

THE RESISTANCE OF LAND-LOST FARMERS IN CHINA: 'INTERESTS-STRIVING' AND 'STRUGGLE BY ORDER'

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Abstract: *This paper discusses the nature of activities brought about by land-lost farmers whose collectively-owned land has been expropriated in China. Through a case study, it is argued that the ultimate purpose of land-lost farmers' activities is mostly to improve their economic status, thus their responses to land expropriation are characterised as 'interests-striving' activities. Their activities are mainly based on a paradox combination of institutionalized and paternalist order and are much contingent under the macro policy of 'maintaining stability' (weiwen, 维稳), thus the most effective means of resources that they try to mobilise can be claimed as 'struggle by order'.*

Key-words: *land-lost farmers; resistance; interests-striving; struggle by order*

1. Introduction

Since the mid 1990s, urbanization has become a chief rhythm in Chinese development. Rapid industrialization demands land for urban infrastructure, employment placement and housing. Large-scale rural land located adjacent to the peripheral area of cities has been being converted into urban land and thus many farmers have lost their land. According to some estimates the number of land-lost farmers may well exceed 110 million by 2030 in China (Lu and Ye, 2005). A variety

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of social issues in contemporary China arise out of land expropriation, such as land-lost farmers' resettlement, employment, family register (*hukou*, 户口), schooling of children, medical insurance and other welfare provision. All of these are occurring during a transitional period from a homogenous and closed social structure towards one which is characterized by diversity and opening up. The land-lost farmers' resistance against governmental expropriation has been usually referred to as a time bomb for the state (Woolcock, 2006, p. 104).

There have been perspectives that land-lost farmers make responses to protect their rights (*weiquan*, 维权), following which the interpretative frameworks such as 'policy-based resistance' (Li and O'Brien, 1996) and 'struggle by law' (Yu, 2004) have been theorised. However, through empirical fieldwork study, this paper will point out that the concept of 'rights' is not the most appropriate expression in Chinese context, especially in rural China. Similarly, neither 'policy-based resistance' nor 'struggle by law' is precise enough to interpret land-lost farmers' responses. It will demonstrate what the land-lost farmers mostly strive for and the general nature of their resistance.

2. Background information

2.1. Predominant interpretative frameworks

Resistance studies is the field concerned with the struggles of the 'subordinate', 'subaltern', 'oppressed' or 'marginal' populations to combat the 'domination' at the hands of powerful 'elites'. Resistance is usually described as the struggle for equality, the fight to end exploitation, and the desire to achieve a more just and humane society (Fletcher, 2001). With regard to this theme, Jenkins' (1982) study concludes that research on peasant resistances has centred on two basic theories: first, a structural theory of class relations pointing to the greater political volatility of smallholder tenancy; second, a historical theory pointing to the strength of traditional village institutions in the midst of the increasing economic insecurity of the peasantry. After analysis, he corroborates the basic propositions of the historical theory: peasants rebel because of threats to their access to economic subsistence, not because of the particular form of class relations in which they are enmeshed.

During the process of resistance, the seemingly powerless usually turn out in fact to have a certain amount of power. Barbalet (1985) holds that though the governors can exercise exclusive power over subordinate agents, those subordinate agents can mobilize, through resistance, other social resources to influence power relations. Jenkins and Perrow (1977) argue that the important variables to account for either the rise or outcome of insurgency pertain to social resources – in their case, sponsorship by established organizations. Farm workers themselves are powerless; as an excluded group, their demands tend to be systematically ignored. But the

balance may be tipped in the favour of the powerless if the official response is neutral and certain political elites sponsor insurgent challenges by contributing resources. Piven and Cloward also reflect upon the relatively rare occasions when the lower classes and the poor mobilise, agitate, organise, and win reforms in modern US history. They identify a powerful counter force that lies behind the successful reform movements, namely, 'interdependent power' by means of which popular movements break the rules and disrupt the status quo (Piven and Cloward, 1977; 2000; 2005; Piven, 2006). Thus, in their point of view, the only fruitful strategy for the emancipation of the lower classes entails escalating disruptive protest when possible by 'pushing turbulence to its outer limits' (Piven and Cloward, 1977, p. 91).

