the authority of the party and not jeopardizing the career and authority of their superiors – media managers. The game of media change then, as I depicted elsewhere (e.g. Pan and Lu 2003), involves both co-optation and discipline by the party-state authorities and journalists in perfecting their "arts of resistance" (Scott 1990), which, from a different angle, can be viewed as the "arts of observance."

One derivative from the three theses is that any institutional rule is constantly (re)defined through such sociological and political negotiation dynamics. Social actors strategically use other formal and informal rules from a larger repertoire to make this happen. While formal rules serve to stabilize the media institution (Polumbaum 1994), tacit or informal rules allow for flexibility and possibly innovation. Articulating and implementing these rules to enable change is a political process and requires ingenuity in political maneuvering (Alston 1996; Weir 1992). Through this process, media practitioners strive to preserve their ability to make further changes and the political authority strives to maintain its control, even if that means changing the *forms* of its control. Through such collaboration, the boundaries of change are defined and the "proper" ways for change and their discursive implications are specified.

Consequently, the innovations – new ideas, practices, or rules concerning media structure and production – that constitute media changes in the reform are inevitably "bounded" (Weir 1992). They result from inevitable compromises of the two co-conspiring parties and from broader ideological contention. Normally, sprouts of change grow from the imperatives embedded in market-situated media practices. But translating them into institutional rules or structural features through state policies involves a fiercely political process of winnowing and molding. This is a process dictated by the political-economic-ideological control complex of the

party-state hierarchy;⁵ it is highly charged, both ideologically and politically. With this control complex selecting and co-opting innovative practices fostered in the market, any new idea or practice, on its way to policy, institutional rule, or organizational routine, must go through the process of political molding. Along the way, it loses its sharp edge, the logical fit to the basic principle upon which it is devised, and its ability to optimally meet the needs for which it is conceived to begin with. But the process also imparts to such an innovation necessary viability: it fits the innovation to the existing system that is jealously guarded by the regime.

The label of “bounded innovations,” therefore, not only captures the zigzag trajectory of media change in China’s reform, but also points to the micro-level mechanisms unique to China’s state corporatist system. These are the mechanisms embedded in the socio-political process of the party-state, in collaboration with market-based media organizations and practitioners, winnowing, redesigning, and limiting media changes that arise from the market. Through this process, the implemented innovations necessarily depart from the normative ideals of both rational choice and public interests.

The symbols of the “liberal” media

This state corporatist depiction faces credible challenges from observers who point to numerous examples of how the Chinese media is being emboldened by society and at the same time invigorating it. These include critical and investigative reporting of official corruption, depictions of disadvantaged social groups in the framework of social justice, coverage of everyday concerns in people’s livelihood, expressions of liberal voices, including the notions of economic liberalization, liberty, human rights, and democracy, as well as representations of initiatives of individual citizens and voluntary associations in areas such as consumer rights, environmental protection, and so on. While recognizing these society-empowering changes, the critical institutionalist analysis turns its gaze to how these changes in media representations get produced and then suggests that these are among the *performances* of the state corporatist media.

A useful way to substantiate this logic is to critically examine innovative media outlets and practices that have arisen to symbolize the “liberal” media. In this section, I will briefly discuss three such cases: audience research, investigative reporting, and the *Southern Weekly* (also known as *Southern Weekend*). My discussion will necessarily be sketched in broad strokes because my purpose is to illustrate the theoretical arguments. Readers may consult published studies for empirical details (e.g. Pan and Lu 2003; Y. Zhang 2000; Zhao 2000b).

Audience research

When audience research through surveys was first introduced into China in the early 1980s, it was highly controversial. Propaganda officials and officials of the Chinese Academy of Social Sciences (CASS), where one of the first newspaper readership surveys was conducted (Rogers, Zhao, Pan, and Chen 1985), viewed

surveys as “bourgeois opinion polls.” Not until the early 1990s did media managers and policy-makers recognize the value of audience surveys. An arguably watershed event was the publication of the results of the 1992 nationwide TV viewership survey, the second such survey conducted through the coordination of CCTV (CCTV General Editorial Office 1994). The survey was a breakthrough in that, although the discursive framework for carrying out such surveys and interpreting the results was still that of “improving the party’s propaganda,” for the first time, TV program ratings were linked not only to audience satisfaction with TV programming but also to advertising revenues.

This recognition signals a paradigm shift from audiences as masses to be “enlightened” by party propaganda, to audiences as consumers to be satisfied (Y. Zhang 2000), and from media functioning solely as an apparatus for the party’s “thought work” (Lynch 1999) to media functioning also as part of the infrastructure for economic growth. Reflecting this shift, Yang Weiguang, then Director of CCTV, writes in his preface to the reports of the 1997 national audience surveys that, even though CCTV is a state-owned TV network, it must rely on program ratings to compete for advertising revenues. Since then, media organizations across the country scrambled to build in-house market-analysis units and/or collaborate with market research firms. These and other measures associated with the rise of audience research became major innovations in media operations of the late 1990s.

But none of these innovations suggests discontinuity from the party-press system. This is not just because the new grows from the old in that audience surveys as an innovative practice in media operation were brewed first in the party-state’s control complex and gained their legitimacy from the party-state authority. More importantly, it is because audience survey operations, despite their roots in the market, are also structurally anchored as an apparatus for the party-state.

A case in point is now the largest audience research company, CVSC-Sofres Media (CSM). The predecessor of CSM was an in-house research unit of CCTV, formed in connection with the early audience surveys. By 1994, the unit was producing bi-weekly reports of ratings statistics on all CCTV programs. But such reports were only being circulated among CCTV’s top leaders and department heads to provide “more accurate information” for their decision making, said the head of the General Editing Office of CCTV, who was given the responsibility of supervising this fledgling unit. A year later, the operation was spun off to become CTR Market Research, intended as the leading source of TV program ratings in the nation. With CCTV as the sole proprietor, CTR continued to provide ratings statistics to CCTV decision makers. But this subsidiary status casts doubt on the objectivity of CTR’s data. In 1997, CCTV, through its subsidiary, China International Television Corporation (CITC), formed CSM as a joint venture with TNS Global, a British-French firm, hoping, among other things, to improve the market acceptance of the CTR ratings statistics by introducing “the international standards” that TNS Global represents. CSM now claims to have the world’s largest network infrastructure for collecting TV viewing data.

More than many other joint ventures that involve a state-owned entity, CSM is

a structural link between the party-state and the global market. Its CEO is a deputy manager of CITC, which is headed by the director of CCTV, which in turn, as the state-monopoly network, is under the direct jurisdiction of the SARFT. In addition, CSM's ratings statistics are now distributed much more widely in CCTV. Weekly rankings of all CCTV's shows are compiled and distributed among department heads, program producers, and directors. A show that continuously falls at the bottom of such rankings risks being canceled. Often, such ratings statistics are also used in content-control decisions. For a show that is judged by censors as having aired "offensive" content, lower ratings will be added evidence for its death sentence. Every year, while CCTV airs its annual four-hour Spring Festival Gala, CSM provides real-time viewership statistics to enable CCTV to promote the show. Beyond its service to CCTV, CSM is also the largest supplier of the program ratings statistics as the "currency" for the transactions among advertisers, TV stations, and advertising agencies across the nation.

The point of this brief description is that audience research is not a purely market-induced innovation, nor is it free from the structural constraints of the party-state system. As a result, its ideological underpinning, which, being predicated on a recognition of the autonomy of society which is potentially subversive to the traditional party-press ideology (Y. Zhang 2000), is compromised by its structural link in the party-state infrastructure and by its usage as a means for both implementing media control and improving the market competitiveness of state-owned media.

Investigative reporting

In the past 15 years, one of the most notable signs of assertive media emboldened by the rising market and burgeoning social forces has been the increasing prominence of investigative reporting. As a journalistic practice, investigative reporting epitomizes the watchdog function of the media. In China, its significance is also in its departure from the orthodox prescriptions of party-press principles in that it often deals with issues and phenomena beyond the permitted sphere of news coverage; it frequently carries a strong critical edge and, thus, is linked to "critical reporting" (*piping baodao*); it exemplifies, directly and indirectly, the principles such as political transparency and social justice; it also breeds the public expectation that news must be factual beyond surface-level accuracy and must reflect real social problems. Therefore, the proliferation of investigative reporting during the reforms is a clear sign of media's coupling with a rising society in the state-society relationship. In the 1990s, this coupling made it possible for several media outlets to acquire national influence.

But as Zhao (2000b) demonstrates, the party authority has never relinquished its control over the media. Like other innovative journalistic practices, investigative reporting was bred in the party-press system and operates in the party-state orbit. Despite periodical challenges against the political and ideological authorities of the party-state that it entails, investigative reporting serves the legitimacy of the party-state, of which media continue to be a part.

From the purely technical standpoint, investigative reporting has been in the

journalistic tool-kit in China since the early days of the party-press system. The innovative element of its practice in the 1990s is in the shift from using it to bolster the success of the party's policies (see Tong 1993) to using it to, first, uncover resistance against and departure from the party's policies at local levels, and, second, expose social problems that need policy treatment. Similar to the media in Western democratic countries, investigative reporting in China mostly "indexes" the voices of the political elite (Bennett 1990) and normalizes the political authorities as "the primary definers" of events and issues reported (Hall *et al.* 1978). Unique to China, however, with the absence of democratic institutions, members of the political elite have their stakes solely or primarily in the party-state. Therefore, what the media "normalizes" is the authoritarian party-state.⁶

In addition, investigative reporting during the reforms was nurtured at CCTV. In the early 1990s, CCTV created a set of shows that later proved to be highly successful in terms of both professional appraisals by journalists and audience ratings. These include *Oriental Horizon* (*Dongfang Shikong*), *Focused Interviewing* (*Jiaodian Fangtan*), and *News Probes* (*Xinwen Diaocha*). These shows pioneered the Chinese brand of investigative reporting and represented a successful adaptation of the newsmagazine format of *60 Minutes* on CBS in the US. The success of this adaptation led to a genre called "focused programming on TV" (*jiaodian jiemu*) that blends investigative reporting, story-telling narrative, live on-camera interviews between a reporter and the protagonist(s) of a story, location shots, and exposé-style language. TV networks across the country developed their own shows in this genre in the late 1990s (Yuan and Liang 2000). It is important to note that the official call for the media to engage in "watchdog journalism," or "supervision by public opinion" (*yulun jiandu*), provided the official framework for this genre of investigative reporting. But CCTV provided an exemplar on how investigative reporting *ought* to be done.

These innovative practices were carried out by practitioners who knew and observed the tacit rules governing content production. The mobilization and implementation of such rules takes place in media outlets through their careful management of the "back stage" of news production, namely their internal templates of activities and disciplines (Pan 2000a). At CCTV, for example, to reduce political risks, the Department of Commentary, the unit that produced these shows, set up strict internal policies prohibiting any "oppositional" points of view in reporting and a multi-layered internal review process to weed out any segment or topic that *might* be rejected by the political censor. Journalists in the *News Probes* unit told me in my fieldwork that, in some seasons, the internal censor suppressed more than 80 percent of their reporting ideas for the show. Also, it was established at the very beginning that the later very influential TV talk show called *Tell it Like it is* (*shihua shishuo*) would stay away from current affairs topics, focusing instead on topics of "ordinary people's everyday life." Even the name of each show was carefully chosen based on political considerations. For example, the department originally proposed *Reporter's Perspective* as a name for an interview show. The then director of CCTV ordered it changed to *Focused Interviewing*. In hindsight, Sun Yusheng, the head of the department at the time, hailed it as a "very wise"

decision because CCTV “should never show reporters’ perspectives.” Rather, it should always “represent the party and the government” and “send the voice of the party and the government to people’s homes” (Sun 2003: 106).

More recently, the momentum of these shows seems to be waning. In the *News Probes* unit, for example, there was an acute sense of frustration when I visited them in 2001. Such frustration had led several senior producers to leave the unit. Those who remained, while expressing a strong commitment to the professional values of shining light on facts and unearthing the hidden truth, were weary of the show’s low ratings and complained bitterly about erratic censors that made them unable to elevate the show to meet the public’s expectations. At the same time, they also took comfort from the recognition that their show would be tolerated because it had become a “symbol” of the watchdog media and political openness of the party authority. They had no illusions, however. Based on their understanding of the officially stipulated policy that critical reporting in the form of “watchdog journalism” could not take up more than one-third of all content in each year, these journalists struggled to produce “investigative” stories on exemplars of reform achievements and the successful implementation of the party’s policies.

Southern Weekly

The discussion on investigative reporting leads naturally to *Southern Weekly*. More than any other media outlet, this weekly newspaper has acquired a mythical status as a symbol of China’s liberal media during the reforms, in part through its investigative reporting. To many China observers, *Southern Weekly* is a barometer of political climate change in China. To the general public and journalists in China, this paper holds the esteem that no other media outlet can match. As the paper’s own advertising slogan claims, *Southern Weekly* is not only the most widely read weekly publication in China, it is also a publication with the highest credibility among the general public. Indeed, in some educated quarters of the Chinese society, this paper has been praised as “the only paper with a soul.”

The high esteem of *Southern Weekly* is well documented in a series of surveys of Chinese journalists and university students majoring in journalism (Pan and Chan 2003). In these surveys carried out in 2002–3, a simple question asked the respondents to rate on a 5-point scale ranging from “very far” to “very close” in terms of how close each of the 12 prominent media outlets, including both domestic and overseas outlets, is to the “ideal news medium” in their mind. These surveys yielded a combined sample of 2,484 respondents. Across the sub-samples of practicing journalists and journalism students, *Southern Weekly* was rated at 4.13 to 4.46, significantly higher than any other on the list. In addition, rendering high evaluations of this paper is related to a greater emphasis on the information-dissemination and advocacy roles of the media, a greater emphasis on broad liberal arts training for journalists, and a stronger reliance on journalistic job autonomy as a criterion in assessing job satisfaction (see Chan, Pan, and Lee 2004). Interpreting the survey data in connection with our field observations, we argue that professionalism has emerged as a journalistic paradigm in contestation against the paradigm

of the party-press and *Southern Weekly* is an exemplar of the new paradigm (Pan and Chan 2003).

Such evidence does not come close to fully reflecting the achievement of *Southern Weekly*. Between 1992 and 2002, this paper established its prominence through its literary style of reporting, investigative coverage of issues ranging from price-fixing by state monopolies in telecommunication and corruption and malpractices in the nation's healthcare system, to abuse of consumer and labor rights by big corporations, as well as forceful advocacy for social justice, individual liberty, and political transparency. Along the way, the paper became a magnet, attracting a group of tough-minded reporting talents to its editorial staff and many liberal intellectuals who used it as their favorite forum. It also came to be regarded as one of the most visible venues for individual citizens to express their grievances and sufferings from injustice. The rising reputation went together with great market success. For more than five years, the paper has maintained a circulation of 1.3 million nationwide; with only 32 pages each week, it has built annual advertising revenues of more than US\$12.5 million. The periodical crackdowns on the paper by central authorities in Beijing only added aura to the paper's mystique.

What gets clouded by the aura is the fact that the paper remains a loyal, albeit not always obedient, servant of the party-state. First, ever since its conception, the paper has been a subsidiary of the provincial party organ in Guangdong, drawing resources from this structural root during its conception and birth. In the mid-1980s, it was conceived as a weekend supplement to the party-organ parent, covering entertainment and leisure. It arose from the "peripheral spheres" of the party-press system opened up by the fledgling market but left uncultivated by the designated party organs (Pan 2000a). The liberal atmosphere of Guangdong, however, enabled this weekend supplement to thrive with its lively literary writing, nationally oriented coverage, and preferences for new and light topics that were closer to people's everyday lives.

Second, the paper's rise took place under political protection rendered by the provincial party authority. Xie Fei, the former provincial party secretary, due to his status as a member of the party's Political Bureau, his general disposition of tolerance, and his missions in developing the Special Economic Zone in Guangdong's Pearl Delta Region, was a powerful and effective guardian. He saw the rise of *Southern Weekly* as a sign of the success of his administration and thus the need to shield the paper from repeated assaults by the party's Propaganda Department in Beijing. This protection was particularly crucial in 1993. In that year, while the traditional party organ papers in other parts of the country were caught in a craze of publishing weekend supplements (Pan 2000a), *Southern Weekly* decided to launch investigative reporting as a way to grow itself out of the confines of the weekend supplement format. Its investigative reporting was beyond the reach of irate propaganda apparatchiks in Beijing in part because Xie Fei's status and his success in citing the paper's rapid increase in circulation – reaching more than a million by October of that year – was an indication of his successful implementation of the party's economic reform policies in Guangdong.

Third, for years, *Southern Weekly* established its national reputation without

having given much attention to local coverage. Its investigative reporting was carried out primarily outside of Guangdong, targeting cases of official corruption and other acute social problems occurring in other parts of the nation. This mode of operation, named “inter-regional supervision” (*yidi jiandu*), was later praised as an innovative model of doing “watchdog journalism” in China’s unique political environment (e.g. Zhu 2006). In other words, the paper won the provincial authority’s protection by observing the tacit rules that defined its symbiotic relationship with provincial leaders. As one Chinese media scholar (W. Zhang 2007) pointed out, *Southern Weekly*’s emergence as a shining symbol of reform-era media benefited from efficient management of state resources in the *Southern Daily* group, its parent company, and the unique political environment of Guangdong, shaped in part by its unique relation with the central government.

These conditions, of course, were not sufficient to grow this unique paper. As many observers and media practitioners in China have pointed out, the paper’s reputation and record upon which such a reputation was based resulted from a group of journalists deeply committed to professional ideals and the Confucian tradition of intellectuals shouldering moral responsibility for social improvement (Deng 2006; Pan and Lu 2003). But the above three conditions are necessary for such a paper to survive and those idealist journalists made effective compromises for the paper’s success. *Southern Weekly* was not designed to be, nor operated as, an oppositional paper. In general, it chose to shy away from content at odds with either Guangdong authorities or the central government in Beijing, although the latter’s repeated assaults on the paper, leading to several highly publicized replacements of chief editors, lent the paper an adversarial surface appearance. What it did was to carefully play an adversarial role against corrupt local officials, malicious business managers, and ruthless local thugs in towns and cities outside Guangdong, localizing and particularizing not only its critical and investigative reporting, but also its advocacy for social justice and political transparency.

Had one or more of the above three conditions been absent, *Southern Weekly* would have had to be different. As many practitioners already observed, starting in 2003, the paper has been losing its critical edge and its daring advocacy. While some attacked the paper for having lost its “soul” and nostalgically mourned the loss of the paper’s past glory, others coolly commented on how the paper had become more tactical and even “mature” in a very different environment. In a widely circulated 2004 interview given by the chief editor of the paper (Xu and Gao 2004), one sees no trace of an “oppositional” or even “adversarial” conception of the paper’s role. Rather, the idealistic passion of the 1990s has given way to the desire to be a “newspaper of record” and to play a “constructive” role.

Conclusion and discussion

In this chapter, I have presented my account of how China’s media reforms are shaping communist state corporatism. In this account, the reforms are a state-controlled project of institutional change in which party-state authorities and media practitioners embark on a joint adventure into uncharted terrain. The only clear

stipulation of “the future” is to strengthen the party-media system with market mechanisms. Therefore, the basic principles of the system are heavily guarded and constantly fortified during the reforms. At the same time, different discourses about media and journalism (Lee 2004; Pan and Lu 2003; Sun 2008) have emerged together with economic marketization, inspiring media practitioners to capitalize the imperatives from the market via innovative practices. But such innovations are inevitably molded and bounded through a process in which state authorities and media practitioners work out ways to manage the tension between market forces and the party-press system. The effective mode of doing so involves negotiation, bargaining, and mutual services between the state and market-situated media organizations.

We can render more or less optimistic interpretations of such micro-social dynamics. The more optimistic interpretation would say that the reforms have enabled some journalists to pursue their professional ideals, albeit in a highly bounded manner. Tensions in the state corporatist system present opportunities for media practitioners to initiate innovative practices in order to enhance their market positions and professional autonomy. Most of the extra-official practices devised during the reforms are not prescribed in the principles of the party press and/or approved explicitly by the regime at the time of their initiation. The entrepreneurial actors also skillfully frame such activities discursively by blending the principles of the party press, market economy, and journalistic professionalism (see Pan 1996, 2000a; Pan and Lu 2003). These micro-social dynamics may generate cumulative forces, merging with the forces of an increasingly vibrant society and a growing civil society, to pressure the party-state. There is evidence that during the reforms the Chinese media have contributed to enabling certain collective actions (Lin and Zhao 2008) and an awareness of the collective subjectivity of citizens (Sun 2008). And vibrant expressive activities on the Internet also have been recognized for harboring representations beyond the confines of the officially sanctioned ideology (e.g. Yang 2003). At some point, one might speculate, the core of the party-media system will be eroded to such a degree that the collapse of the system or the irrelevance of its principles will become inevitable. Some envisioned such a trajectory long ago, calling it a “peaceful evolution” (Y. Huang 1994).

My reading is less optimistic. In my view, the reforms are not creating conditions for systemic changes toward establishing a democratic media institution. Rather, they are carried out to reconfigure the party-media system for effective co-optation of market forces into the state. State corporatism is thus a mediating logic that configures and confines media representations. In effect, key reform measures in media changes have been based on the considerations of how to *profit the media organizations that are apparatuses of the party-state and perform critical state functions*. Often, the market-based interests of these media organizations protected by the party-state are also a basis for state policies. Media practitioners indeed initiate innovative measures during the reforms, but such innovations are bounded in three senses: being limited to some specific domains, being molded to meet conflicting but ultimately political demands, and being softened of any oppositional edge. Devising such bounded innovations, while revealing a range of

tactics of ideological incorporation, circumvention, and resistance, hence constituting, to paraphrase James Scott (1990), “an art of resistance,” shows observance of, or at least acquiescence to, the legitimacy of the party-state.

Practicing such an art in China’s media reforms presumes the continued strength of the party-state power. State corporatism thus represents a mode of media change in a transitional society where the authoritarian regime, through its monopoly of political resources and claim of ownership over all media, initiates reforms and sets the pace and parameters of the reforms. Reforms are risky to both media practitioners and the regime, albeit different in kind. They share the desire to reduce risks and to gain immediate positive returns; hence they enter a tacit collaboration by affirming the core of the party-press system and reconfiguring its institutional space in a quick-fix sort of way. The shared avoidance of touching the core of the party-press system allows media practitioners to devise non-routine practices to challenge some institutional rules within a specific domain and, at the same time, permits authorities to continue exercising their control over the media as well as the formal course of the reforms.

Viewed in this context, China’s media reforms do not carry a clear pointer aimed at a democratic future, even though state corporatism is an unstable, uncertain, and transitional systemic arrangement (see O’Donnell, Schmitter, and Whitehead 1986). While ongoing media change is expanding the presence of society and its voices in the media, and its significance must be fully recognized and understood, such expansion so far has been limited to enabling the social roles of consumers rather than that of publics, and expanding the reach of the media as the party’s corporations rather than the functions of media as a public sphere. While improvised practices may amass a cumulative and long-term consequence of eroding the ideology of the party-press, they are not devised with the aim, or effect, of fostering a democratic media system. The reason is that the two parties involved in the reforms are working *cooperatively* to pick and choose elements from both the party-press system and the market system while tactically ignoring, out of convenience and necessity, the democratic impetus in society that is being liberalized increasingly by the expanding market. Worse, such interest-based cooperation is a systemic prescription for willing ignorance of public interests and their inconvenient expressions. Therefore, much of the media changes in the past two and a half decades served to undermine as much as to strengthen the authoritarian party-state regime. Failing to recognize the collaboration between the market and state runs the risk of over-interpretation of China’s media reforms.

Such collaboration is also a necessary condition for the reforms because no blueprint for the future is readily available. Given the conspicuous absence of any direct discursive tie of the reforms to political democratization, one could even say that the task of developing such a blueprint is deliberately evaded. One can see the merit of this conclusion by analyzing the deliberate avoidance of formulating a press law (J. Hu 2001; Yin 2003). On this issue, as on all other issues related to media reforms, journalists and party officials, bearing different orientations because of their different institutional roles (Polunbaum 1990), find themselves in agreement for collaboration, namely, leaving aside issues of the macro institutional

framework, focusing instead on micro and situational practices from which both sides can benefit in the market.

The empirical part of my analysis has its limitations. The most serious limitation is that I have focused on practices of journalists and media managers in their organizational settings rather than direct negotiations in the state venues between policy-makers and agents representing the interests of media organizations. Such an empirical analysis is critical for demonstrating the ways in which market-based interests impede policy-making based on public interests and also the ways in which state agencies act as trustees of private rather than public interests. These are central propositions of state corporatism as an analytical model (Cawson 1986; Molina and Rhodes 2002). Without that part of the empirical analysis, I have no empirical ground to discuss the adaptive practices of the party-state during the reconfiguration of its media system (see Dickson 2000–1). Although some empirical analyses of the state side can be found in the literature (e.g. Chen 1998; Lynch 1999), the evidence available so far is very thin and interpretations of such limited evidence are also theoretically “thin.” Part of the difficulty in leading empirical inquiries of the state is the lack of access. While recognizing this limitation, I also want to stress that the patterns of practices among practitioners, both journalists and media managers, are consistent with what one would expect, based on the logic of state corporatism.

Another limitation is that my empirical focus is on the processes that shape journalistic practices in the official media, which, in the Chinese context, include the official party organs and almost all major market-appeal media outlets, given the systemic feature of China’s media industries (Pan and Chan 2000). However, this arguably narrow empirical focus must be supplemented by evidence that highlights alternative media such as the Internet (e.g. Yang 2003; Weber and Lu 2007) and/or social mobilization for collective action by individual citizens (e.g. Lin and Zhao 2008). Evidence from these studies tends to depict a much more assertive society that emanates forces of resistance against the state. But studies in these areas also provide ample evidence to caution us not to overlook the power of the state. For example, collective action is largely confined to a particular locale and/or a particular issue and appeals to state action for resolution of problems (e.g. Lin and Zhao 2008); society-based representations are largely confined in areas that are arguably more peripheral to the political life of the country, such as entertainment and consumption (e.g. Weber and Lu 2007), and often domesticated by the state via the discursive means of national strength and pride (e.g. Chow 2007; Gries 2004). In other words, media representations in such areas, while illustrating assertive societal forces, remain under the shadow of the state.

This overpowering of the state is indicative of a general pattern of institutional change in a transitional society. As has been demonstrated (Sparks and Reading 1994), even in Eastern and Central European countries, where changes in political system seemed to have created a perfect condition for discontinuity as a mode of change, media changes there involved much more continuity from the past than any discontinuity model would have led us to believe, in part because the intellectual, technical and managerial elite that advanced such changes had been bred

in an authoritarian state. Dismantling a communist regime alone is insufficient for establishing a democratic media institution. Although, based on what we observe in China, it must be a necessary precondition. Therefore, simply praising China's media reforms for having liberalized the media and thus having created a condition for eventual democratization, or simply condemning China's media practitioners for embracing the market while ignoring their social consciousness, and thus taking China to the orbit of the global capitalist system, both presume a simplistic, albeit different, linear trajectory of media change. Both views ignore the complexity and dynamics of media change in China.

It is more fruitful for students of China's reforms to analyze the dynamic of state and societal actors interacting with each other in the existing but fluid institutional framework. These practices are situated in specific institutional locales and are embedded in the symbolic expressions that simultaneously "construct, deconstruct, and reconstruct" the very institutional settings in which they are carried out (see Giddens 1984; Lincoln 1989). At the same time, these practices result from knowledgeable actors' careful choices that are rooted in the existing political-economic condition. These are the reasons why change and maintenance are mutually constituted and institutional changes reveal a zigzag trajectory. Observed at any point on the temporal dimension, a changing media system incorporates both new and old (Jakubowicz 1995). Viewed along the temporal axis, such dynamic interactions illustrate not only the increasing autonomy of the Chinese society with the impulses and potential to resist and confine the state, but also the power of the Chinese state that configures and confines the rising society.

In more general terms, the reforms in China have been a dynamic of mutual constitution between state and society via the logic of state corporatism (e.g. Dong and Shi 1998). To the extent that groups, interests, and expressions arising from the societal sphere necessitate and, to a major extent, shape such a dynamic, we can say that it marks an epochal change from China's totalitarian pre-reform era. It is in this trajectory where democratic potentials are embedded. It is also through this treacherous process that the reforms might lead to China's democratization, if there is deliberate and forceful insistence on more space for the articulation of public interests by "the third sector" – the alliances of voluntary associations, not-for-profit organizations, and major media outlets institutionally capable of channeling interests of social groups and participating in state formation. At least at the present, this necessary condition has been largely absent from the state corporatist arrangement.

Notes

- 1 Even though in East and Central Europe media liberation following the collapse of the communist regimes started with media privatization, the institutions for a democratic free press do not seem to have followed naturally. First, media privatization was limited with the post-socialist regimes insisting on their control over the broadcasting media. Second, those who had power never actually lost it in the post-socialist era, and together with the new political elites, they continued to operate in the mentality of paternalistic state and to seek some degree of control over the media (Spical 1994). "As a result,

media policy in Central and Eastern Europe is a strange, internally inconsistent mixture of old and new elements” (Jakubowicz 1995: 129). Third, market forces have pushed up the costs of media production and attracted global capital, leading to soaring prices, increasing foreign ownership, and targeting media services to the emerging urban middle class. These observations in the literature reinforce the main thesis of this chapter on the interpenetration of the old and new in media changes.

- 2 An even more recent illustrating case is the media control in the aftermath of the Sichuan earthquake on May 12, 2008. Based on the author’s extensive conversations in Beijing and Shanghai with journalists and media scholars with access, immediate responses of local media at the provincial and municipal levels were one step ahead of the restrictive regulations from the party’s Propaganda Ministry. Joining forces with eyewitness responses posted on the Internet, these responses crushed the gate of the official control and for a period of nearly three weeks the media enjoyed almost unhindered open coverage of the natural disaster with official acquiescence, resulting in widespread praise from the international media for China’s unprecedented openness and transparency. The gate was abruptly closed three weeks after the earthquake with strict regulations coming down from the top, stipulating not only topics and issues related to the disaster and rescue that were beyond limits but also the “politically correct” tones of coverage.
- 3 In the case of the SARS crisis, there was an initial challenge to state control and the post-crisis “soul-searching” on the media’s role in enhancing “transparency” in public policy-making. This “soul-searching,” however, is highly confined and contains no reflections on how the initial impetus for truthful reporting of the SARS epidemic revealed the need for structural autonomy of the media and journalism profession. Rather, it focuses almost exclusively on how to best enact the role relationship between the media and state agencies for the state to function more effectively as the agent and guarantor of the public interests. The logic is vividly expressed in a popular saying among journalists: “to help but not to add disturbance” (*bang mang, buyao tian luan*).
- 4 Accrediting journalists through examination and licensing is administered by the official State Press and Publication Administration (SPPA). The system was established via SPPA Regulation #28 issued on January 10, 2005. The stated rationale is to better protect journalists’ privileges in conducting their reporting activities and the public’s right to know.
- 5 Characterizing the current party-state power center as such a complex is based on the recognition that China’s party-state increasingly acquires the characteristics of state corporatism, a system arrangement which involves the interpenetration of state power and market-based economic interests (Dickson 2000–1; Gu 2001; Karl and Schmitter 1991; Molina and Rhodes 2002; O’Donnell, Schmitter, and Whitehead 1986; Schmitter 1974). Distinct from the non-communist corporate states, China has a complete hierarchy of ideological control apparatus and it is part of the state corporatist system arrangement.
- 6 Several recent research articles by Chinese scholars on the Chinese media’s investigative and in-depth reporting of policy issues, including legal protection of private ownership of housing and medical reforms, suggest that such reporting indeed broadened the representations of public interest in policy debates in these areas. But the terms and the overall tenor of such reporting remain within the officially permissible realm, constructed to “assist” the state in addressing such complex issues.

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11 Inner city culture wars

Max D. Woodworth

In recent years, China has seen a sharp increase in confrontations between the state and various social actors. The upswing is apparent in key relevant metrics: the number of incidents, the number of participants and the degree of violence (Tanner 2006).¹ But, as alarming as the numbers are for a state fixated on the goal of nurturing a “harmonious society,” do these metrics comprise the whole story of resistance in contemporary China? Two cultural events that took place in Beijing between 1995 and 2006 should give us pause, not because they disprove the significance of overt state–society contentious politics, but because they bring into question the concept of resistance in its dichotomizing state–society form. The first is a decade-long graffiti project carried out by the contemporary artist Zhang Dali (b. 1964). The second is a spate of online discussion over the redevelopment of the Qianmen neighborhood in the center of Beijing. On the surface, these episodes have little in common. But in the space below, I attempt to draw attention to their commonalities as parts of the ideological, economic, and political struggle over the physical reconstitution of the city in the context of the deepening penetration of market forces in China. Binding the two is a shared role in the popular expressions of deep ambivalence about the pattern of Beijing’s urban development, which began in earnest in the 1990s and remains ongoing. Both exhibit novel forms of participation in a cultural politics that embodies and exemplifies specifically urban modes of interaction with the state and society that have emerged in tandem with the deepening relevance of the market and new technologies in people’s daily lives. At the ground level, they are also linked by the citywide experience of demolition and construction uprooting one Beijing to build another suited to the new “new China.” By pointing to the substantive similarities and differences contained in these subtle forms of resistance, I hope to expand the scope of inquiry into resistance in China while sharpening the analytical tools currently at our disposal.

The inquiry here is motivated by the social and cultural implications of Beijing’s rapid development. At root is the introduction in 1988 of a market-oriented land-lease system permitting the transfer of urban land use rights (Huang 2005). Throughout the revolutionary period, Beijing had been a patchwork of walled state-owned work-unit compounds and low-slung housing areas (Gaubatz 1995b). Commercial activity and movement through the city were limited, as the work unit ostensibly provided life’s necessities (Gaubatz 1995a: 80). The introduction

of the land-lease market in 1988, however, changed all that (Fang 2000). It triggered a profit-driven race to realize the exchange value of tracts of urban land, in the process reorganizing local territorial politics around control over urban land and irrevocably altering the city's physical landscape (Hsing 2006). Because land continues to be state-owned, as enshrined in China's Constitution, fortuitous state agents holding urban parcels of land were in a position to dispossess and dislocate upwards of a million people and engage in quintessentially capitalist rent-seeking behaviors (Zhang and Fang 2004). Exacerbating matters was Beijing's "Old and Dilapidated Housing Renewal" (危旧改造, ODHR) policy implemented in 1990 (Zhang and Fang 2003; 2004: 287). The policy's stated intent was to preserve the city's historic courtyard housing architecture – the city's famed *siheyuan* and *hutongs*. In practice, it empowered local developers to clear whole neighborhoods by declaring them old and dilapidated beyond repair and further justifying the move as integral to improvement of safety, sanitation, and intra-city circulation (Zhang 2002; Fang 2000: 54–5; Wu 1999: 32–5). The liberalized land-lease market and the ODHR policy were instrumental in reducing the total residential floor area in traditional *hutong* neighborhoods citywide from 17 million square meters to 3 million square meters between 1983 and 2005 (Hon 2006). Where *hutongs* were demolished, all too often, high-end condominiums and office space sprung up in their place. Skyrocketing land values resulting from speculative real estate investment meant that resettlement in their original neighborhood was far from guaranteed for displaced low-income residents. As a result, by 1998, an estimated 100,000 households uprooted from their homes had not been resettled. Demolition and relocation, a process dubbed "*chaiqian*," became a dominant motif of Beijing life in the 1990s and the early 2000s.

In response to the mounting tide of *chaiqian* beginning in the early 1990s, Beijing's residents engaged in individual and collective lawsuits, circulated petitions, registered complaints in the "letters and visits" (*xinfang*) system, and, on occasion, physically resisted eviction, thus enduring the social stigma of being labeled "nail households" (*dingzi hu*).² The varied dynamics of such protest actions in China have received growing attention in recent years. However, studies of contention and resistance in China display a reluctance to step outside the boundaries of the phenomenon of the social movement in the search for evidence of popular agitation. According to common accounts, resistance gels around class or regional identities, or through shared interests often revolving around disappearing welfare entitlements, pay arrears, commodification of urban and rural land, or, more recently, environmental crises (Hurst 2004; O'Brien 2002; Jing 2003; Thireau and Hua 2003).

Yet, as important as overt resistance undoubtedly is, it should not blind us to actions responding to the development process that occur out of sight, without attribution and without clear goals. The examples provided in this chapter are precisely such types of resistance. These actions also lack organizational structures that would typically serve to articulate coherent grievances and claims. Further, the participating actors have formed community-based identities, as opposed to class-based or clan-based identities, through which their resistance is expressed. This

chapter therefore seeks to broaden the realm of inquiry in two directions: first, to identify types of actors who have slipped under the radar; and, second, to analyze modes of resistance that may not be readily diagnosed as radical or oppositional. By expanding the scope of resistance from the protest march, the lawsuit, the riot, etc. to include these isolated and decentralized modes of resistance, it is possible to achieve an appreciation of the means by which people conduct themselves neither as clear antagonists of the Chinese state nor as its quiescent subjects, but rather straddle both positions through subtle cultural politics. The modest claim here is that Zhang's graffiti and Internet discussion about Qianmen are elements in a fluid and unpredictable determination of a peculiar "regime of truth" (Foucault 1984: 74).

The approach in this analysis begins by accepting that resistance may be a spontaneous, *ad hoc* practice with objectives that are neither always clear nor verbalized and with targets that shift over time. Moreover, resistance may be "individual or collective, widespread or locally confined" (Hollander and Einwohner 2004: 536). James C. Scott's notion of the "weapons of the weak" is a clear reference point for this type of theoretical framework (1987). Resistance in such cases is subtle and wrapped in protective layers of ambiguity and plausible deniability. A fundamental difference from Scott's conception exists, however. The participants in both cases are not "weak." Zhang is a relatively wealthy artist with international connections and a global reputation. His art is closely followed by collectors and by students of Chinese art around the world. Likewise, Internet users in China must be counted among the country's privileged. Access to the Internet and to its related technologies, while widespread in aggregate terms, is heavily skewed toward a young, urban, educated and affluent demographic slice (Meeker, Choi, and Motoyama 2004). These are the winners in China's new social stratification, not its losers. Additionally, neither mode of resistance presented here fully constitutes what Scott terms an "everyday form of resistance." Despite the covert character of graffiti and Internet discussion, the results of both are intentionally loud and spectacular, while the grievances and claims expressed are either incoherent or absent.

Most crucially, neither case represents a movement centered on achieving specific desired outcomes. This chapter rejects the presumed central importance of outcomes in order to take seriously acts that are not part of linear state-society contentious politics, but which operate as stand-alone, disconnected moments. Outcomes, or results, are secondary to the acts themselves.

Unpacking these two contemporary social phenomena to discern their roles amid Beijing's dramatic transformation raises a number of critical questions: What, precisely, is the nature or value of oppositional content in indirect and vague modes of resistance, and how are we certain of this? How might we reconceptualize resistance to include both mundane and extraordinary acts? And what can be said of resistance if neither grievances nor claims are cogently articulated? The cases here are discrete examples chosen as much for their poignancy as their variety. An analytical comparison of four related aspects of each serves to highlight the critical points proposed here. First, in graffiti and in online discussion, communication occurs mostly behind a veil of anonymity, which can be self-referentially employed

to highlight and protect the actor while adding additional layers of embedded critique. Second, both display manipulations of the unique characteristics of the chosen medium to maximize the effect of either activity. Third, both play instigating roles in a type of society-wide “dialogue.” Finally, the oppositional stance of both forms is consciously indirect, but no less confrontational for being so. Targets and interlocutors are unclear, though the framing of state agents as antagonists emerges as an unmistakable theme. Grievances are nebulously articulated, claims are undefined, and tactics dominate strategy. In this fashion, highly nuanced forms of publicly visible critique function as amorphous parts of a front in the battle over ideas, culture, and practices.