The main form of resistance adopted by the Chinese farmers is appeal (*shangfang*, 上访), or its institutionalised name, the system of letters and visits (*xinfang*, 信访). Though there are legal stipulations for the system of letters and visits, *Regulations on Letters and Visits*, there are few constraints on activities undertaken and the officials visited in the course of appeals within the system. From the ordinary people's point of view, the advantage of the letters and visits system is that it is not bound by rules and regulations; as long as there are problems, appellants can immediately go to any place that they regard as likely to resolve such problems and complain about the injustices visited upon them (Zhang and Zhang, 2009, p. 3).

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

Nonetheless, the other perspective holds that present farmers' resistance is not concerned with political rights and tends to be unorganised. It is argued that the farmers resemble Mao's guerrillas more than modern 'Westernized' protesters (Zhou, 1996, p. 14). By comparing Chinese farmers' expressions with Western social movements and the South-Asian paradigm provided in subaltern studies, Ying (2007) analyses Chinese farmers' expression from the perspective of 'grass-roots mobilization'. In his point of view, such grass-roots mobilization makes the means of

farmers' expression of group interest expedient and its political nature vague. Given the fact that the state has never at any point tolerated organised confrontation, any action that challenges the state must remain unorganised if it is to be effective. A state that concentrates extraordinary powers simply engenders 'an aggregation of large numbers of spontaneous individual behaviours' (Zhou, 1993, p. 54). This acts to limit formal institutions of countervailing power on the part of the farmers.

Although the above frameworks are not particularly applied to the resistance of land-lost farmers, they represent the main models to interpret the subject in the present paper. Zhang and Zhang's (2009, pp. 77-80) recent investigation found that land disputes due to urbanization constituted the main source of appeals. It is necessary to empirically observe and present a convincing view of what really happens in ordinary resistance.

2.2. The case study

I conducted fieldwork in City C situated in central China on three occasions¹, which constituted a tracking-mode over time and 12-months of investigation in total. The central geographic position, neither high nor low levels of economic development relative to the Chinese average, and presently rapid urbanization point to its representativeness of wider socio-economic change. During the fieldwork, City C has been implementing the 'reserve-land' resettlement method, which means a particular proportion of the total expropriated land is reserved for land-lost farmers' subsistence and production. Farmers of a particular village are resettled collectively by allocating a piece of land as residential space, which is called the resettlement community. Such resettlement communities are brought under the jurisdiction of street agencies.²

I gained access to resettlement communities by means of official introductions, ordinary people's recommendations and second-hand informants. I undertook investigations in 24 resettlement communities spread throughout the administrative districts of City C using qualitative methods. The main research techniques include participant observation in resettlement communities and government institutions and semi-structured interviews with land-lost farmers and government staff. During my

¹ In order to protect anonymity, privacy, and confidentiality, I make necessary technical treatment on the names of places and characters involved in this study, in accordance with sociological academic convention, particularly when the content of this paper has a certain extent of sensitivity.

² Street agencies are governmental field agencies of municipal districts or municipalities that do not set up districts, approximately equating to the level of town before institutional rearrangement brought about by urbanization.

more recent visits from February 2010 to May 2010, I interviewed 157 land-lost farmers. 35 of these study participants were active members within their own communities and even well known to people of other communities, so that they were often mentioned by government staff, and recommended by other land-lost farmers. The other 122 study participants were chosen according to my observation or at random or by snowballing. I also conducted formal and informal interviews with local government staff responsible for land management at various levels, from the provincial to resettlement community level.

In interviews with land-lost farmers, I was usually interested in such questions like their opinions about local government and its behaviours, their participation in activities in relation to land expropriation and resettlement, their opinions about other land-lost farmers within their communities, and so on. As to active members of the group, I tried to get as clear description of their activities as possible. While in interviews with local government officials, I was interested in questions such as their opinions about land-lost farmers' complaints and related activities, the measures they took to deal with land-lost farmers, and so on. In focusing on such topics, then, I did not limit in any other way on participants' accounts but rather let them decide on what to talk about. And this often led to the opening up of unexpected avenues of enquiry.