Bombing Beijing

Zhang Dali’s ten-year graffiti project, titled *Dialogue (Duihua)*, in which he spray-painted thousands of heads throughout Beijing, came to an end in 2005.³ During the term of the project, he painted almost exclusively on the broken ruins of demolished walls, or on walls in residential areas marked with a spray-painted Chinese “*chai*” character – the public signal that the building was slated for demolition. The heads were simple, painted in profile with a single black line and disproportionate features – bulbous forehead, rounded lips and chin – that lent them an odd, cartoonish appearance. Yet their stark minimalism belied the systematic and intense effort invested in their production. Moreover, by force of their numbers, their size (about 2 m by 2 m), and the strangeness of the abstract image, the heads pried their way into the public’s perception, defying passersby to ignore them and raising questions about their cryptic provenance and communicative intentions. But the heads offered no answers to any of the questions they inevitably posed: Who painted them? What do they mean? Why paint on demolition sites? The graffiti was, in fact, a carefully devised conceptual enterprise designed to jolt the senses and stir reflection on the interconnected processes of demolition, relocation and urban construction. In this, the project was immensely successful, drawing domestic and international attention that helped position Zhang as a leading talent in Chinese contemporary art by the end of the project’s lifespan.⁴

Anonymity and graffiti

In the first three years of painting *Dialogue*, Zhang carried out his work strictly under cover of darkness, moving about the city at night and dismounting from his bicycle at sites chosen during daytime scouting missions. Painting at night was a tactical choice to avoid detection by police and vigilant neighborhood committee members. Because graffiti of this scale and scope was unprecedented in Beijing, it was unclear what reaction authorities would have to its introduction to the urban space. The artist had first experimented with graffiti in Italy, where he lived for six years following the Tiananmen Square movement, and so was conscious of the genre’s criminalization in the West. There was little reason to assume Beijing authorities would adopt a tolerant stance toward graffiti. Anonymity also allowed

Zhang to quietly observe the public reaction to his heads for three years before he openly claimed the graffiti as his own serial art project. He would often return in the daytime to photograph his graffiti *in situ* and observe people's reactions to the heads (Wu 2000; Marinelli 2004; Zhao and Bell 2005).⁵ Anonymity was also an embedded aspect of *Dialogue* at the conceptual level. Zhang would leave the heads either without attribution or with tags reading "AK-47" or "18K" in reference to the violence and materialism that he found to be fueling the destruction/construction cycle in Beijing (Rouse 2001). More importantly, the lack of attribution left open for viewers the imprinting of multiple personal layers of interpretive significance. In their unattributed and simple, almost iconic form, the heads offered little indication that they, in fact, were pieces of high-concept art.

Manipulation of genre and media

Zhang's manipulations of media were both premeditated and multifaceted. By 1998, when *Dialogue* had become a fixture of the urban scenery, a magazine titled *Jiedao* and the official *Beijing Youth Daily* had reported on them with an admixture of curiosity and condemnation (Yang and Jiang 1996; Yu 1998). As a formally trained artist, Zhang counted his graffiti among the "serious" Chinese experimental art blossoming in the 1990s, unquestionably above vandalism and not simply a localized facsimile of Western graffiti, as some critics suggested.⁶ In the graffiti genre he saw rich conceptual possibilities thus far unexplored in China. He is also a shrewd artist adventurous enough to bait authorities and the public into reacting to his project. The first media reports about the heads indicated that *Dialogue* was, indeed, drawing attention, but Zhang admitted to being consternated by the coverage's admonishing tone.⁷ Even the dean of his alma mater, the elite Central Fine Arts Academy, had been quoted as saying the graffiti "sullies the face of the city (*pohuai shirong*) and cannot be called art" (Jiang 1998). To set the record straight and to stoke the fire of an incipient controversy, Zhang accepted an anonymous interview with the small newspaper *Life Times* (*Shenghuo shibao*) in 1998 (Hang 1998a) and, over the following year, gradually revealed his full identity in subsequent interviews with local and foreign media. By going public, *Dialogue* rapidly overcame its original cryptic obscurity and became widely and publicly debated in the culture pages of local publications as "conceptual art," "performance art," and "ecological art," receiving the media-bestowed imprimatur of artistic legitimacy and shielding him from further branding as a miscreant (Douzi 1998; Hang 1998b; Hang 1998c). Zhang's calculated interaction with domestic media helped to transform public perceptions of *Dialogue* from a matter of public order into a vaguely dialogic controversy over artistic practice. It also served to spur discussion about the role of the contemporary artist as social critic in China, and about Beijing's development process.

Media coverage of *Dialogue* between 1998 and 2000 sustained the controversy generated by the graffiti and provided Zhang with abundant free promotion. It further provided a platform to explain to the public that the heads were intended as a provocation to the city's residents to talk about the process of redevelopment. The

considerable attention his graffiti drew spurred the organization of a solo exhibition titled “Demolition and Dialogue” at Beijing’s prestigious Courtyard Gallery in November–December 1999, which prompted yet more coverage in domestic and foreign media and generated sales of movable art pieces. As the project evolved, Zhang became pointedly self-conscious of his position as a media subject and deliberate in his self-branding as a brazen insurgent. He began, for example, to wear a balaclava or gas mask while being photographed next to his spray-painted heads. In photos for his solo exhibition catalogue, Zhang stands with spray-paint cans in hand, arms thrusting skyward in a victory pose atop a demolished wall on which is painted one of his heads. Through the mediation of the camera, Zhang’s guerilla poses served two connected functions. First, they provided *Dialogue* with special valence on the global art market, where collectors are poised for signs of Chinese grassroots insurrection post-1989. Conscripting the global art market in his project therefore provided a layer of protection; authorities would need to weigh the benefits of repressing the artist against the costs of his likely lionization in international media if they resorted to such measures. Second, while courting media attention and the global market, Zhang was genuinely flirting with the law, as the legality of painting graffiti on buildings slated for demolition was not assured. Zhang’s guerilla poses therefore served both to signify the deviant character of his act and to highlight it in bold for authorities and the buying public to see. Somewhat ironically, local police who eventually tracked Zhang down were flummoxed by his explanations of his art and were disinclined to punish him.⁸ Nevertheless, the perception of illegality is as integral to the art’s oppositional character as its actual juridical legitimacy.

Dialogue as dialogue

The heavy reliance on the media as a platform to explain and mold perceptions of his graffiti is emblematic of Zhang’s concerted attempt to realize the dialogic (and titular) purpose of his project. The graffiti was inspired by what he described as the human, environmental, and cultural tragedies resulting from the transformation of the city and the urgency of the need to discuss the process openly and publicly (D. Zhang 2002).⁹ According to Zhang, reluctance to discuss the process provided tacit approval to developers, who were frenetically reconfiguring Beijing’s urban space. “In China, violence exists in the space between convention and numbness,” Zhang once remarked of the public’s alleged abetting of Beijing’s development process (2000). Wu Hung has noted that Zhang’s proposed dialogue was stilted at best. Yet it is precisely the open-ended quality of the graffiti and Zhang’s photos of the heads, as well as the multidirectionality of the subsequent discussion about the graffiti, that provide the art with much of its destabilizing strength and unpredictability (Wu 2000). Dialogue occurred not merely as a linguistic phenomenon between interlocutors, but as interactions that included the image, the viewer, the public, and the urban space. It was a dialogue composed of images, ideas, speech and text. Resistance resided in the fluidity of discussion and interpretation, not in the articulation of a transparent “message” from artist to viewer.

Indirect attacks

In the details of its execution and content, *Dialogue* constitutes an indirect assault on local authority. Its critique is deeply couched in the gray zones of innuendo and inference. Though Zhang occasionally singled out the municipal government in interviews and critics noted the art's relation to urban renewal, the heads do not speak for themselves. It is important, in other words, to also underscore the untraceable conclusions about the heads reached by individual viewers. *Dialogue* does not enlist viewers into a specific or narrow program. Thus, a special valence of the art is its invitation to heterogeneous interpretation. At the same time, however, interpretive mediation is not entirely random, as the construction of meaning through abstractions is a productive process that must contain itself within some shared parameters. Among the shared assumptions on the territory of everyday life in Beijing where *Dialogue* was produced are the socio-political relevance of the demolition site and the destabilizing impact of a lingering human presence in those sites. Emerging amid these localized sensibilities, the viewing experience would likely have fostered connections between *Dialogue* and the extremely visible process of demolition. But the connections and subsequent judgments are impossible to gauge. Therefore the art's subversive aspect is also partially due to the implication of the viewer in his or her recognition of contentious meaning in the abstract design, for to recognize an oppositional stance is to participate in it indirectly as well.

Furthermore, the substance of Zhang's core critique that was the original intent of the graffiti, namely the intensified socio-economic disparities exposed by the systematic eviction of residents from their homes through the commodification of Beijing's urban land, was apparent to many who were drawn into the public debate and was reflected in the tenor and content of domestic media reports and art reviews of *Dialogue*. Hence, the media and members of the public interviewed for print and TV reports were unwittingly recruited as proxies in the generation of discussion openly denunciatory of Beijing's particular mode of urbanization.

Fighting online over Qianmen

At nearly the same time that Zhang ended *Dialogue*, in 2005, controversy was beginning to heat up over the redevelopment of the Qianmen neighborhood, one of the city's famous historic districts, which had evolved in the reform era into a buzzing petty commerce and low-rent housing zone. Due to its central location immediately south of Tiananmen Square, the neighborhood is a prime tract of urban land, but its official historic designation, high population density and the large number of privately owned homes at the site restrained the tide of development sweeping over the city beginning in the 1990s.¹⁰ However, the barriers to redevelopment of the area were gradually lifted between 2003 and 2006 through a combination of administrative and policy maneuvers. The release of the Chongwen District's 11th Five Year Plan for economic and social development set the tone by explicitly urging authorities to develop the area as a commercial, tourist, culinary

and leisure culture market with the aim of “reinvigorating the prosperity of the Qianmen Avenue commercial center” (BMCUP 2002). Soon after, the district government implemented the controversial policy of “separating people and houses” (*renfang fenli*) billed in official media as the “new thinking” on redevelopment in areas with acknowledged heritage value (Li 2006). Under the policy, residents are first relocated with compensation money, which they can put toward commodity or rental housing. Once local residents are relocated, “experts” then inspect vacated homes to determine whether they are to be restored or demolished. Beijing’s Municipal Standing Committee, the city’s top administrative body, in 2003 had declared that no traditional courtyard homes, or *siheyuan*, would be demolished in Qianmen (Nan 2004). But media reports hinted at extravagant development plans from which the lower-income residents of the area would almost certainly be excluded. *Southern Weekend* reported in October 2006, for example, that a residential project in Qianmen featured lavishly renovated *siheyuan* homes estimated to cost between 10 and 50 million yuan (Nan 2004). Despite the media chatter, verifiable information on the area’s redevelopment plans was scant. In its absence, people turned to the Internet to speculate about the changes, to vent against developers, and to argue with those whom they viewed as providing unqualified support to development plans.

The study sample here is limited to discussion about Qianmen on two Web forums: *bbs.oldbeijing.net* (Site A) and *house.forum.com.cn* (Site B). Both sites are themed on real estate and urban redevelopment in Beijing.¹¹ As controversy spread in 2006 when demolition crews closed in on Qianmen, the neighborhood’s redevelopment became a subject of heated debate in these two sites. The topic was among the most popular on both sites and each received thousands of page views and posted commentaries. Discussion was driven by questions of both parochial and national interest: What was going to happen to Qianmen? Who was behind the changes? Will the historic neighborhood go the way of so many other Beijing neighborhoods? And if so, should anyone care?

Anonymity and the Internet

On both sites, the common practice, as elsewhere on the Internet, is for the authors of forum posts to cloak their identities behind aliases. Registration for either site is simple and does not entail the provision of personal information. New registrants select an alias, which can be anything within given length restrictions. They are often English words, as in “jams,” or vague titles, as in “*hutong aihao zhe*” (“lover of *hutongs*”). Only a relatively tiny number provide a full Chinese name and even these are not guarantees of a definitive identification of the author. Character names from *Outlaws of the Marsh* are popular, for example. In the Chinese context, where supervision of Internet content is an understood reality, the safety afforded to the authors by posting comments anonymously lowers the impulse to self-censor and adds a layer of opacity to their online commentary. Two aspects of anonymity online are salient to this discussion. First, the uncertain identities of forum participants mean that claims leveled against the state from these sites have

little expectation for an official reply or redress of grievances. Claims are primarily emotional outbursts and are not made with obvious political motives. Second, without the specter of repression, anonymity invites provocative speech that baits other participants into discussion, thereby broadening its scope and raising its intensity level. The rhetorical excesses richly evident on these sites provide a rough measure of the extreme limits of public expression in China.

Manipulation of media and genre

The selection of aliases in online discussion sites is indicative not only of the tendency toward masking identities in the online space, but also of the awareness that the technologies provided online alter the dynamics of communication in substantive ways. Forum participants in both sites, for example, actively engage in a set of practices that exploit site architecture and the downloadable and uploadable nature of digital content. In Site B, contributors are able to upload photos to their posts so that interaction becomes based on textual and visual cues. For example, a photo posted to the site features a defaced propaganda banner in the Qianmen neighborhood that originally read: “Revive the appearance of the old city” (*zaixian gudu fengmao*). In the defaced banner, the “*wang*” radical of the “*xian*” character was cut out by a vandal so that the sign instead reads: “Goodbye, appearance of the old city” (*zaijian gudu fengmao*) (Zhang 2006). In this ironic intervention, the communicative intent of the propaganda slogan, historically a reliable instrument of the party-state, is overturned first by an unknown vandal and then again by a Web user who pasted the photo online for view by a far larger number of people than would normally have chance to witness the original sign.

The capability to copy and paste information for rapid and uncontrolled dispersal also generates a digital paper trail of the state’s interaction with its subjects. On Site B, a forum participant used the site as a means to expose the government to public scrutiny over the Hongshan Jiayuan housing project, which was intended as a relocation site for displaced Qianmen residents. Online discussion over the housing project reached a boil when one participant posted to the site the following alleged response to a complaint registered through the *xinfang* system with the Chongwen District Government:

I sent a letter to the municipal letters and visits office asking about Qianmen. The Chongwen District Government wrote back. This is what they wrote:

You expressed an opinion regarding the Hongshan Jiayuan project proposed for the eastern section of Qianmen. The district government has already reached a conclusion on this topic, which is provided below:

To preserve the ancient appearance of the city and improve the living standards of the people, the district government has already raised 8 billion yuan to use toward improvements of the housing situation. With the support and help of the municipal government, the district intended to use the Hongshan Jiayuan project as a relocation site for displaced residents. But, due to the non-unified thought of the residents, and exorbitant compensation demands

by some residents, the demanded amount has surpassed that provided for in relevant municipal regulations. As a result, the district government is left without other options but to abandon the plan to begin work on the Hongshan Jiayuan. – Chongwen District Government. (777doudou777 2006)

Access to the Internet and the use of its basic functionality provides the capability to hold local state agents under a microscope in unprecedented ways. Further, the public revelation of the sharp tone in the local government's interaction with residents ratchets up the tenor of discussion by feeding a perception of victimization at the hands of venal local officials and their business partners.

Creative manipulations of computer technologies allow Internet users to take jabs at the state from safe territory. They also seek to compound the impact of their posts by packaging their statements more cleverly with humor, irony and other textual or visual elements, or indulging in splenetic outbursts peppered with aggressive language.

Dialogue online

Discussion in both online sites about Qianmen is fluid and non-linear. *Non sequiturs* and tangential remarks are common, as are stand-alone statements, such as: "My country is a construction site. It's called *chai-na!*" (Shanren Shuizhi 2004). The Internet is particularly prone to this practice, as the interaction it fosters takes place outside the physical real-time environment. Consequently, "conversation" within the forums often takes the form of a string of unrelated angry outbursts and conversation-ending rejoinders. Nonetheless, forum participants quote other authors by copying and pasting previous comments and then replying to these in their own posts. Furthermore, the chronological arrangement of posts provides for participants the impression of engaging in textual call and response that can approximate dialogue under certain conditions, especially in popular discussion threads where comments are uploaded with high frequency. The fit of online discussion into the strict definition of dialogue as "a conversation carried on between two or more persons" (OED) is perhaps uneasy in most cases online. Yet an undeniable collective textual interaction occurs in online debate over Qianmen that is highly charged and supremely aware of being publicly visible.

Indirect attacks from the virtual space

In contrast to Zhang's graffiti, Internet fulmination about Qianmen is built upon the participation of multiple actors. Contributors to each site number in the hundreds, while page views and registered users reach into the thousands. But, despite their numbers, forum participants do not form a coherent group whose opinions are voiced from a physical or clear ideological position. The attacks on municipal institutions and scathing online critiques of Qianmen's redevelopment process are launched from the ether of virtual space and from behind combined layers of dissimulation. But because few of the forum participants claim to be residents of

Qianmen, their discontents are voiced in generalized terms as people concerned about the transformation of the city. Opinion is not unanimous on either site. Some forum participants claim strong support for aggressive development policies. However, for the majority of forum participants, the redevelopment of Qianmen is a moral litmus test of the municipal and district governments' ability to protect and promote the interests of the city's vulnerable populations.

Resistance and the shifting regime of truth

In *Dialogue* and in online discussion about the redevelopment of Qianmen, expected or desired outcomes are not elements in the expression of resistance. Indeed, neither form provides explicit or coherent claims against state agents for redress of perceived injustices. Participants in both cases became engaged in non-linear, multidimensional modes of resistance that fit uncomfortably within a simple state–society binary of contentious politics. Through tactical combinations of tailored anonymity, manipulations of media and genre, and indirectness, the oppositional extent in both cases was the public expression of disgust with the methods and results of development in Beijing. They represent creative, decentralized, and unpredictable emotional release against urbanization in Beijing.

Resistance of this nature may be attributable to the context of contentious action in post-1989 China, where overt dissent carries risks that are difficult to foresee but are presumed to be high. Adapting to this context, modes of resistance that walk a careful line between dissent and approved forms of public expression are common. Kevin O'Brien and Li Lianjiang have observed this tendency in their studies of what they dub "rightful resistance" in peasant protests in which participants adopt the language of the state as a cover for holding state agents to account on a range of abuses (2006). Similarly, Ching Kwan Lee has noted among laid-off and retired industrial workers the rhetorical evocation of Mao as an inviolable symbol of national resistance to injustice and oppression in order to press claims against the state (2002). Such tactical ingenuity serves three primary functions: (1) to bolster the claims pressed by those aggrieved, (2) to draw attention to the resistance as it takes place, and (3) to increase its longevity while state agents determine how best to handle the claims made against it.

Other creative and highly individualized modes of resistance have also been traced in forms of cultural production and expression. Patricia M. Thornton points to ironic discursive outbursts that display cunning negotiations of precarious conditions for mounting resistance in China (2002a; 2002b). The "poetic protests" she uncovers take the form of cheekily phrased door couplets and politico-religious Falungong texts through which people frame grievances and form oppositional identities. But the perceived imperative to link disorganized and highly individualized modes of resistance to grander forms of overt opposition is powerful, as when Thornton states: "the very threshold of dissent can be read as a site of political struggle in which inchoate interests and embryonic identities may be tested and tempered prior to more overt forms of collective action" (2002b: 600).

I have followed Thornton's lead in investigating isolated and creative forms of

resistance, but wish to de-privilege any link to organized or overt contention in order to approach resistance from the angle of cultural politics. Specifically, by decoupling resistance from social movement outcomes, the case studies presented here may be regarded not merely as discrete tactical means employed within a broader dynamic of social struggle, but as ends in themselves. It is certainly true that graffiti and the Internet have, in a variety of settings, been employed in the process of social mobilization and in framing grievances against states. But in the context of today's global culture of high visibility and spectacle, the tactic of resistance can quickly embody and, indeed, become the broader strategy. In other words, the strategy is for the tactic to be seen.¹² The seemingly insatiable appetite for the new and the spectacular, and the ability of more media outlets to meet that demand, establish conditions under which small actions gain a visibility entirely out of proportion to their size and the resources of those who created them. The cases here show that for actors clever enough and properly positioned to harness this dynamic, the articulation of a political or social agenda and the securing of redress are superfluous. Neither case is centered on extraction of quantifiable, tangible entitlements or new rights and privileges from dominant sources of power. Rather, they provide evidence of a complex nudge and jostle over the delineation of culture, the throwing of individuals' weight into the unpredictable struggle over China's shifting regime of truth. Though this struggle occurs mostly in the silent background of quotidian life and explodes into the forefront only at exceptional moments, the implications of this perpetual shifting impinge on daily life's every detail.

By spotlighting the "regime of truth," Michel Foucault aimed to demystify the sources of political and cultural power in ways directly relevant to this discussion. Two propositions guided his thesis: "Truth is to be understood as a system of ordered procedures for the production, regulation, distribution, circulation and operation of statements;" and "Truth is linked in a circular relation with systems of power which produce and sustain it, and to effects of power which it induces and which extend it" (1984: 74). Power is vested not simply through structures and political processes, in other words, but is formed in a continuous and multi-fronted battle waged through small and large acts over control of resources, to be sure, but also over ideas and their circulation. Power and truth mutually reaffirm and reinforce each other by changing, shaping, and dominating the terms of public debate. Seen this way, challenges to commonly held truths constitute direct assaults on power and its attached resources, while efforts to upset power include, as a goal and as a means, the overturning of common-sense truths. In China, as elsewhere, dominion over the production of truths is always unstable and jealously guarded. Yet the persistence of party control over most media, the massive investments in monitoring and controlling content on the Internet (August 2007), and the continued presence of crude propaganda on public billboards and walls point to text and representation as crucial parts of the currency of party power. However, the empowerment of new social actors, including Zhang and online forum participants, as a result of market and technology penetration, indicates that the state has been joined on the ideational playing field by more robust players than it has previously faced. It is here that the online discourse over Qianmen and

Dialogue subtly challenge the ideological basis for the process of “accumulation through dispossession” that characterizes the redevelopment of Beijing since the 1990s (Harvey 2006: 90–5).

This is not a minor battle, nor are the stakes insignificant. Official appeals to “modernize” the city are intensely seductive and conceal a logic that posits “development” as the solution to its own social costs. This paradoxical twist is attributable to local state legitimacy having been recast as the capability to deliver urban development, and to extravagant state-engineered displays of the city’s progress along the modernization path.¹³ In subtle and not-so-subtle ways, connections are made in a multiplicity of media between urban development, the benefits of which are wildly uneven in their distribution, and national wealth and power, thereby imbuing the city’s modernization project with the emotional urgency of patriotic passion. The link between urban and national development is richly apparent in the volleys of online discussion over Qianmen’s redevelopment, where voices in favor of wholesale redevelopment are quite numerous, and Deng Xiaoping’s maxim that “development is the only hard principle” is offered as evidence of the wisdom of “development.” It is in this atmosphere that obstructions on the path toward a certain brand of “modernity” are routinely identified, labeled, and condemned to the periphery of local culture. Thus are eviction resisters affixed the pejorative label “nail households.” In the same way, Zhang’s art is condemned as “sullyng the face of the city” and online dissenters to urban redevelopment face scathing rebukes that question their patriotism.

Both cases presented here provide evidence of daring participation in resistance to development as “the only hard principle.” Zhang’s graffiti project entailed a self-conscious positioning of the artist as an antagonist of the local state’s claims to monopoly over urban space and its representation. Zhang operated at the boundary of legal norms, strategically and surreptitiously placing his heads in locations that would draw attention to the city’s condemned structures, while also providing for himself a degree of protection against accusations of defacement of property. The act of painting and the media-driven controversy it generated elevated *Dialogue* from an isolated outburst to become a sustained public critique through which people were lured into contemplation of the bedrock of Beijing’s development-first ideology. To ask whether his art held the bulldozers at bay is to miss the larger point that the critical questions posed by the project are significant simply for having been raised. The same applies to the virtual space of the Internet, where dissatisfaction over Beijing’s urban development policy is debated at length. Despite the demonstrated limits of the Internet in fostering the ferment of democratic polities, it is nonetheless a valuable space where the state’s monopoly over representations of urban development is broken down. It is here that, through multidirectional and polyvocal debate, contributors to online discussion expose injustices and contradictions resulting from the process of accumulation through dispossession. The online debate over Qianmen and *Dialogue* became widely remarked phenomena whose oppositional qualities defy quantification, but which insinuated themselves into local consciousness as sustained practices of non-conformity.

Both forms also share stances that are simultaneously in collusion with and

resistant to the deepening penetration of market forces into the terrain of the everyday. Zhang proved adept at harnessing the global art market as well as the explosion of media to insulate his graffiti from repression while expanding it and exposing it to greater visibility for a global audience. *Dialogue's* embedded critique of the impact of market forces on Beijing happened to be funded through China's deepening entrenchment within a globalizing market-based system. While this raises the possibility that his graffiti degenerated into a purely spectacular rebelliousness, a fair question would be to ask whether his art would carry the same impact were it not for the market. One can conclude that commodification of Zhang's art, far from constricting his control over his work, in fact bolstered his claim to it and broadened its scope and reach. Similarly, in the online discussion about Qianmen, Web users apply state-sanctioned information technologies that are also primary drivers of the global market to engage in discourse tinged with apprehension toward the functioning of the market in the local political-economic setting. The seemingly conflictual relation here is reconciled when considering the difficulty and reluctance of these social actors to extricate themselves from the market that has given so generously to them yet who find reason to push back against its predations.

The premise of this investigation has been to reconsider the notion of resistance by observing forms that defy categorization as constituent parts of state–society binary linear events. As shown, both *Dialogue* and Internet forum discussion contain critiques of urban development delivered from relatively safe territory. Attacks are indirect and concealed behind anonymity, providing plausible deniability while gaining visibility that overt contention may not enjoy. In this sense, there exists a superficial resemblance between the forms presented here and Scott's "everyday forms of resistance." But key points of differentiation merit emphasis for their theoretical significance in reconceptualizing resistance in China. Both case studies were selected for their subversion of the teleology common to romanticized notions of popular contention. They provide occasion to observe resistance without it being tethered to outcomes, which presuppose a judgment of success or failure and encourage ideological polarization. To take the alternative view of resistance, each case can be seen as elements in the formation of China's contemporary regime of truth. Results of such actions are not guaranteed and it remains an open question whether the Chinese state at any level would feel threatened by Zhang's art or by online debate over Qianmen. Most likely, it would not. However, they provide evidence of sustained public actions that are fundamentally oppositional to official ideologies. Such acts upset the state's attempts at monopoly over the circulation of ideas and truths regarding urban development, while also serving notice that acceptance of the development-first ideology is not guaranteed.

The type of inquiry presented in this chapter is intended as a starting point for a more inclusive, multidimensional approach to resistance in China, one that allows the indeterminacy of acts to become central to the analytical focus. The cases here merely scratch the surface of the widespread engagements in cultural politics in China. The wealth of contemporary social phenomena that display a clear tendency toward non-conformity provides abundant evidence to forward this line of inquiry.

Notes

- 1 See also “A lot to be angry about”, *The Economist*, May 1, 2008.
- 2 The term *dingzi hu* is a nationally used colloquialism referring to households that resist eviction. It is typically translated as “nail household.”
- 3 Approximate number provided by the artist. Interview with the author, July 2006.
- 4 For news articles on Zhang and *Dialogue*, see: B. Maxiu (1998) “Qiangshang de biaoji” (Marks on the wall), *Musical Life*, April 16: B1; X. Bu (2001) “Duihua” (Dialogue), *Beijing Daily*, January 14: 8; W. Cao Weijun (1998) “Chengshi jianshe yu dushihua” (Urban development and urbanization), *Musical Life*, May 21: 1; Dan Wei (2000) “Zhang Dali shuo qiangshang de lian” (Zhang Dali talks about the heads on the wall), *World News Journal*, December 4: 9; Douzi (1998) “Shengtai yishu de wenhua luoji” (The cultural logic of ecological art), *Zhonghua Dushu Bao*, May 6; Douzi (1998) “Jieshang changjian de da touxiang” (The head often seen on the street), *Satellite Weekly*, 37; W. Duan (2001) “Yici xingwei yishu de tiyan he duihua” (The experience of performance art and “dialogue”), *China Quality Daily*, January 16: 8; F. Fathers (1999) “Democracy walls”, *Asiaweek*, April 23; C. Hang (1998) “Jietou tuyu haocheng xingwei yishu” (The graffiti on the streets calls itself performance art), *Shenghuo shibao (Life Times)*, March 10: 1; C. Hang (1998) “Benbao dujia fangdao jietou tuyaren” (Exclusive interview with the graffiti), *Shenghuo shibao (Life Times)*, March 18: 16; C. Hang (ed.) (1998) “Jietou renxiang shibushi yishu?” (Are the heads on the streets art?), *Shenghuo shibao (Life Times)*, March 21: 8; W. Huang and W. Chao (2005) “Duihua yu ‘Duihua’ – Zhang Dali fangtan” (Dialogue and “dialogue” – an interview with Zhang Dali) in J. Li and W. Huang (eds.) *Xianchang 798 Yishu qu shilu*, Beijing: Culture and Art Publishing House; T. Jiang (1998) “Jujiao Beijing, jietou rentouxiang” (Focus on Beijing head images), *Lantian zhouno (Bluesky Weekend)*, March 27, 1471: 1; X. Ma (1998) “Jietou renxiang de chuzhong shi yishu” (The graffiti heads are art), *Shenghuo shibao (Life Times)*, March 21; J. Rouse (2001) “China’s Zorro makes his mark with graffiti”, *Toronto Star*, March 4; M. Schepp (1999) “Protest mit Knubbelkoepfen”, *Stern Magazine*, 124: 28; R. Sun (2005) “Tuya: jianshou ziwo huo bei gonggong shoupian” (Graffiti: speaking the self or a cheat), *Zhongguo xin wen zhou kan*, 1535, November 25; G. Tan (1992) “Zhuji huajia cunmin”, *China Cooperative Journal*, May 5: 12; L. Wang (2000) “Chengshi tuyu haishi xingwei yishu” (City graffiti or performance art?), *Beijing Youth Daily*, December 7: 12; G. Wood (2005) “Snap Dragons”, *Guardian*, September 4; W. Wu, interview with Zhang Dali (n.d.) *Jin Ri Xian Feng – Yi shu jia xian chang: fang wen Zhang Dali*, available online at: http://cn.cl2000.com/art_union/dianchang/today_wen.shtml (accessed December 16, 2008); D. Zhang (2000) “Gen zhege shehui duihua” (Speaking with this society), *Art Observation*, 8.
- 5 I am especially indebted to Wu Hung and Maurizio Marinelli for their insights in their respective essays on Zhang Dali.
- 6 Interview with the author, July 2006.
- 7 Interview with the author, July 2006.
- 8 Interview with the author, December 2005.
- 9 See also W. Wu interview with Zhang Dali (n.d.) *Jin Ri Xian Feng – Yi shu jia xian chang: fang wen Zhang Dali*.
- 10 In a situation unique in China, many *hutong* residents in Beijing were permitted to retain personal ownership of their homes throughout the revolutionary period. See Y. T. Hsing (2006) “Land and territorial politics in urban China”, *The China Quarterly*, 187: 575–91. Part of the Qianmen area is designated as Beijing’s 25th heritage preservation zone.
- 11 The site bbs.oldbeijing.net has changed to oldbeijing.org. Passages quoted here on Site A are no longer accessible. China’s major Internet portal sites also feature discussion forums dealing with Qianmen and urban redevelopment, as do university BBS sites and blog sites.

- 12 This idea is inspired by G. Debord (2006) *The Society of the Spectacle*, trans. Donald Nicholson-Smith, New York: Zone Books.
- 13 A poignant example of the Beijing Municipal Government's attempt to drive this point home is an elaborate, tourist-oriented scale model of the city on exhibit in a shining glass-and-steel hall at Qianmen. The model, which features completed renditions of buildings still under construction, functions to incorporate viewers into the process of redevelopment and stimulate fantasies about a hyper-modern future for Beijing.

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12 Politics of cultural heritage

Magnus Fiskesjö

China is not a country but an idea, which was reformulated in the twentieth century to fit with the hegemonic world nation-state system. This involved a reformulation not only of the idea of the Chinese Empire, but also of the remains of its past – including artifacts that once served as the mystified insignia of power of mighty rulers, or as the tokens of refinement and civilization, or simply as the ostentatious playthings of the wealthy; and also objects previously unknown unearthed by modern archaeology, that is, artifacts left by people living in “China” long before China became China. Similar to what has happened in other “countries,” these objects have been recast as “national cultural heritage,” and are believed to carry the essence of a Chineseness reaching back “5000 years” – a claim inseparable from the new *contemporary* global politics of representation in the arena of competing nation-states (where, one might say, modern China competes especially in the fields of “civilizational antiquity” and “unbroken continuity”).

This process has also produced what I here call the “patriotic collector,” wealthy collectors for whom pieces of exquisite classical art or antiquities not only represent opportunities for indulging in socially efficacious, ostentatious connoisseurship (which they indeed also very much are), but also are tools for demonstrating patriotic loyalty to the contemporary Chinese state. In this chapter,¹ I discuss how these patriotic millionaires engage in the “buying back” of “lost treasures,” as well as their relationship with the new semi-autonomous concerned-citizens’ movement that has arisen in recent years, campaigning for the repatriation of Chinese artifacts “lost abroad.” I introduce some personal encounters with these repatriation efforts in Stockholm, Sweden, while I was recently serving as director of the Museum of Far Eastern Antiquities. I note how such patriotic initiatives unfold in close concert with government agencies and policies, which over the last decade have already allowed dealers and auctioneers to rapidly develop a hugely profitable market for art and antiquities, gathered under the general banner of “patriotism.” I also explore the role of Chinese “relics” (*wenwu*) in these new social developments, which are replacing formerly popularized Marxist frameworks for interpreting the past and its remains as part of a shift toward a new Chinese nationalism. I offer too some speculations regarding the future development of Chinese collecting, including the question of whether China will ultimately outgrow the current narrow focus on objects embodying national heritage and appropriate the “imperial” Western model

of universal museums to match its self-assumed role as the vanguard of humanity as the country becomes a key powerhouse of the global North.

I must begin by first situating these Chinese developments in the current global context, and the relevant historical background. Today, we are living in a new era, when voices are being raised around the world for the return of objects of cultural heritage taken from places where only some years ago it seemed perfectly fine for explorers from Western powers to carve up and carry off pieces of monuments and works of art. They would then often end up in the Western “universal” museums assembled in that era, from the eighteenth to the twentieth centuries. Until recently, these sustained a Western hegemony of culture, which only today is being challenged by Chinese and others dispossessed of what they claim as their cultural heritage.

It was no accident that the favorite image of that “universal” museumization project was of a forgotten civilization, lost in the overgrowth of a jungle, as in Cambodia or Guatemala. The more ambiguous sites of ancient civilizations, including India, China, and others, were interpreted as pale shadows of their former selves – all this on the new Social-Darwinian assumption that nations and cultures are really organisms, that grow, flourish, and wither (Rée 1992).² The key operative assumption was that the various non-Western civilizations were no longer viable. Japan, of course, soon appeared as something of an exception (but as such, it also seemed to prove the rule, by forming its own universal museums on the Western model), but other civilizations were generally seen as hopelessly “past,” and whatever ruins and artifacts remained of them now had become the legitimate object of rescue operations, mounted by an enlightened vanguard of humanity: the West.

This process, which also was the making of a new Western self-identity, fueled the intensely competitive enterprise that built the “universal” museums, personified by intrepid, quick-firing Western explorers venturing into the proverbial jungle to rescue precious artifacts from oblivion – and from oblivious natives. This same idea is still very much alive today, and has by no means been reduced to mere nostalgia. The powerful hold on Westerners of cult figures like Indiana Jones, and the alluring language of travel agency brochures, are but two of the many indications that the enterprise of modernity is neither past, nor “post.” To confirm this we need only look again at the grand “universal” museums, these powerful instruments that help orchestrate the Western-modern imagination from their symbolically imposing city-center edifices. These wealthy institutions are only slightly shaken by the rising tide of repatriation demands, even if they do represent a challenge (to the institutions, to the social niche of their collector-donors, and even to the nations that harbor and nurture them). The voices protesting against the ongoing looting of sites feeding the global trade in antiquities (which continues with a vengeance, in the shadows out of public view), have also had a certain impact, so that it is no longer possible to revel in the harvests of fresh crops of antiquities torn from sites or sawn off from temples – at least not as openly as before.

Perhaps the most prominent, if under-reported, milestone of these new trends is Ethiopia’s successful demand for Italy to finally return the Aksum obelisk, stolen by Mussolini in 1937. In 2005, UNESCO, the United Nations agency for cultural

heritage issues, helped arrange the difficult transport of this enormous artifact back to the site of the ancient Aksum Empire, said to have been one of four great civilizations in its time, alongside Rome, Persia, and China.³ This awe-inspiring symbol of a distant past, which is being re-erected *in situ*, has triggered an emotional response among contemporary Africans, who, much like their Chinese contemporaries – and in reaction to the current world order of things – propose as self-evident the continuity between their contemporary selves and an ancient past. Whatever judgment we make of such conceptions of continuity (whether Ethiopian, Greek or Chinese),⁴ they clearly serve first and foremost to bolster the perceived standing of their modern country, in the *present*. (Note that they also serve to enroll dedicated local custodians for the world heritage in question.) Importantly, their assertions also fly in the face of the previously unchallenged Western idea of the decline, collapse, extinction, and oblivion of the world's past civilizations which motivated their "rescue" as a universal moral duty for Westerners and in the process created the West's own self-identity as global vanguard. There are more examples, such as the protracted struggle for the return from Britain of the Parthenon or "Elgin" marbles from ancient Athens,⁵ or the recent initiative launched by the new government of Bolivia – currently for the first time ruled by the indigenous majority – to survey and perhaps demand the return of all objects derived from the ancient Incan Empire. A similar counting project is under way for Chinese objects "lost" abroad – undertaken simultaneously, as we shall see later on, by a symbiotic alliance of government agencies and auxiliary but officially non-governmental patriotic associations (in the Chinese conception, *minjian*: among the people rather than of the state, but nearly always patriotic and loyalist).