Participant observation was also used to obtain a level of contextual insight of the data garnered during the course of the fieldwork. Specifically, in the field I played a role of 'researcher-participant' (Gans, 1968). Often I wandered around the resettlement communities, observing people and their everyday lives, including those activities seemingly irrelevant to land expropriation, such as when land-lost farmers played games of poker or mah-jong or when they were having casual conversations in the neighbourhood. Whenever there was an open day for 'letters and visits' at various levels of local government, I spoke to the appellants and tried to observe and remember as many of the interactions and discussions between land-lost farmers and local officials as I could. Sometimes I even encountered occasions of muddle and confrontation when a mass of people were involved; on such occasions I became one of the crowd and my existence did not represent a threat to anybody. Overall, participant observation of this sort provided me with a good opportunity to look into the measures taken by each side within a naturalistic setting.

2.3. Land expropriation in City C

My investigations identified two main policies of compensation and resettlement governing land expropriation at the municipal level in City C. In March 2000, City Government Order No. 60 was issued. Thereafter, by-laws worked out by the different districts and street agencies according to their specific conditions conform to

Order No. 60. That city policy dominated the operation of land expropriation for at least eight years though there were also policy documents issued by the higher levels of governments. Latterly, the city's policy could not be properly carried out any more and many individual cases arose among land-lost farmers. Taking into account the requirements of the changing situation, City C Government Order No. 103 was issued.

Land-lost farmers were resettled on rebuilt land under Order No. 60, which meant that the government arranged land for the land-lost farmers with a quota area to build houses to a uniform standard. Order No. 60 required overhaul due to the poor levels of compensation involved. But actually there was an underlying problem. The policy applied principles of compensating every object which left much room for maneuver. This led to particular households getting several tens of thousands extra in compensation packages. In a word, after running for several years, it was clear that the policy operated unevenly and that it was subject to much abuse.

In April 2008, City Government Order No. 103 took effect. Its primary aim was to overcome the shortcomings of Order No. 60. First and foremost, the new order raised the standard of compensation. Second, all households buildings were to be compensated according to a categorization made up of area, condition and structures involved. Land-lost farmers were to be resettled by indemnificatory housing. This means the District Government would build resettlement flats and sell them to the land-lost farmers at a low price. Third, social security provision was to be included to assist land-lost farmers in making the transformation to urban residents. Order No. 103 was designed to have much more rigid guidelines in order to avoid uneven and opaque settlements.

Order No. 60 applied a reserve-land resettlement approach, while Order No. 103 would apply monetary resettlement, with affordable resettlement housing calculated as part of the package and social security provision taken into account. Cases selected for discussion in the present study relate to problems under the old policy of Order No. 60. The period of implementation of Order No. 103 is still recent, and its effect is still unclear.

Compensation for the removal of over-ground attachments, that is, residential homes, farm buildings, and so on, is another problematic issue. Actually, compensation in this regard represents the largest portion of compensation given to land-lost farmers. Thus, this area of compensation is what the land-lost farmers most strive for. Legislation directs a particular department of district government to take charge of the situation, the local Office of Removals. Nevertheless, the work of removal is undertaken jointly by different departments, especially the court, city management office, and public security office, in cooperation with the street agency and local community.

3. What are land-lost farmers mostly striving for?

As smallholders occupying their own piece of land for many years, the commonplace maxim is 'saving your breath to cool your own porridge'. It is true that the land-lost farmers live in a collective. Nonetheless, in the change from a centrally planned economy to a socialist market economy, people are preoccupied with attending to their own interests without looking at others.

In my study, I found that most land-lost farmers tried to request only the portion of compensation which they believe that they *rightfully* deserve. When I talked with some frequent appellants (*lao shangfanghu*, 老上访户), I found that they were repeating economic demands which did not conform with the existing rules of compensation. It might be the behavior of repetition itself that strengthens their belief in returns from appeal (*shangfang*, 上访). For example, Liu, who was the most active and frequent appellant in S Community, repeatedly claimed that her family had suffered much from land expropriation. Although her family had got three flats, more than 300 square meters for living space, she remained dissatisfied. In accordance with the City C Government Order No. 60, she had received 145,000 yuan in compensation. However, she sought more than two million yuan in compensation. She thought that the government and the property developers could build up new flats on her land and those new flats could be sold at a price of about three million yuan. She ignored a basic fact that the land has been state-owned and land market has been strictly state-controlled according to Chinese law, though many people criticized that it does not follow the principle of market economy. In addition, she simply disregarded the input of the government and the developers in her words. Sometimes, this is understandable, as what these land-lost farmers object to is actually the disparity between the compensation they get and the market price of their original land after development. As Liu said,