The great Chinese buyback

No known Chinese objects compare in scale with the awesome Aksum obelisk or the Parthenon sculptures. Most above-ground monuments that once existed have been destroyed in the violent cataclysms of Chinese history. But parallels do exist, nonetheless. One illuminating comparison is with the ongoing efforts, simultaneously "official" and "popular," but very much in the public eye, to buy back and reassemble a series of eighteenth-century bronze pieces from one of the imperial Yuanmingyuan palaces in northern Beijing, first looted in 1860 by a British-French military expedition.⁶

In the fall of 2007, the Macau casino tycoon Stanley Ho paid nearly US\$9 million at a Sotheby auction in Hong Kong for a bronze horse head (Lim 2007),⁷ one of 12 original pieces representing the Chinese zodiac. They were designed in the eighteenth century by Jesuit courtiers to function as fountain heads spouting water at two-hour intervals in the Europeanized section of the palace gardens, and are said to have particularly delighted Emperor Qianlong. Mr. Ho, a Standing Committee Member in the National Committee of the Chinese People's Political Consultative Conference (a body gathering government veterans as well as prominent pro-Communist patriots), donated the piece to China.⁸ Earlier, in 2003, he funded the return of the pig's head in the series, retrieved from a New York collector through

liaisons by repatriation activists. The whereabouts of the other pieces are partly unclear; the rat and the rabbit heads surfaced in early 2009 from the private collection of the fashion designer Yves Saint Laurent, for sale at a Christie's auction in Paris. The sale itself became the focus of intense criticism from both official and citizens' quarters in China where the series has now come to be invested with a dense symbolism of patriotic value. The martial-arts movie star Jackie Chan joined the fight, and promises a new, patriotic action film.⁹ In the end, the sale of these two heads was cancelled, after a Chinese buyer, the Xiamen-based businessman and private antiquities collector Cai Mingchao, bid successfully and then withdrew under dramatic and obscure circumstances – which may suggest that he was actually torn between a private desire to possess the items, and the immense patriotic pressures to buy them only to relinquish them to his country.¹⁰

Intriguingly, the group of 81 Chinese lawyers which unsuccessfully sought a French court order to stop the sale enlisted the Hong Kong-based “Global Aixinjueluo Family Clan,” descendants of the Manchu Qing imperial dynasty, as plaintiff, and as witness to the theft. This recruitment, for a Chinese patriotic cause, of descendants of the last imperial dynasty – overthrown not so very long ago in a deadly patriotic struggle – is astonishing and underlines how China's imperial past today no longer is regarded as regrettable but is fused with “China,” the country.¹¹

Today, the recovered pieces are installed in the exquisite new Poly Art Museum, in Beijing, owned by the China Poly Group, a business conglomerate which emerged as an offshoot of the Chinese army and has rich links to China's elite. In state media, Poly is still typically described as “State-owned.” Poly (known in Chinese as *Baoli*, “Protect interests”)¹² also uses its own state-derived funds to purchase antiquities labeled “lost abroad.” The company acquired the tiger, the ox, and the monkey in 2000, bidding for them at an auction in Hong Kong after signaling distress that these national treasures risked being “lost,” again, to foreigners. The museum describes its acquisition as the lead which patriotic “Overseas Chinese” have followed – a narrative of state-sanctioned patriotism that echoes throughout the state-controlled mass media.

The Yuanmingyuan bronzes have become a *cause célèbre* of “Chinese treasures lost abroad,” despite their being designed by foreigners and forming part of a consciously “Occidentalist” pleasure-compound created for the Manchu imperial dynasty overthrown by the Chinese themselves, about a century ago. These Manchu lords were the very same Manchus so fiercely denounced by many Chinese at the time as alien invaders, as barbarians out of place in China. There is a rich irony that these objects, despite their background, would now become so highly valued as symbols of Chinese national pride underlined by the connected fact that while the main looting force in this case involved foreign armies, local Chinese also took part in the pillage.¹³ This interesting fact is rarely mentioned in Chinese or even contemporary non-Chinese accounts, but it isn't strange: we should remember that these luxurious palace grounds were far beyond the reach of common Chinese; in nineteenth-century Beijing they were likely to have invited both awe and resentment from many residents, even before Chinese intellectuals

under the influence of new Western ideas began branding the ruling Manchus as an alien invader “race.” These particular looted artifacts were the fittings of empire, and of China’s overlords.

The current discourse and debate on the Yuanmingyuan as Chinese heritage, and the rewriting of history regarding it, indicates how far official ideology in China has moved from the class-struggle stance of the Mao period. Then, the opulence of the ruling classes, going back even to the Bronze Age, was condemned for having been built on exploitation of the oppressed, and not celebrated as heritage. The Yuanmingyuan also illustrates how “national cultural heritage” did not yet exist in nineteenth-century China, when such imperial playthings did not yet embody a heritage at risk. In this respect, the situation is no different from Athens when Lord Elgin plundered the Parthenon. There, too, locals were helping themselves to pieces, which were welcome as auspicious fittings for house doorways, and so on (Hamilakis 1999).¹⁴ But things have changed: China, like Greece and Ethiopia, has been reconceptualized as a nation-state on the model of European nations, so as to fit into the Western-derived international system – but in China’s case, also notably inheriting and then holding on to the footprint of a Chinese Empire that had been vastly enlarged by those same Manchu aliens.¹⁵ In the twentieth century, Western-derived notions of cultural heritage were taken up, to accompany a new, competitive national identity.¹⁶ This included the idea of heritage as property guarded by national laws, all according to the dominant model of property relations as the default of all social relations and of the nation-state as the default owner of its own territory and riches, on the new competitive arena of “inter-nationality.”

These were not merely abstract developments but involved select people actively formulating, embracing, and pronouncing such values, and striving to inculcate them in others. Indeed, the ideological reconstruction of China as a nation-state (whether Nationalist- or Communist-led) has involved the creation of dutiful citizens¹⁷ compelled to embrace a new identity as Chinese nationals for whom it should matter if the imagined body of the nation’s cultural past is healed, protected, and valued. This revaluation does not take place apart from the world but in relation to it, thus the most frequent and aptly descriptive term deployed by contemporary Chinese repatriation activists is *hongyang* (“to hold up” or “promote”) their heritage, and nation; that is, to stake out recognition on the international arena, and recast power relations at home.

This is why many Chinese, and their government, now imagining themselves to be in the service of a Chinese nation,¹⁸ have hastened to embrace the global cultural heritage regime under which nations compete to have their most impressive cultural and natural monuments recognized and inscribed on an authoritative global World Heritage list.¹⁹ This list is not just an objective listing of world heritage worth preserving on some universal basis, but is regarded, on the basis of nationalistic heritage ideology, as yet another significant record of achievements recognized for this or that modern nation-state.

Today, the increasingly powerful global presence and dominant position of the Chinese economy and the Chinese state²⁰ develop alongside a spectacular accumulation of wealth in private hands in China. There is also a widespread revival

of private collecting of traditionally prestigious art forms such as Chinese-style painting, porcelain, and the like. Such investments in expensive collectibles are never completely private anywhere, and in China too we see social and competitive aspects of conspicuous consumption at play when collectors establish a name for themselves as wealthy but sophisticated connoisseurs, a new version of the past's erudite Chinese elites. In China, too, this involves the transformation of wealth derived from commerce and industry into social prestige by public donations of expensive artworks. Such ostentatious public auction-shopping and giving to museums was once also politically important in the West, but is becoming less prominent there because of the relative waning of nation-state institutions – what remains is mainly the allure of peer recognition as a superior connoisseur and, publicly, as a social benefactor affiliated with the prestigious values of “art” as a higher purpose that counts for more than financial and business success.

In post-Socialist China, patriotic buybacks and donations framed as the rescue of national “lost treasures” are attractive not only for such general benefits of social prestige but also as a political strategy to endear oneself to the regime through actions that are parallel and auxiliary to state efforts.²¹ For businessmen, these actions serve as political insurance, a mechanism clearly at play in the celebrated case of the Yuanmingyuan fragments. It is evident in many other cases of China's *nouveaux riches* making patriotic purchases of collectibles outside China and then donating them while seeking the media spotlight and hoping that public displays of patriotic altruism will involve prominent mention of their names and their “selfless” acts.²²

This phenomenon of ostentatious private buybacks is intriguing, and is probably never based purely on selfish cost-benefit calculations. They are also clearly driven by the very same sentiments of nationalist pride and anguish that have been painstakingly inculcated in the general population through state education involving a master narrative of past national humiliation. This builds a strong urge to “catch up” and seek revenge for the misdeeds of Western imperial powers, as well as an equally strong sense of entitlement as a “great nation” (which implies a reformulated empire, but also carries a marked amnesia regarding the many misdeeds committed in the name of that imperial state). While nationalism-with-Chinese-characteristics has been shaped by the project of “modern China” since Sun Yat-sen's era, this tendency is greatly reinforced today by the abandonment of the erstwhile dominant Communist ideology of class struggle in favor of state-led capitalism. This move also sets the stage for the corollary and increasingly frequent argument that private ownership of an artifact by wealthy Chinese collectors and by persons of Chinese descent, as opposed to ownership in foreign lands or in foreign hands, is patriotic in itself. Even politically “innocent” collecting is frequently framed as auxiliary to the goals of the state, and in terms of benign patriotism.

Repatriation activism and the Chinese ideology of objects

Wealthy industrialists are not the only players here. There are also activists fired by the same sense of patriotism, who take it upon themselves to promote and publicize

the notion of a lost national heritage, and to campaign for its return. By far the most prominent group of such activists is organized in the China Foundation for the Development of Folklore Culture (*Zhonghua shehui wenhua fazhan jijinhui*; recently, in 2007, translated as China Foundation for the Development of Social Culture). Founded in 2002 with the close “supervision” of the Ministry of Culture and with senior advisors including a top Party official, a vice-foreign minister, and a current and a former editor of *China Daily*, the government’s main foreign-language mouthpiece, it is not a Western-style NGO: like other similar Chinese foundations, it emphasizes its close relation with the government, not its independence. Its general goals are to sponsor Chinese “social and cultural developments,” which includes protecting cultural heritage, especially Chinese cultural heritage, and to recover Chinese relics “lost” abroad.²³

For this purpose, the Foundation has launched a “China Cultural Relics Recovery Program” (*Qiangjiu haiwai liushi wenwu zhuanqi jijin*, or, literally, “Special fund for the rescue of cultural relics lost abroad”). Purchases and donations (rather than legal recourse) are the chosen methods.²⁴ Consequently, both fundraising and recruitment of helpful buyers and donors are major tasks. When wealthy individuals with patriotic inclinations have been identified, they are introduced to sellers and auctions and are encouraged to donate the acquired objects. Such buyer-donors are given special recognition for their patriotism. Stanley Ho, for example, was named an honorary adviser to the Recovery Program after the repatriation of the latest Yuanmingyuan bronze.

The Foundation has also organized auctions in support of its mission to recover objects, as well as connoisseur-led training in the classical arts – a style which merges with the growing private collecting and commercial auction business in China, which deploys a rhetoric of patriotism and is applauded by the Foundation.²⁵ Indeed, the Foundation’s annual celebrations of past accomplishments also applaud the ownership of “national treasures” by private collectors, who now reportedly number as many as 70 million people.²⁶ In the process of transformation to a capitalist “ownership society” under way among the wealthier strata in major cities, the grand values of patriotism here, as in the West, are calibrated so that they are harmonized with the inherent competitiveness of this “new” social landscape.²⁷

Here, the Foundation serves as a semi-official patriotic vanguard. In its efforts to stir up patriotic passions, it has recruited an authoritative board of over 300 advisors, including recognized Chinese experts on art and history.²⁸ These senior figures have themselves been energized through their role in this new citizens’ forum to speak up on related issues, as in their protest against the anti-repatriation “Declaration on the Importance and Value of Universal Museums” unilaterally issued in late 2002 by 18 of the richest museums in Western countries.²⁹

While denouncing that Declaration, the conservative Chinese historian and prominent advisory board member Li Xueqin summarized his own theory of the relationship between objects, culture, and the nation, as follows: “Culture is the spirit of a nation and relics are the purveyors of culture.”³⁰ This neatly reflects the new, modern assumptions mentioned earlier, of contemporary nations as organisms. The idea is expressed in flowery, “biological” language in the Foundation’s

manifesto, which speaks of relics as the blood vessels that connect the nation's present with its past:

Cultural relics [*wenwu*] are important vehicles and concrete evidence of the long history and cultural traditions of a state [*guojia*: country, state] and a people [*minzu*: nation, people, *ethnos*], they are the blood vessels that connect the present with history. To protect cultural relics is to protect one's nation's history and culture, and to maintain the root foundation and the blood vessels of the nation.³¹

In a gesture underscoring the absence of any difference of opinion with the current Communist regime, it also invokes the late Premier Zhou Enlai's recovery of certain priceless paintings; it goes on to cement the Foundation's patriotic credentials by pressing subtle demands on the government: "When the national treasures [*guobao*] are abroad, the country's people [*guo ren*] yearn for their return. The return of national treasures is the responsibility of every level of government; it is also a responsibility and a duty of every son and daughter of China, to be carried out as far as possible."

This document strikingly omits any reference to the manner in which the social polity in question (here, "China") is constituted by way of masking, or, one might even say, reaffirming hierarchies of authority at home. This is done by reference to the menacing foreign other cast in the role of thief, stealing the magic tokens of Chinese culture, but also more profoundly by the silent reaffirmation of the underlying understanding of objects as relics and "blood vessels of the nation." This profound bias in favor of cultural objects as relics (*wenwu*) has long been prevalent not only in Chinese archaeology and generally in academia, but also in the popular imagination and in the politics of heritage. It is intimately related to the omission of social analysis of the fetishism involved of these same objects.

This bias was actually never quite abandoned even during the height of the Socialist era, when one might have assumed that the core Marxian insights regarding commodity fetishism would have provoked more of an emphasis on human action and social inequalities, away from conceptions of absolute values and spirits supposedly congealing in numinous "relics." It is true, of course, that ostentatious collecting and trade in antiquities was severely curtailed in the high Socialist era. Archaeological practice and analysis emphasized class struggle, often condemning the luxuries fashioned for the ruling classes in the Bronze Age and onwards as signs of the exploitation and duping of the oppressed. But those luxuries were also at the same time celebrated as the fruits of the labor of "the people" – notably of the *Chinese* people.³² Glorification of the ingenuity of the ancient Chinese worker as laborer (from the labors of Peking Man onward!) thus implies the presumption of the existence of a China long before there was one; and whatever space had existed for debating the origins of Chinese civilization as a process of interaction was also curtailed in favor of a new orthodoxy, which can only be called a purist celebration of Chinese autochthony. Today, this emphasis is again recast, now in Classical terms of Chinese glory carried by the modern state. It remains enshrined

in the official name of the central state organ charged with protecting national cultural heritage, the *Wenwuju* (the “Bureau of Cultural Relics,” where *wenwu* literally is “objects inscribed with culture”) – even as it has recently been retranslated in English as the “National [or State] Cultural Heritage Administration” (aligned with current international usage, and staking out the Chinese government’s legitimacy as the custodian of “its” heritage).³³

Note how the meanings invested in numinous objects have shifted through history: in the ancient past, objects such as bronze tripods were guarded and cherished by rulers and usurpers alike for their iconic association with dynastic power. Possession of the fabled but long-lost nine *ding* tripod vessels (said to have been fashioned by the mythical water-taming emperor Yu) was thought to bolster royal legitimacy, as if by magic. Merely “inquiring” about them (*wen ding*) was tantamount to challenging the powers that be. Traces of such contestations are found in the tensions surrounding the divided imperial palace collections of art and curios that were moved to Taiwan in 1949 by the losing side in the civil war, with some remaining in the palace complex in Beijing and others scattered around the world (Shambaugh Elliott 2005).³⁴ Indeed, such tensions linger around every exhibit of selections from the Taiwan collection in foreign countries,³⁵ and around the recent (now perhaps defunct?) attempts in Taiwan to redefine the collections as “world heritage” – which would run counter to the main current in mainland China, to disregard the Socialist critique of class and empire, and instead embrace these exquisite luxuries as essential Chinese treasures.

When we find the shape of the ancient bronze tripod selected as the mainframe design of the new Shanghai Museum we may note that the old bronzes, like other elite symbols of the past, have been recast as emblematic of a spirit of Chineseness, the invocation of which will hold citizens in awe, extract their loyalty, and inculcate the new ideological tenets of nationalism as beyond questioning. This has been largely successful, but the notion of “relic” or “lost relic” can still create certain difficulties both on the home front, and internationally. What is a “lost relic”? Interestingly, Foundation officials have acknowledged confusion with some ordinary Chinese who sometimes take “lost” to mean actually lost and unrecoverable, not just “held by foreigners.” This reveals how the peculiar concepts of patriotism in this field are a distinct apparatus, which indeed requires hard work to inculcate in plain folks now widely embraced but once alien concepts of “country” and “nation.”

An alternative source of certainty resides in numbers. The Foundation has begun a series of exploratory journeys abroad, to Japan, Europe and so on, in order to ascertain the “facts” of lost relics. They initially suggested, apparently on the basis of UNESCO statistics generated within government agencies, that 1.67 million objects are held by more than 200 foreign museums in 47 countries; those held in private hands are more difficult to calculate but number perhaps ten times as many. (Other suggested figures mention 10, even 16 million Chinese “relics” in foreign hands.³⁶)

The Foundation avoids making blanket claims to all these objects and sometimes acknowledges problems of definition, but nevertheless Chinese documentation

tends to identify *all* Chinese objects abroad as *liu shi*, or “lost” abroad.³⁷ There are several potential problems with this, of course, not least the implication that any person of non-Chinese descent would be inappropriate as a collector of Chinese art; or the fact that objects have been and might still be given as gifts or in exchange, and may serve to increase intercultural understanding.

This last argument may be valid even taking into account the gross inequalities that served as the preconditions for the formation of many Western museum holdings, but it is heavily tainted, since it is a favorite argument among defenders of the Western “universal” museums who are under suspicion in China, Africa and elsewhere as merely out to invent excuses for retaining treasures that were unquestionably obtained illicitly. Even more seriously, it also ignores and obscures the key distinction between art historically created to circulate among aficionados and collectors and not necessarily restricted by any modern ethno-racial limitations, and objects that form part of a group or context that was wrecked when looted (Fiskesjö 2006).³⁸

The problem of for-profit looting of archaeological sites in China,³⁹ now supplying both Western dealers and Chinese auctions and buyers, appears conspicuously absent from Foundation discourse.⁴⁰ It is true that many objects auctioned in China in recent years are “circulating” artworks attracted back by new wealth and may possibly be construed either as felicitous “rescue,” or, alternatively, as simply the outcome of a confluence of new market forces and new patriotism. But many objects are undeniably freshly looted, orphaned fragments that are rehashed and sold as “antiquities.” This then begs the question: Why the absence of public Foundation denouncements of the ongoing looting and trade in fresh loot, assembled at the price of rampant destruction of sites and artifacts?

This absence is not explained solely by the sheer commercial profitability of the antiquities trade. As in the West, many Chinese collectors want “free trade” and a corollary legal recognition of their private property; the dealers involved would also prefer less government restrictions or even no licensing of auction-houses, dealers, etc.; but another aspect is the challenge posed both by corruption and by an increased blurring of boundaries between the state, its museums, and private dealers and collectors (as when collectors, increasingly, mount exhibits of their private property in state museums, so as to gain exposure, authentication, and prestige much like in the West). But it follows from this that the disregard for looting is actually intimately related to the fixation on objects, the corollary of which is a dramatic devaluation of sites and contexts. The fixation on tangibles as tokens and vehicles of value at the expense of the sites being destroyed is widely held across Chinese society; only a few iconoclastic and, therefore, also marginal artists and intellectuals achieve a critical distance to this ruse. Apart from them, certain archaeologists and heritage officials of course know and understand first-hand the irreparable wreckage of the clandestine looting⁴¹ which occurs away from the public eye, but they are incapable of disseminating such insights, because this knowledge of catastrophic destruction is almost wholly suppressed in the ideology of *wenwu* which singles out *objects* as tokens of value, and has little need for the context-oriented science of modern archaeology (Qin 2004).

A Stockholm episode

The Foundation's Executive Director is Mr. Zhang Yongnian, an amiable gentleman who once, on my invitation, attended a ceremony at the Museum of Far Eastern Antiquities (MFEA), in Stockholm, Sweden, where I served as director. The MFEA was reopened to the public after two years of repairs and renovation. When I brought up some of the above contradictions with Mr. Zhang during his visit in Stockholm, he struggled to reconcile the domestic-oriented and international images of the Foundation, opting to stress the recovery of those relics lost through illicit means.

Like our guest of honor from China's National Cultural Heritage Administration, he was delighted with the news that I had engineered the return of an ancient tomb furnishing to China⁴² – a ceramic Han period horse donated to the museum through a private collector's will, but rejected on the basis of our museum's new ethics policy discontinuing the long-established practice of taking in looted objects.

But what of the museum's original collections, amassed since the 1920s? The MFEA is full of Chinese antiquities, but they have a complex history. Quite apart from the many usual auction purchases and donations deriving from loot and smuggling,⁴³ it is also famous for archaeological collections taken away with Chinese permission. These derive from the very beginnings of modern Chinese archaeology in the 1920s, when Johan Gunnar Andersson was employed in training the first generation of Chinese geologists, and modernizing the mining industry. Through this work, he came to discover and then lead scientific excavations of a previously unknown prehistory which the historical Chinese canon had ignored – it dated to millennia before the first states and empires, long before their written traditions. The thousands of finds (and purchases) Andersson made with the aid of his professional Chinese colleagues were partitioned in a 1925 Sweden–China agreement; all were shipped to Stockholm, half retained there and the others returned to China in seven shipments between 1927 and 1936. The repatriated objects have since vanished, save a small number of stranded fragments found in Beijing's Geological Museum.⁴⁴

Until the early twenty-first century these losses were largely forgotten in China. One reason was that blame for the loss was partly local. More importantly, these strange objects weren't readily recognizable as Chinese, like later bronzes or porcelain collectibles. Even after they were inserted into the new national narrative of Chinese origins, they remained a challenge to neo-orthodox notions of Chinese essence, precisely because they derive from pre-Chinese cultures never mentioned in historical Chinese records.

The 2004 exhibition of these objects went beyond the objects to explain this whole story (in contrast to the donated, unprovenanced loot filling the rest of the museum), and, further, to highlight the issue a special corner was included with a small number of pieces that had inexplicably been retained in Sweden despite being marked "P" for Peking (not "S" for Stockholm), by Andersson himself. When Mr. Zhang visited, I handed him complete copies of Andersson's packing lists for the repatriated objects lost in China, and asked for help in locating them. Efforts to do

so yielded nothing, as had efforts by scholarly colleagues, other museum directors in China, and the State Administration for Cultural Heritage, which I had solicited for help since 2000. But in 2007, the Foundation returned to Stockholm to visit Sweden's Minister for Culture and formally asked for the repatriation of objects from the state-owned MFEA⁴⁵ – but only for the six objects labeled “P”, which were painted ceramics for which Chinese archaeology has produced a number of parallels. By contrast, no demand was made for the many unprovenanced (mostly looted and smuggled) archaeological or other objects in the rest of the museum, and there was no mention of Sweden's recent official return of just such an object, the smuggled MFEA horse. The Foundation promised to exhibit the pieces, if returned, not in the impoverished Northwestern region, where they hail from, but – interestingly – in wealthy Hangzhou, in eastern China, which is one of the Foundation's main centers, with a strong membership among collectors and connoisseurs. The Swedish minister deflected the request by demanding it be made directly by the Chinese government, reiterating the exigencies of the current international system where states only deal with states. And no such request appears forthcoming.

With the exception of occasional repatriations from Western countries, it appears the Foundation will have to rely mostly on fundraising and market opportunities for acquiring significant objects, rather than requesting voluntary repatriations or taking the legal route, which necessarily would involve the government proper and not just its semi-official patriotic supporters.

The government's ambivalent role

The Communist Party, which is built into and shadows the entire Chinese state apparatus, is taking the lead in bolstering a new Chinese patriotism. This happens not just through events like the Olympics, but notably also by long-term strategies for education and propaganda. The Party's Propaganda Department, charged with this overall task, seizes on museums and historic sites and identifies them as “Patriotic Education Bases” (*Aiguozhuyi jiaoyu jidi*), and promotes their use for school visits, and other outreach activities.⁴⁶ The entire effort clearly is about relying on material remains of the past to interpret them in present-day nationalistic terms. Despite the wish to avoid unwanted association with the various other narrow “nationalisms” of recent world history, such moves are always couched in terms of *ai guo*, “loving the country” (Zhao 1998).⁴⁷

In 2005, the central government issued a special national circular requesting all government authorities to give priority to the prevention of looting and destruction of archaeological sites. Included among those intended to receive the call were agencies in charge of promoting tourism, which is a potentially positive sign, as local custodians, realizing the benefit that can be derived from the protection of antiquities, really are the only effective defenders against looting (this is as true on the local and regional levels within China as on the global level). Agencies such as the central State Administration of Cultural Heritage are charged with protecting archaeological sites and upholding the existing legal framework, which places strict restrictions on excavations and prescribes reporting duties for any industrial

or other type of development that encounters archaeological materials by accident. Some looters and smugglers, when caught, have been punished and even executed, but archaeologists struggle to keep pace with developments and there is ample room for both corruption and conflict. Officials charged with protecting cultural sites must contend with commercial and industrial interests, which may be favored by other branches of government. On top of this, the superficially monolithic notion of Chinese society has less and less validity, as “heritage authorities” and archaeologists, in a struggle over values and their definition, face mounting opposition and disagreement from domestic antiquities dealers and auctioneers, who prefer to see an increased supply of goods for their rapidly expanding trade inside China. And, as in the West, private collectors, as well as even some museums, are prepared to overlook the violent origin of many such pieces.

But in the calculations of China’s governing circles, the repatriation of objects held abroad is not likely to be a top priority overall. While the issue must – like the ownership of national territory, the hosting of events like the Olympics, and so on – appear as politically highly useful on the home front, the government makes formal requests sparingly. The multiple competing interests involved in government policy-making are another likely reason for this; a dramatic example can be found in the listed World Heritage site of the river gorges in north Yunnan, which has been in danger of being formally demoted or de-listed because of threats from dam-building and other development schemes, opposed within China by environmentalists and others. Such clashes occur frequently between economic development and archaeological interest; in this regard, the most famous example is the conflict over faltering government funding and support for archaeological research in the Yangtze River gorges before sites were flooded in the dam project there.⁴⁸ We should also note that despite the massive trade in art and antiquities inside China supported by entities such as the Foundation discussed above, there are also voices within China who are altogether opposed to such trade.⁴⁹

All of this is also the fraught context for the unprecedented and highly significant Chinese government request to its United States counterpart, made in 2004, for the US to implement a ban, under the 1970 UNESCO “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property” (which both countries have signed), against shipments of looted Chinese artifacts to US markets. Despite fierce opposition from a range of US collectors and museums, this was accepted with some conditions by the US government in January, 2009.⁵⁰ It is well known that fresh loot from China continues to appear in the US: in antiquities dealers’ shops, in the hands of collectors, and eventually as donations or purchases displayed in prestigious museums (the Metropolitan Museum of Art in New York only requires a ten-year delay before such an object is regarded as acceptable).⁵¹ Predictably, dealers and collectors in the US have bitterly opposed the request, and deliberations of the State Department’s Cultural Property Advisory Committee (which advises the US President) were delayed. The detractors in the US – who stand to lose trade volume – suggest that it was but a ploy to protect the rapidly growing profits of the domestic Chinese antiquities market. In practice they may be partly right. However, the request did

emanate from the State Cultural Heritage Administration, and clearly arises from a genuine wish to do something about the destruction wrought in order to supply the massive US trade in Chinese objects. It is part of an attempt to curb the worst excesses of the ongoing destruction, even as the difficulties involved are compounded by developments in China that clearly strengthened the hand of those in the US who decried the request.

The formal context of the Chinese demand was the 1970 convention and additional US legislation from 1983 implementing it. States ratifying it pledge to guard against such traffic, and US customs officials can already reject items from China suspected of having been stolen or looted, as they sometimes do. But, in practice, relatively few items are seized. The US has unilaterally added a set of conditions for accepting any foreign state's request to enforce stricter restrictions: they must present evidence that damaging looting is indeed ongoing; that the country itself is taking measures to combat this; that the US market is significant as one of the outlets for objects deriving from this looting; that methods other than restricting the trade are not available, that import restrictions "if applied together with restrictions by other countries . . . would be of substantial benefit in deterring" the destruction; and also that the US in return will receive some goodwill in return for imposing restrictions, such as loans of objects for exhibitions, research, etc. All this was met in the agreement. The conditions obviously also serve to protect the interests of the US antiquities "industry" in the name of free trade and private property.⁵² But behind the scenes, the issue was surely weighted with even more important issues, such as China–US clashes over piracy at the WTO, and so on – and, not least, the political damage that the US would be sure to continue to suffer with increasingly vocal and visible Chinese patriots complaining about the trade in global mass media. No request of this kind had been denied before; the US already has similar agreements in place with Nicaragua, Cambodia, Mali, and Italy,⁵³ and it is likely that the request would be approved with some specific conditions or limitations (the original Chinese request extends to objects from all the way up to 1911).⁵⁴ It remains to be seen whether that success will enable the cultural heritage protection community in China to gain a stronger standing, or if it will indeed mainly benefit the ever-stronger domestic commercial interests in a "free, but Chinese" trade in cultural relics.

Conclusions: speculative futures?

Is the current protective focus on Chinese essences but a historical stage that will soon be overcome? We have seen how both Chinese antiquities collectors and Chinese defenders of the integrity of archaeological sites and monuments alike lament the loss of fragments of the past from looted sites, circulating as desirables abroad, among foreigners who seek not just profits but to entertain their own fantasies about China. Most of the Chinese *dramatis personae*, both inside and outside of government, are indeed inspired – for better or worse – by a nationalism with Chinese characteristics, which supports building up China as a major power in the world. And this is already happening, politically, militarily, and economically:

Africa sees a strident influx of Chinese oil men; Australia's minefields are mined for Chinese interests; Chinese industrialists are investing in Scandinavia; and so on.

In light of this, and in the light of the associated, massive changes inside China, it is not difficult to see who appears to be at the losing end of the domestic Chinese arguments over the uses of antiquities. This would include any Chinese political "left" which may be identifiable in certain aspects of the opposition to the commercialization (or, in Chinese parlance, "development") of anything cultural, including the vast expansion of the domestic trade in "cultural relics" – especially when it is rooted in a disagreement over the elevation of private property and free trade to the position of guiding values for state and society alike, as is becoming apparent along with the overall, massive resurgence of traditional Chinese configurations of trade, wealth, prestige, and power, reformulated in the terms of the new patriotism (as discussed earlier). Selective relaxation of state control of mass media and publishing may offer a certain space for such criticism, but probably only very ineffectively, and marginally.

But where will all this lead, in terms of the future of private collecting and museum displays? One major question is whether the new Chinese elites (many of whom figure among the 70 million estimated private collectors of art and antiquities), and the new institutions they are already engendering in the wealthiest cities, will indeed remain narrowly focused on their fetishism of a Chinese heritage. Such a limited focus would perhaps be expected in more marginal countries, where the perceived unequal and inferior relation to the world's "mainstream" often, understandably, translates into a preoccupation with salvaging and promoting local identity. But the desire, and potential, for China to occupy center stage is known, and its reality is becoming apparent. Will this lead to the establishment of "universal" museums in China, incorporating not just Chinese manifestations, but those of other cultures as well?

We are already witnessing an emerging duplication of the Western arrangement of the social conditions surrounding such self-declared metropolitan museums: that cozy, and historically tremendously successful Western-modern *ménage-a-trois* of dealers, collectors and museums, united in patriotic pursuits, that is so frequently sustained around museums in Western nations, those fashionable circles in which it becomes taboo to speak of the dirty origins of the artifacts on show; acknowledging such matters would hamper the desired production of key values such as the prestige of collecting for both self and nation, and especially in terms of glorifying one's own nation's relative advancement above and ahead of others. Will wealthy Chinese collectors move on from merely gathering Chinese relics, and begin to collect African, Cambodian, Mayan and even Greek and Roman artifacts? There are already indications that, as in Japan, collectors have begun to seek art from elsewhere, and not just Chinese antiquities, Chinese traditional arts, or contemporary Chinese art.⁵⁵ The next step would be the establishment in China of museums housing such trophies, or even some kind of new version of the Western "universal" museum: that is, public displays of fragments of other cultures on the model of the Western museums' "Orientalist" mixture of appreciation and

regret for the primitive, underdeveloped, or exotic other, sprinkled with gratitude for allowing the self to stand out more clearly as a contrast to the bygone or failed other cultures and civilizations on display.⁵⁶ Certainly, for China to go this route would mean shedding the last straw of the Mao-era narrative of Chinese solidarity with other non-Western victims of Western imperialism and colonialism. Perhaps it is more likely that the Chinese narrative of victimhood and solidarity might instead be further modified so that it emphasizes even more strongly than today China's claim to a role as a "leader" of the non-West. It could then help promote Chinese benevolence in the shape of development aid (which would accompany the exploitation effected on other nations' natural resources, thus replicating what is already happening within China with regard to its poor, exploited peripheries). If so, the Chinese appropriation of the heritage of others for use in its own self-definition might increasingly take the form of reshaping others' past to fit this self-image and arrange it within a Chinese narrative of leadership and Chinese-styled progress – as when Chinese aid for monument restoration abroad (as currently in Cambodia) transforms the originals and subsumes them under a Chinese model. Such transformations remake the world into something recognizable for China's own patriotic citizens who are raised on these narratives and many of whom, as we have seen, also embrace them fervently and may be ready to also embrace the glorification of imperial China.

In this scenario it is unclear what would happen on the Chinese museum scene. In the more immediate future, one of the most interesting developments on that scene is the revamping of the old state museums established under Mao. The long-awaited reopening of the National Museum of Chinese History at Tiananmen Square, now renamed simply the "National Museum of China," will be especially interesting in this regard; its opening was postponed until after the Beijing Olympics, while the museum undergoes renovation and incorporates the site of the derelict Museum of the Chinese Revolution. My short-term prediction would be that in the new museum, the old (and admittedly imperfect) critiques of social inequality and object fetishism will have been excised; and, as they enter the building, visitors will find themselves in the awesome, imposing and mysterious presence of one of the imposing royal tripods, just as visitors to the museum's preparatory website already are.

Time will tell, though, if and how, in the medium term the new Middle Kingdom will also appropriate others' cultural heritage to redefine itself, heralding its new status as yet another self-declared vanguard of humanity; but also whether society at large would accept such a project, or if other social developments would render it implausible or even irrelevant.

Notes

- 1 Acknowledgment: portions of this text were presented in the "China Through a Global Lens" Theme Semester speaker series at the University of Michigan's Center for Chinese Studies, in October 2007, and also at Columbia University's Program in

Museum Anthropology, in April 2008. I thank the organizers and audiences for precious comments and questions, and the editors for inviting me to contribute to this volume.

- 2 See Rée, J. (1992) "Internationality", *Radical Philosophy*, 60: 3–11. This basic assumption remains widely embraced, including in China.
- 3 For the background see Pankhurst, R. (1999) "Ethiopia, the Aksum Obelisk, and the return of Africa's cultural heritage", *African Affairs*, 98(391): 229–39.
- 4 They are currently under attack as "narrowly nationalistic," from those in the West who would like to defend their museum holdings from repatriation demands. See Cuno, J. (2008) "Who owns the past?", *Yale Global*, April 21, 2008. Available online at: <http://yaleglobal.yale.edu/display.article?id=10678> (accessed April 25, 2008); and Appiah, K. A. (2006) *Cosmopolitanism: ethics in a world of strangers*, New York: W. W. Norton. (See especially Ch. 8, "Whose Culture Is It, Anyway?"), and Fiskesjö, M. (forthcoming) "Commentary" in J. Lydon and U. Rizvi (eds.) *The Handbook of Postcolonialism and Archaeology*, World Archaeological Congress Research Handbooks in Archaeology Series, Left Coast Press.
- 5 Among the vast literature on the Parthenon and the reconfigurations of Greek heritage and identity, see Friedman, J. (1999) "Past in the future: history and the politics of identity", *American Anthropologist*, 94(4): 837–59; and Hamilakis, Y. (1999) "Stories from exile: Fragments from the cultural biography of the Parthenon (or 'Elgin') Marbles", *World Archaeology*, 31(2): 303–20.
- 6 For further background and discussion, see Kraus, R. (2004) "When legitimacy resides in beautiful objects: repatriating Beijing's looted Zodiac animal heads", in P. H. Gries and S. Rosen (eds) *State and Society in 21st Century China: Crisis, Contention, and Legitimation*, London and New York: RoutledgeCurzon; and Hevia, J. (1999) "Looting Beijing: 1860, 1900," in L. H. Liu (ed.) *Tokens of Exchange: the problem of translation in global circulations*, Durham: Duke University Press and Broudehoux, A. M. (2004) *The Making and Selling of Post-Mao Beijing*, New York: Routledge; see especially Ch. 3, "Selling the past: nationalism and the commodification of history at Yuanmingyuan."
- 7 Lim, Le-Min. "Stanley Ho pays \$8.9 million for looted bronze horse". Bloomberg.com; updated September 20, 2007 (www.bloomberg.com/apps/news?pid=20601088&sid=avcCipjirWxQ&refer=home).
- 8 Significantly, it had previously been owned and displayed in Taiwan.
- 9 "Jackie Chan comes out fighting in sculpture row," *The Times*, February 27, 2009. Available online at: www.thetimesonline.co.uk/tol/news/world/europe/article5808123. ecc
- 10 Lim, Le-Min. "Chinese Art Dealer in Unpaid YSL Bronzes Furor Weeps." Bloomberg.com, March 10, 2009 (<http://bloomberg.com/apps/news?pid=20601088&sid=aNIZKHiYNiLU&refer=muse> (accessed May 7, 2009)).
- 11 On the 2009 Paris auction, see "Law professor says lawsuit to bring home stolen relics difficult" (www.chinaview.cn, February 13, 2009); and "Christie's auction controversy reveals China's dilemma in retrieving lost relics," (www.chinaview.cn, February 16, 2009).
- 12 See the Poly Culture website: www.polyculture.com.cn. Another company engaged in buybacks is the Shide Group building materials conglomerate.
- 13 As dramatized in the controversial 2006 play *Yuanmingyuan*, by avant-garde director Zhang Guangtian.
- 14 See Hamilakis, "Stories from exile".
- 15 Note that before coming to power, the Chinese communists originally rejected the imperial framework, declaring that conquered peoples would be free to secede from the old empire. See Fiskesjö, M. (2006) "Rescuing the empire: Chinese nation-building in the twentieth century", *European Journal of East Asian Studies*, 5(1): 15–44.
- 16 For an account of the emergence of a Chinese version of modern cultural heritage as idea

and practice, see L. Zhang (2003), *La naissance du concept de patrimoine en Chine: XIXe–XXe si cles*, Paris: Edition Recherches/Iproua (in French).

- 17 An excellent general discussion of the creation of such creatures in the Chinese context is Harrison, H. (2000) *The Making of the Republican Citizen: Public ceremonies and symbols in China, 1911–1929*, Oxford: Oxford University Press. On the transformation of older or traditional values see Bakken, B. (2000) *The Exemplary Society: Human improvement, social control, and the dangers of modernity in China*, Oxford: Oxford University Press.
- 18 I seek to avoid the commonplace formulations of “China” acting, as if a country could “act” at all. It cannot. It only exists in the imagination of people – who are the real actors. When Chinese or other people impute will and subjectivity to their state as such, and claim to be acting in its service, they displace their own agency in a move akin to that performed by religious people worshipping gods. Similarly, they misrecognize the art and heritage of their *patria* as mysterious and absolute instead of seeing them as their own creation.
- 19 For information on both accepted and nominated sites, see China’s section of the UNESCO World Heritage website (<http://whc.unesco.org/en/statesparties/cn>).
- 20 For an insightful discussion of these developments, including the role of the state, see Nonini, D. M. (2008) “Is China becoming neoliberal?”, *Critique of Anthropology*, 28(2): 145–76.
- 21 Both government organs and government-financed museums are also engaged in similar buybacks, especially since the government established a special fund for the purpose in 2002.
- 22 For vivid examples see Mazurkewich, K. (2004) “Late bidders: with new wealth, China’s tycoons buy lost treasures; instead of Van Goghs, they seek nation’s art looted by West over centuries”, *The Wall Street Journal*, January 14, A1.
- 23 See the China Foundation for the Development of Social Culture website, www.relicsrecovery.org
- 24 References are made to Japanese and South Korean initiatives taking off as their postwar economies developed. See the founding manifesto, “Mobilizing society’s strength, working for the return of national treasures: manifesto for establishing the ‘Special fund for the rescue of cultural relics lost abroad’” [the ‘China Cultural Relics Recovery Program’], July 2002. Available online at: www.relicsrecovery.org/propose/index.asp (in Chinese); see also “Reclaiming cultural relics from overseas”, *China Daily*, June 14, 2005, cited in the Cultural Property Protection Net, *CPProt Digest*, 4: 158. Available online at: <http://groups.google.com/group/museum-security-network;www.museumbeveiliging.com/cpprot/index.html>
- 25 For example, see the self-description offered by China Guardian Ltd, which says that it has “gained the respect of the people and the government by pursuing the sales and eventual repatriations of important cultural treasures in foreign collections, setting off a significant international trend of Chinese cultural reclamation by national collectors and museums ...” Available online at: www.cguardian.com/en/gyjd.php
- 26 See “National treasure project’s ten big events in the past year of Chinese collecting”, available online at: <http://news.sc001.com.cn/subject/info/003.shtml> and http://blog.sina.com.cn/s/blog_474cc22e010008cj.html; also “Experts from various fields join to discuss the ‘Spring of national treasures’: annual meeting of the national treasure project held in Beijing, celebrating the flourishing of collecting”, February 12, 2007, available online at: http://blog.sina.com.cn/s/blog_474cc22e010008cl.html (accessed May 7, 2009).
- 27 Note that even public museums in China have begun to compete over who is to buy back relics from abroad. See “Cultural relics on their way home”, *China Daily*, November 19, 2003.
- 28 See the China Foundation for the Development of Social Culture website, www.relicsrecovery.org. For a fascinating sociology of Chinese archaeologists and academics

- in relation to state demands for legitimacy, see Evasdottir, E. (2004) *Obedient Autonomy: Chinese intellectuals and the achievement of orderly life*, Vancouver: University of British Columbia Press.
- 29 The following January, the Foundation issued a rebuttal, accusing the Western museums of violating the spirit of the UNESCO conventions and promising to step up efforts to recover Chinese artifacts. The declaration was also denounced by activists in Ethiopia and other countries in Africa. See Fiskesjö, M., “Commentary”.
 - 30 Aware of the potential for accusations of narrow nationalism, Li also was quoted as saying that: “It’s absolutely not ultra nationalism [...] we are just protecting our rights” (cited in “Chinese experts urge return of lost relics to original countries”, *People’s Daily*, 22 January 2003. Available online at: http://english.peopledaily.com.cn/200301/22/eng20030122_110558.shtml) and “China calls for return of antiquities”, BBC, January 22, 2003. Available online at: <http://news.bbc.co.uk/2/hi/entertainment/2683151.stm>
 - 31 Op. cit. (www.relicsrecovery.org)
 - 32 As once pointed out in Hulsewé, A. F. P., “Chinese Communist treatment of the origins and the foundation of the Chinese empire,” *The China Quarterly* 23, 78–105), this shift towards an emphasis on Chinese autochtony was in part provoked by the Sino-Soviet rift in the early 1960s.
 - 33 The modern Chinese term for “heritage” also implies materiality (*yichan*, “surviving artifacts”) but seems to suggest a stale remainder, not a living fetish, as conveyed by *wenwu*.
 - 34 Shambaugh Elliott, J. (2005) *The Odyssey of China’s Imperial Art Treasures*, Seattle: University of Washington Press.
 - 35 At one such show (Berlin, 2003: “Treasures of the Sons of Heaven: The Imperial Collection from the National Palace Museum, Taipei”), the first object that presented itself to every visitor was an enormous ancient bronze *ding*. See my review in the *East Asia Journal: Studies in Material Culture*, 1.2 (2003/2), 98–100.
 - 36 See “How many Chinese cultural treasures ‘lost’ overseas?”, *The Peoples’ Daily* online, February 3, 2007, as cited on the Museum Security Network mailing list, archived at <http://msn-list.te.werweg.com/2007-February/006836.html> and “Chinese experts urge return of lost relics to original countries,” op. cit.
 - 37 See the Foundation’s website at (www.relicsrecovery.org) and “Reclaiming cultural relics from overseas”, *China Daily*, June 14, 2005.
 - 38 Fiskesjö, M. (2006) “Chinese collections outside China: problems and hopes”, *Public Archaeology*, 5(2): 111–26.
 - 39 Some accounts estimate 100,000 robbed sites and tombs. See Tang, A., “The drain of China’s cultural heritage”, *Beijing Review*, May 23, 2005. Available online at: www.bjreview.cn/EN/En-2005/05-23-e/china-1.htm. In one recent case, a wealthy Chinese-American businessman-collector in the US had Chinese smugglers offer him the illegal loot from a rich, intact, just-discovered ancient tomb in China, to be shipped to the US in its entirety. Such unscrupulous traders would probably not hesitate to sell to a Chinese citizen if they could obtain the same profit (as now seems conceivable), and save on trans-Pacific shipping.
 - 40 This is also the case in many other official and semi-official contexts. For example, see this Ministry of Culture summary on the issue of the fate of China’s antiquities, which conspicuously omits any reference to the continuing loss of sites and artifacts to destruction through looting: “The Long Return Journey of the Lost Culture Relics”, available online at: www.chinaculture.org/gb/en/2005-07/27/content_71356.htm
 - 41 See, for example, Qin, D. (2004) “The effects of the antiquities market on archaeological development in China” in N. Merriman (ed.) *Public Archaeology*, London: Routledge.
 - 42 Unlike the Swedish government, which was forced to grant the promised repatriation, but canceled our planned press conference to minimize the impact. See Fiskesjö, M., (2007) “The trouble with ‘world culture’”, *Anthropology Today*, 23(5): 6–11; also,

- “Sweden: The next stop for the Chinese treasure-retrievers”, *Guoji xianqu daobao* (Xinhua News service), May 15, 2006. Available online at: <http://news.sina.com.cn/c/2006-05-15/09438928478s.shtml>
- 43 At the MFEA, such historic artifacts were long presented in the past tense, as if the Chinese traditions had come to an end – exemplifying the attitude that justified the museum as the custodian of “rescued” (not looted) Oriental objects.
- 44 For the full story see Fiskesjö, M. and Chen, X. (2004) *China Before China: Johan Gunnar Andersson, Ding Wenjiang and the discovery of China’s prehistory*, Stockholm: Museum of Far Eastern Antiquities. The Geological Museum produced a TV film celebrating the event as a patriotic victory and insinuating that Sweden is somehow hiding the rest.
- 45 Letter from the China Foundation for the Development of Social Culture, March 16, 2007, to Sweden’s Minister for Culture (registered at the ministry as KU2007/1876/KR).
- 46 See the semi-official website identifying the sites: <http://cpc.people.com.cn/GB/34727/55751/index.html>
- 47 See Zhao, S. (1998) “A state-led nationalism: the patriotic education campaign in post-Tiananmen China”, *Communist and Post-Communist Studies*, 31(3): 287–302.
- 48 The renowned former director of the National Museum of History, Yu Weichao, one of China’s best-known archaeologists, who also served as an advisor to the Poly Art Museum, famously condemned the central government priorities.
- 49 For an analysis of this in relation to the Chinese government request, supported by both sides in the Chinese debate, but for different reasons, see “Over half of lost Chinese cultural relics go to the US; China and the US discuss putting an end to the shadowy flows of cultural relics”, *Xinhua*, April 26, 2005. Available online at: http://news.xinhuanet.com/newscenter/2005-04/26/content_2877843.htm
- 50 “A New Agreement to Protect the Archaeological Heritage of China,” and further links at the US State Department’s pages on international cultural property protection (<http://culturalheritage.state.gov/whatsnew.html>).
- 51 For a summary see Baum, I. (2006–7) “The Great Mall of China: Should the United States restrict importation of Chinese cultural property?”, *Cardozo Arts & Entertainment Law Journal*, 24(1): 919–52.
- 52 The US detractors cannot explain why ownership must be the basis of the cultural understanding, which they claim is the chief reason for the trade.
- 53 Incidentally, the Italians are also collaborating with China’s heritage authorities, such as by dispatching experts from its antiquities police task force to advise on halting looting and smuggling.
- 54 The original Chinese request extended to objects dating as late as 1911, but the agreement is more limited in time. For the full text and the latest news, see the US State Department’s International Cultural Property Protection website (<http://exchanges.state.gov/culprop/index.html>), and the website of the US-based NGO, Saving Antiquities for Everyone (SAFE) (<http://safecorner.savingantiquities.org/2008/03/what-happened-to-china-mou-request.html>).
- 55 Some US dealers are already betting on this: “Chinese collectors have traditionally been China-centric, but we believe that in time they will buy more broadly,” says one of them in anticipation of opening a new store in Beijing this year; see “Manhattan dealers open in China”, *The Art Newspaper*, June 24, 2008. Available online at: www.theartnewspaper.com/article.asp?id=8056. On the broader background, see Robertson, I. (2005) “The emerging art markets for contemporary art in East Asia” in Robertson, I. (ed.) *Understanding International Art Markets and Management*, London: Routledge; and Joy, A. and Sherry, J., Jr. (2004) “Framing considerations in the PRC: creating value in the contemporary Chinese art market”, *Consumption, Markets and Culture*, 7(4): 307–48.
- 56 See Baumann, G. and Gingrich, A. (eds.) (2004) *Grammars of Identity/Alterity: A*

structural approach, New York: Berghahn Books. Even with the current intense focus on nationalist redress, there are early signs of the stage being set for China to move in this direction. See also Emery, A. (2008) "Give the people what they want? Global museums in the 21st century", *Orientalism*, 93(5): 93–4.

Index

References to text in tables and figures are in **bold**. Names of publications, films, TV shows, and Chinese terms (excluding place names and personal names) are in *italics*.

- accumulation: as concern of state 49;
 - decentralized 47; and local officials 51;
 - modes of 17, 26, 46, 49
- ACWF (All-China Women's Federation) 8, 102–5, 107, 110–12, 114–16
- administrative litigation *see* litigation, administrative
- Administrative Litigation Law 1989, 59, 61, 65, 69
- advertising 5, 188–9, 191–2, 194–5
- AIDS 1–2
- Aksum obelisk 226–7
- Alford, William 51–2
- All China Journalists Association (ACJA) 186
- ambiguities 17, 56, 121, 131, 149, 209
- Andersson, Johan Gunnar 235
- animal rights 132
- anonymity 209–11, 214–15, 217, 220
- antiquities 225–6, 228, 232, 234, 236–9
- Aoyan Village 67
- Aoyanchang Village 75
- appropriation 125, 160, 177–9
- archaeological sites 234, 236–8
- art, collecting 229–31, 234, 237–9
- artistic autonomy 9, 11, 161–2, 169, 171, 179–80
- artists, as antagonists of state power 4, 210, 219
- associations, voluntary 122, 125, 143, 190
- audience research 5, 190–2
- authoritarianism 1, 48, 50
- autonomy: of fields 163; institutional 52;
 - of media 186; professional 194, 197; of society 200
- Beijing: demolition policy in 32;
 - development of 5, 20, 207–8, 219;
 - during Cultural Revolution 19; inner city 7, 18, 23, 25–6, 36, 207; residents' struggles in 7, 11, 208
- Beijing Bastards* (film) 170
- Beijing Bicycle* (film) 171
- Beijing Declaration* 105, 107
- Beijing Film Academy 164, 167, 169–72, 175
- Beijing Film Studio 162
- Beijing Youth Daily* 211
- Bejingers in New York* (TV show) 164
- Bian Guanghua 69–71
- biaozhunzu* 19–27, 36–7
- biodiversity 128
- birth control 69
- Black Dragon King temple 146
- Bloody Case that Started from a Steamed Bun, The* (film) 178
- Bourdieu, Pierre 160, 162–5, 168, 170, 175, 177, 179
- Buddhism 132, 143, 151–2, 154
- Bureau of Cultural Relics *see* *Wenwuju*
- bureaucratization 18, 23, 25
- Burris, Mary Ann 104, 107
- Cai Mingchao 228
- Cannes 5, 168–9
- Caohai 7, 84, 87, 89, 92–3, 95–6
- Caohai Lake 7, 83, 87–9, 93–4
- Caohai Nature Reserve 7, 84, 86–7, 89, 96
- capital: cultural 2, 5, 164, 166, 169–71, 175–6; different forms of 163, 165–6, 168, 170–1; economic 164–5, 168,

- 170–1; financial 5; political 168, 171; social 125; surplus 146; symbolic 171
- capitalism: crises of 50; and feminist activism 105, 113, 116
- Catholicism 5, 141–5, 147–9, 151–4
- CCP (Chinese Communist Party): and ACWF 110; attitude to barefoot lawyers 67; Central Committee 64; Congresses 186; Disciplinary Committee 36; domination of social infrastructure 2; and feminist activism 102, 104, 107; and Marxism 147; Political Bureau 195; political monopoly of 50–1; popularization of legal knowledge 64; Propaganda Department 186, 195, 236
- cellular activism 6, 8, 46–7, 53
- censorship: economic 176; film 172–3; and Internet 153, 214; self-, 114, 214; of television 192, 194
- Center for Mass Legal Education 35
- Central Fine Arts Academy 211
- CESDRRC (China Environment and Reference Center), events hosted by **131**
- chaiqian* 208
- chaiqianhu* 18, 27–8, 33–7
- Chakrabarty, Dipesh 56
- Chan, Jackie 228
- Chartier, Roger 160, 177, 179
- Chen Guangcheng 70–1
- Chen Guangsheng 67, 75
- Chen Guangzhou 75
- Chen Kaige 165, 168–9, 178–9
- Chen Mingxia 110–12
- Chen Village 145
- Chiang Kai Shek 142
- China: ancient 232; changes in society 2; conceptualizations of state 3; idea of 225, 229; image of in West 226; imperial 142, 225, 228–9, 240; political culture of 108; political transformation of 106; social stratification in 209; working class of 42; as world power 238–9
- China Association for Legal Studies 110
- China Central Television (CCTV) 5, 67, 76, 186–7, 191–4
- China Cultural Relics Recovery Program 231
- China Environment and Sustainable Development Research and Reference Center (CESDRRC) 130–1
- China Environmental Culture Promotion Society 129
- China Film Corporation 172
- China Foundation for the Development of Folklore Culture 231–3, 236
- China International Television Corporation (CITC) 191–2
- China Law Report 178
- China Poly Group 228
- China Youth Daily 39, 67, 75–6
- Chinese Academy of Social Sciences (CASS) 110, 190
- Chinese People's Political Consultative Conference 227
- Chinese philosophy 129, 132
- Chinese Revolution 58, 167
- Chinese Society for Women's Studies 104
- Chinese state: *biaozhunzu* restitution policy 21; control of media 11; demonstrations of loyalty to 225; and filmmaking 159, 165, 168, 170–2, 174, 176; and historical narrative 232–3; and human rights 153; interpretations of 49–50; and mass campaigns 122; and media 184, 186–90, 192–200, 218; monitoring problem 49; official rhetoric of 1, 6, 126, 128, 226; and patriotism 236; policing of social activism 8–9; political legitimacy of 1, 10, 47, 50–2, 168, 219; religious policy of 5, 154–5; rhetoric of 47–8; strategies for embracing 9; strategies of 47; tensions between local and central government 52; tolerance of activism 8, 114, 133; and Zhou Guangli 10
- Chinese Women's Daily 103
- Ching Kwan Lee 217
- Chongwen District 213, 215–16
- Christianity 8, 143, 146, 150–2, 154
- citizen-representatives 10, 65–6, 69, 76
- Citizens Can Sue Officials* (brochure) 67
- citizenship: definition of 62; as labor identity 56–9; political 37; social 36–7
- civic action 122–3, 129–30
- civic entrepreneurship 8
- Civil Litigation Law 64–5
- class: abandonment by Chinese feminism 105, 113; convergence of 61; and identity 3, 45, 48, 56–7; new 57; and politics of redistribution 3; rhetoric of 57; struggle 42, 57, 229–30, 232; unmaking of working 11
- class politics 48
- climate change 88
- Code on Legal Assistance 64
- Cold War 151, 153

- Collections of Women's Studies* 103
 colonialism 105, 240
 commodity fetishism 232
 communes 54, 88
 communities: of activism 2; disintegration
 of 147; and housing 12; identity-based 4
 community citizenship 11
 community development programs 84–5,
 87, 89–92, 94, 96
 competitive liberalism 48
 Confucian Institutes 9
 Confucianism 128, 142–3, 150, 196
 conservation 7, 84–7, 89, 91, 96
 Constitution of the People's Republic of
 China 7, 17, 50, 208
 continuity 145, 199, 225, 227
 contracts, legal and social 53
 corruption 36, 46, 53–4, 57, 65, 80, 147,
 195, 234, 237
 courts, and barefoot lawyers 76–7
Crouching Tiger, Hidden Dragon (film)
 179
 CSM (CVSC- Sofres Media) 191–2
 CTF (Community Trust Funds) 90–1,
 94–5
 CTR Market Research 191
 cultural diversity 128
 cultural heritage regime, global 229
 cultural production 160, 162–4, 171–2,
 177–80, 217; structure of **166, 180**
 Cultural Revolution 19–20, 24, 31, 142–4,
 169, 188
 culture, Western hegemony of 226
- Dalai Lama 148–9, 153
danwei 21, 29, 149
 Daoism 143, 151, 154
 Dashilan 30
dayoufei 30
 Dean, Kenneth 145
 decentralization 47–9, 51–3; administrative
 47; and capital accumulation 12;
 economic 8, 48; fiscal 48, 59; of power
 12
 decollectivization 3
 demobilization, of violent protest 85, 91–2,
 96
 Democracy Wall Movement 129
 demolition: and “chai” character 210;
 economy of 27; violent *see yeman*
 chaiqian
 Demolition and Dialogue 212
 Demolition and Relocation Office 28, 31–2
 Deng Xiaoping 114, 219
- development programs 7, 84–5, 87, 95–6,
 217
Devils on the Doorstep (film) 174
Dialogue see Duihua (graffiti project)
 diffusion studies 121
 Digital Beijing 23
 discrimination, protests against 48, 53
 Discussion Group of National Feature Film
 Studio Heads 174
 domestic violence (DV) *see* violence,
 domestic
Duihua (graffiti project) 210–13, 217,
 219–20
 Durkheim, Emile 140
- Earth Awards 124
 East Meets West Feminist Translation
 Group 104, 107
 East Mountain Village 90
 Eastern Lightning 150
 economic development, uneven 47
 economic growth: and religion 146; and
 social compliance 1
 Edmonds, Richard 120–1
 embeddedness 120–1
 embezzlement 59
Emperor and the Assassin, The (film)
 168–9
 NGOs *see* NGOs (non-governmental
 organizations), and environmentalism
 environmental awards, recipients of **124**
 environmental discourse 122, 127, 131
 Environmental Protection Contract 90
 environmentalism 4, 119–33
Epoch Times 151
 establishment intellectuals 185
 ethnicity 113, 141
 etiquette, rule by 74
 evictions 11, 27, 31–4, 37, 208, 213, 219
 expropriation: coercive land 59; and nature
 reserves 85–6
- Falungong 9, 143, 151–4, 217
 Fanzhuang Village 70
Farewell My Concubine (film) 168–9
 federalism, Chinese style 48
fei zhengfu 126
 feminism, use of term 107
 feminist activism 101–2, 105–9, 113, 115
 feminist concepts 104–5, 107, 116
 feminist scholars 103, 114–15
 Feng Xiaogang 164–6, 173–4, 178
 field, concept of 160, 163, 179
 Fifty-Six Concrete Tasks 23, 25

- Film Bureau 5, 171–3, 175–6
 film clubs 179
 Film Distribution Corporation 171
 film field 159–60, 164, 169–72, 178–80
 film production 5, 11, 162, 164, 166, 172–3, 175–6
 filmmakers 4, 165, 170–3, 175–6; Fifth Generation 168, 170–1; independent 8, 164, 166, 176, 178; Sixth Generation 170, 175
 films: banned 169, 171; commercial 164–5, 170, 174, 176, 178; main-melody 167–8, 174–6, 178
 financial crisis of 2008, 1
 fishing, illegal 7, 83–5, 87–95
 Five-Year Plan for Popularizing Common Legal Knowledge Among All Citizens 64
 Five Year Plans 213
 Focused Interviewing 193
 Ford Foundation 4, 104, 107
 Foucault, Michel 2, 218
 Friends of Nature 122–3, 125, 127, 130
 Friends of the Earth 124
Frozen (film) 160–2, 172, 177, 180
 Fujian 145
 FUNCW (Fourth UN Conference on Women) 101–7, 110

 Gao Xiaoxian 103
 Gaotang County 70
 gays and lesbians 104
 gender 4, 9, 101–2, 104–6, 110, 112–14; mainstreaming 102, 105, 112, 116
 gender equality 9, 105, 107, 109, 114, 116
 gender hierarchy 102, 116
 General Principles 101
 girls, education of 90
 Global Aixinjueluo Family Clan 228
 Global Civil Society Forum (GCSF) 130
 Global Village of Beijing 128
 globalization: from below 2; uneven influence of on China 4
 GONGOs (government-organized NGOs) 110, 114, 126
 governmentality 2
 graffiti 209–13, 216, 218–20
 Grand Litigation 8, 35–8
 grassroots initiatives 5, 127
 Great Leap Forward 88
 Green Camp 125, 129–30
 Green Earth Volunteers 125–6, 130
 Green Watershed 130

 Greenpeace 125
 greenspeak 127
 Guangdong 43, 52, 146, 195–6
 Guangzhou 60
 Guizhou Environmental Protection Bureau 89
 Guizhou Province 83, 87–8

 habitus 164, 167, 170, 175–6
 Hainan Province 131
 Hangzhou 236
 harmonious society 1–2, 127–8, 207
 Hebei 10, 67
 Hedian Township 72
 Henan 10, 66
Hero (film) 173–4, 179
hexie shehui *see* harmonious society
 Ho: Peter 120–1, 125; Stanley 227, 231
 Hong Kong 44, 124, 152–3, 155, 167, 171, 186, 228
 Hongshan Jiayuan 215–16
 housing: protests 8, 18, 21–3, 25–6, 32–4, 36; relocation 20–3, 28–30, 32, 34; restitution policies 23; standard-rent *see* biao zhun zu; as state redistribution 55; welfare 18–20, 24, 45, 54, 60
 Housing Bureau (Beijing) 19–21, 24, 35
 Housing Management Centers 24–5
 Hu Ge 178–9
 Hu Jintao 1, 128
 Huairou County 101
 Huang Qizao 105
 Hubei Province 93
 human rights discourse 153
hutong 208, 214
 hybridization 119, 125, 132

 ICF (International Crane Foundation) 7, 84, 89–91
 identities: collective 7; and environmentalism 132; insurgent 46–8, 55–6, 58; of NGOs 126; and religion 141, 143, 146–7; and resistance 208; Western self-, 226–7
 ideology, erosion of 49
 industrialization 43, 120, 173, 186, 188
 inner city 18, 20, 22, 27, 34; elderly in 29
 Institute for Environment and Development 126
 institutional change: and feminist activism 102; in media 187; and social movements 2, 8; sources of 119; in transitional societies 199–200
 institutional rules 185, 187, 189–90, 198

250 *Index*

- institutionalism 187–8
Integrated Conservation and Development Projects (ICDPs) 86
intellectuals 11, 78, 113–14, 123
Internet 197, 199, 209, 214–20
Islam 146–9, 151–4
- James, William 140
Jia Zhangke 172–3, 176
Jiang Zemin 50, 58
Jianguan Township 70
Jiao Qinglin 36
jiating baoli *see* violence, domestic
Jidu hanleng *see* *Frozen* (film)
Jiedao 211
jingzufang 24–5, 27
jituan susong *see* litigation, group
journalism 186, 194, 197; watchdog 5, 193–4, 196
Ju Dou (film) 168–9
Judicial Office 66
- KMT (Kuomintang) 142, 144
Korea 130, 152
Kunming 60
- labor activism 6, 10, 12, 42, 46–7, 55–6
Labor Bureau 44–5, 52
labor bureaucracy 54
labor laws 44, 47, 50–6
labor movement, transnational 6
labor power: commodification of 42, 46–7, 55; social reproduction of 46, 47, 53–5
labor protests 8, 43–5, 47, 52–6, 63; moral dimension of 55
labor regime 53
labor regulations 51–2, 53
labor subjectivity *see* subjectivity, labor
labor unrest 10, 42, 46–8, 51, 54–5; and class consciousness 57; and migrant workers 55; types of 46
land: acquisition 17–18; commodification of 208, 213; expropriation 59–60; reclamation 7, 84–5, 89
land lease market 17–18, 207–8
Land Management Bureaus 26–7
Land Management Law 26
land ownership, urban 20
land prices, urban 17, 20–1
land rents, state monopoly over 18
land tenure, state 11, 17–18, 26
land use rights 25–7, 33, 35–7, 54–5, 59–60, 207
- Lang, Graeme 146
law: customary 70–1; environmental 125; fetishization of 9; and home ownership 11; and labor activism 10; local implementation of 6; and redistributive struggle 3; rule of 10, 21, 34–5, 52, 64, 70, 73, 79; and rural activism 60, 72–3, 79; and social activism 9–10, 61–2
Law of Identity Card 34
Law on Lawyers 64
Law Today (TV show) 64
lawyers: barefoot 6, 8, 10, 65–80; black 65, 80; professional 70, 76, 80
legal activism: and housing protests 7, 21, 32–6; and labour protest 46
Legal Affairs Office 66
legal assistance services 64
legal authoritarianism, decentralized 10, 42, 46–7, 52, 59, 61
legal knowledge 10, 71, 79
legal reforms 50–1, 55, 57
legal rights 6, 10, 18, 48, 55, 61, 71, 75, 77–8
legal services: agencies 64, 66, 73–5, 80; as commodities 79–80
legal system 3, 10–11, 45–6, 50, 58, 77, 81; and CCP monopoly on power 51–2; expansion of 9; and migrant workers 54
legalism 10, 47, 53, 61
legitimation dilemmas 17–18
letters and visits system 70
Li Fenglai 72
Li Xueqin 231
Li Zhizeng 70, 72
Liang Congjie **124**, 127–8
Liao Xiaoyi **124**
Liaoning 42–3, 46, 51, 57
Life Times 211
life-worlds 18, 28–31, 37
litigation: administrative 10, 59, 65–7, 73–7, 80; group 32; and housing protests 32–3, 37–8, 61
Liu Bohong 103
local governments 11, 27, 43, 46–7, 51–2, 59–60, 66–7, 77, 216
looting 31, 226, 228, 234–8
Lou Ye 172–3, 176
- Mao Zedong 27, 57, 61, 114, 127, 142–3, 167, 178, 217, 240
Maoism 7, 45, 48, 58, 105, 113
marginalization: political 24; social 24
market: art 212, 220; logic of 11
market economy: and feminist activism 101–2, 105, 109; and filmmaking 168,

- 173; institutional characteristics of 12; and legal reform 50–1; and religion 144–5, 149, 153
- market forces: and art 220; social effects of 3; and state power 185, 197
- market reforms: dark side of 49; and gender gap 102; and land tenure 17; and media 197; and NGOs 125; and religious change 151
- Marriage Law 2004, 101
- mass line 58, 127
- masses, as political agent 7, 48, 58, 188
- media: and anti-DV campaign 108; and barefoot lawyers 66–8, 75, 78; and cultural politics 218; and diffusion of movement ideas 121; and discourse of class 57; and domestic violence 8; and environmental movement 125; and labor activism 58; as “liberal”, 190; managers 188–9, 191, 199; ownership of 186, 198; reforms 184–90, 196–8, 200; representations 102, 190, 197, 199; and rural protest 60; Zhang Dali’s manipulation of 211–12, 215
- memory, politics of 34
- Menglianggu 72
- Mengyin County 70, 72
- metaphysics, celebratory 49
- Metropolitan Museum of Art in New York 237
- MFEA (Museum of Far Eastern Antiquities) 225, 235–6
- micro-credit 87
- migrant workers: and employment regulations 54; and feminist activism 113; and inner city demolitions 31; land rights of 54; and legal process 45; living arrangements of 54; protests by 46, 48; and religion 147, 149; returning to countryside 55; and social contract 47
- migration 3
- mingyu quan* *see* rights, reputation
- Ministry of Construction 38, 61
- Ministry of Justice 64, 73
- Ministry of Public Security 2
- Minxin Pei 49
- missionaries 8, 151–2
- mobilization: cellular 47, 59; collective 9, 54, 199; community 124; lateral 58; legal 2–3, 7, 36; localized 8; network 8; and political leverage 55–6
- mobilization state 50
- modernity 18, 102–3, 105, 109, 114, 226
- modernization: ecological 120; economic 140; gendered 111; urban 219
- Molyneux, Maxine 106
- mozhe shitou guohe* 187
- Municipal Government Office 22
- Municipal Office of Letters and Visits 23
- Municipal Standing Committee (Beijing) 214
- museums 226, 228, 230–1, 233–7, 239–40
- nail households 8, 31–2, 208, 219
- Nanjing 60, 142, 152
- National Cultural Heritage Administration *see* *Wenwuju*
- National Museum of Chinese History 240
- National People’s Congress 36, 50
- nationalism: Chinese 6, 225; and cultural heritage 230; religious 147
- natural resource conflicts 85–6
- nature reserves 7, 83–5, 87–95; managers 7, 83–4, 89, 91–3, 95
- neo-liberalism 9
- networks: barefoot lawyer 10, 67, 71–2, 78; and Christianity in China 8; Falungong 151; feminist 106; international 8; multi-nodal 7; Pentecostal 150; social 29, 120–1
- new religious movements 143, 150–2
- News Probes* 193–4
- NGOs (non-governmental organizations): and community mobilization 124; development of in China 125–6; and feminist activism 4, 103–9, 111, 116–17; and ICDPs 86–7; and labor activism 6; and nature reserves 84; “patriotic”, 227, 231; relationship with state 109–10, 114–15, 120–1; struggle for rights 10
- North, Douglas 187
- O’Brien, Kevin 9, 49, 217
- ODHR (Old and Dilapidated Housing Renewal) 208
- Olympic Games 5, 9, 25, 125, 186, 236–7
- One Helps One 90
- Organic Law 59
- Oriental Horizon* 193
- Our Lady of Victories 144
- Panchen Lama 148
- Panzhuang Village 72
- party-media system *see* Chinese state, and media

- Patriotic Catholic Association 148–9
 Patriotic Education Bases 236
 peasant burdens 59
 peasants 2, 6, 37, 54–5, 58–9, 61, 65–7, 70–7, 79, 105, 167
 Pentecostalism 5, 143, 150–3
 People's Liberation Army 60
 Philippines 151–2
 Pickowicz, Paul 170, 178
 piracy 238
Platform for Action 105, 107
 Polanyi, Karl 46, 80
 political ecology 85–6
 political economy 46–7, 50
 Poly Art Museum 228
 poverty 83, 94–6
 predatory state 3, 49
 private home return policy 21
 Private Property Owner Association 22
 privatization 2, 48, 60
 production: field of mass 165, 168, 174;
 field of restricted 163, 165, 168, 170–1, 176
 professionalism 194–5
 propaganda 185, 191, 218, 236
 property rights: activism 11, 61; of
 biaozhunzu 20; as civil rights 37;
 and cultural heritage 229, 239;
 decentralization of 49; of jingzufang 24;
 limits to 26; protests 18–19, 21, 23, 27;
 of workers 54
 Property Rights Law 2007 11, 21
 property value appraisal 32
 prostitutes 104
 protected areas management 86
 Protestantism 5, 152, 154
 protests: against discrimination 46; of
 desperation 45, 47, 53; forms of 129;
 poetic 217
 public participation 5, 9, 122, 124, 127–8, 134
 Public Security Bureau 22, 154

 Qi Lei 160–1
 Qi Leiqi 161
qiang-qianhu 31
 Qianmen 5–6, 30, 207, 209, 213–20
 Qinan County 70
 Qing Dynasty 6, 228–9
Qiuju (film) 70
qunzhong 58

 recognition: and environmental movement
 133–4; struggles around 7, 9

 Red Guard Movement 19–20, 31, 129
 redevelopment 18, 20–1, 26, 207, 213–14, 219;
 inner city 20, 24, 27
 redistribution: politics of 3, 6, 11, 84;
 struggles around 3, 7, 9, 12
 Regulations on Grassroots Legal Service
 Workers 64
 religion: of authority 140, 142, 144, 147;
 communal 140–1, 143, 145–7, 154;
 folk 140–3, 154; of personal conviction
 140, 143, 149–50, 154; prevalence of in
 China 140–1, 143, 150, 154; traditional
 150
 religious entrepreneurs 8, 146, 150–1
 religious freedom 9, 153–4
 religious hierarchies 5, 143, 147–9
 religious movements 143
 relocation, forced 32
 relocation compensation 20, 22, 25–6, 28–30, 32
 relocation housing 28–30, 33–5
 repatriation activism 6
 reporting, investigative 192–3, 196
 representation: politics of 3–4, 6; struggles
 around 7, 9
 Residents' Identification Cards 33
 resistance: everyday forms of 86; modes
 of 209, 217, 220; rightful 49, 85, 217
 resource regulations 85, 96
 resources: enclosed 86; protected 86–7
 retirees 29, 51, 54, 114
 Revised Land Administration Law 1998, 54
 Ricci, Matteo 143
 rights: animal 131–3; civil 37;
 consciousness 36, 57; labor 46–7, 58, 114, 195;
 of peasants 70, 72; property
 see property rights; reputation 70
 rule by law 52
ruoshi qunti 58
 Rural Land Contracting Law 2003, 60
 rural protest 60, 87
 rustbelt 6–8, 11, 42–3, 45–8, 52–4, 57, 61

 safety net *see* social welfare
 Sangyuan Village 72
 SARFT *see* State General Administration
 of Radio, Film and Television
 (SARFT)
 SARS epidemic 185–6
 Schipper, Kristofer 141, 145
 Scott, James C., 209, 220

- Shaanxi 146
 Shaanxi Research Association for Women and Family 103–4
 Shandong 10, 65–6, 68–70, 72
 Shandong Mass Daily 72
 Shang Dynasty 142
shangfang 21–2
 Shanghai Museum 233
 Shanghai 60, 143–4, 178, 188, 201, 204, 206; Museum 233
shangye pian *see* films, commercial
 Shanxi 10, 67
 Shaoyi Sun 170
shehui huodongjia 2
 Shenzhen 46, 152
 Sheshan 143–4
 Shue, Vivienne 53
siheyuan *see* housing, courtyard
 Silver, Beverly 46
So Close to Paradise (film) 162
 social activism: attitude of Chinese leadership to 1–2; in China today 4; and the market 11–12; as prime mover of change 2; tactics of 11; typology of 3
 social actors 2–4, 7, 119, 164, 177, 187, 189, 207, 218, 220
 social infrastructures, change in 2–3
 social insurance 51, 53
 social justice 1–2, 105, 113, 117, 190, 192, 195–6
 social movements: constituencies of 123, 133; as political translation 121; theory 129
 social resistance 49, 161
 social stability 1, 47, 51, 151
 social unrest, popular notion of 12
 social welfare 12, 37, 47, 50–2, 57–8
 socialism 3, 20, 24, 42, 47–8, 53–4, 56, 58, 233; state 17–18, 24, 144
 socialist construction campaign 19
 socialist entitlements 45, 54
Societal Overview (TV show) 76
 solidarity 8, 33, 37, 59, 77, 133, 141, 145–6, 240
 Somers, Margaret 56
Southern Weekend 39, 67, 188, 190, 194–6, 214
Southern Weekly *see* *Southern Weekend*
 SPIN structure 8, 126
 State Administration for Religious Affairs 148, 154
 State Administration of Cultural Heritage *see* *Wenwuju*
 state corporatism 3, 48, 184–5, 187, 190, 196–200
 State Council 19, 50, 59, 64; Regulation on Real Estate Management 2003, 11; Regulations on Urban Housing Demolition 61
 State General Administration of Radio, Film and Television (SARFT) 5, 172–4, 186, 192
 State Press and Publication Administration (SPPA) 186
 sterilization 18, 23, 25
 Stop DV Network 8, 106–7, 109–13, 116
 subalterns 55–6, 58–9
 subjectivity: collective 197; labor 55–7; moral 55; peasant 73; of rule of law 79; theories of 46
 suicide 61, 160–2
 Sun Yat Sen 142, 230
 Sun Yusheng 193–4
 sunbelt 7–8, 45–8, 52, 54, 57
 sustainable development 5, 9, 106, 122, 127–8
 Sweden 225, 235–6
 Taiping Rebellion 143, 150
 Taiwang 142, 152–3, 167, 233
 Tang Tsou 187
 Tang Xiyang 129, 132
 temples 141–2, 145–6, 153, 226
 Therborn, Göran 57
 third sector 200
 Thornton, Patricia M., 217
 Tian Zhuangzhuang 165, 169
 Tiananmen social movement 102–4, 167, 178, 210
 Tibet 9, 147–9, 153–4
 Tieling 43–4
 TNS Global 191
 trajectory 3, 164, 167, 169–70, 197, 200
 transnational competence 123–5
 Trickle Up Program *see* TUP
tu liushi *see* lawyers, barefoot
 TUP (Trickle Up Program) 7, 84, 89–91
 Uighurs 154
 UN Women's NGO Forum 5
 UNESCO 226, 233, 237
 United Nations 4
 United States 44, 127, 138, 148, 152, 237
 urban growth 17
 urban politics 17
 urbanization 143, 213, 217

- violence: against Zhou Guangli 10; and art of Zhang Dali 211; and development process 212; domestic 101, 104, 106–9, 112–13, 116; and housing protests 11, 32–3, 36, 207; of marketization 42; and political legitimation 47, 50; and resistance to nature reserves 84, 86, 89, 94–6
- voluntary associations 200
- wages, non-payment of 48, 52, 54
- Wal-Mart 6, 44
- Wang Xiaoshuai 160, 162, 171–2, 176–7
- Wang Xuecheng 72
- Wang Xuefu 72
- Wang Yongchen **124**
- Wang Zhongzhi 43–4
- wanren dasusong* *see* Grand Litigation
- waterfowl trapping 7, 83–5, 88–9, 94–6
- Web forums *see* Internet
- Weber, Max 140, 142
- Weining 90
- Weining County 87–8
- welfare benefits *see* social welfare
- Wen Jiabao 1, 128
- wenwu* 225, 232–4, 238–9
- Wenwuju* 154, 233, 235–6, 238
- Western development project 128
- WF (Women's Federation) *see* ACWF (All-China Women's Federation)
- women: international movements 105; rural 102, 106; status of in China 109; status of in Mao era 101–2; as workers 113–14
- Women and Gender Studies Network 106, 114–15
- women's groups 108
- work-units 8, 66, 125, 149, 207
- Workers' Congress 43
- workers *see* labor
- working-class formation theory 56
- World Trade Organization (WTO) 5, 172, 186, 238
- Wu Ming 160, 162, 172
- Xi Zhirong **124**
- Xie Fei 195
- Xie Jin 167
- Xin County 72
- xinfang* 21–2, 208, 215
- Xinhua News Agency 67
- Xinjiang 9
- Yang Dongping 127
- Yang Weiguang 191
- Yanggu County 10, 65–7, 69, 75, 78
- Yangtze River 237
- Yangzhuang 67, 75, 78
- Yanlou 78
- Yanzhuang 78
- yeman chaiqian* 31–2
- yifazhiguo* 50
- Yu Xiaogang **124**
- Yuan Chau, Adam 146
- Yuanmingyuan 6, 228–31
- Yunnan 130, 237
- Yunnan province 88, 122
- Zhang Dali 5–6, 207, 209–13, 216, 218–20
- Zhang Shanfa 72
- Zhang Tongxin 71
- Zhang Yim 173
- Zhang Yimou 70, 165, 168–9, 173
- Zhang Yongnian 235
- Zhang Yuan 170, 173, 176
- Zhao Dingxin 49
- Zheng Dongtian 167
- Zhou Enlai 232
- Zhou Guangli 10, 66–9, 71–2, 74, 76–9; Phenomenon 10, 66–8, 78
- Zhou Litai 79
- Zhou Shanqing 70–1
- Zibo 69