I am not a protester against the regime as the local government defamed. I just want what I deserve. The current amount my family got is just not enough. I don't care whether my requirement is lawful, but I believe it is reasonable. The land was originally owned by us and is now developed for resale, thus of course we must get compensation at its resale price.

Moreover, with the indistinct definition of land ownership as regards collectively-owned land, the land-lost farmers understandably mix together all of the relevant rights and interests as simplistic economic, material self interests. The voice of villager A in D Community can be used to illustrate this phenomenon,

When we owned the land, though it could not make us rich, we lived a self-supplying life. We could rely on the land, and our offspring could also rely on the land. But now what can we rely on in the future? I often feel a lot of

insecurity with my life and with my family's future. Thought I am not sure what human rights mean, I think our human rights are deprived.

In addition, most land-lost farmers compared their own situation with that of others. After comparison, they often came to believe that they were worse off, no matter whether that was objectively true in fact. The popularity of once-and-for-all monetary resettlement allowed land-lost farmers to make straightforward comparisons based on total amounts of compensation money. For example, villager B in D Community told me:

Whereas some people whose houses were only several dozen square meters got a compensation package of several hundred thousand yuan, my family also got several hundred thousand yuan even given that the area of my house was more than a hundred square meters. You can see how unfair this society is.

Under the reserve-land resettlement approach, the collective management of reserved land serves as an income stream and thus also affects land-lost farmers to a large extent. They not only make comparisons within their own neighborhoods but also with those of adjacent resettlement communities. The basis for comparisons among different communities is that policies implemented by a particular grassroots government agency are very specific, even when acting under the general guidelines set by the senior administration. For example, many land-lost farmers in S Community mentioned imbalances between the treatment gained by themselves and that gained by those of the adjacent resettlement community. Villager C told me:

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

Being famous for not compromising with the local authorities, ignoring her own interests, but appealing on behalf of all land-lost farmers of her Community, the firmest appellant, Tan, was elected as a Deputy to the National People's Congress in her District. However, she told me that if she got a resettlement house for her two daughters whose household registration (*hukou*, 户口) had been moved to other districts after marriage, she would stop appeal (*shangfang*, 上访). She not only strived to ensure the potentially beneficial policies being implemented, but also tried to get additional interests for her own family.

When some appellants got their own additional benefit, they gave up their complaint in the name of collective interests. After Tan became a 'cadre', she withdrew from appealing to Beijing and over time became an intermediary between the local government and land-lost farmers. As she herself said, if the officials of the District and the Street Agency had difficulty in dealing with local land-lost farmers, they

would always consult her. She could smoothly solve the conflict between the government and the farmers. From her expression, she seemed to be very proud of her current political role. In this sense, she was no longer the aggrieved party in the activities but a reconciler or even an official agent. As she received political benefit, her function of appeal has been tremendously weakened. It was found that some local farmers began to question her role on behalf of the interests of the community.

There are still some people who only ask for an explanation from the government (*taoge shuofa*, 讨个说法) (Ying, 2001). Such cases take place especially when the appellants are forcefully suppressed by the government. As a Chinese proverb goes, people only fight for their dignity (*renhuoyikouqi*, 人活一口气). Such land-lost farmers feel they have not just lost material benefits, but they also become infused with negative emotions, such as loss of control and damaged self-esteem, thus their desire for dignity appears overwhelming. Nevertheless, it was found in my investigation that only a small minority of land-lost resisters belong to this group.

It is important to understand what land-lost farmers are mostly striving for. Though they attempt to resolve their problems by apparently politicized means, with sporadic requests for political improvement, they have neither explicit political objectives nor organized political power. Their activities mainly aim at that issue of economic equity, and of their own specific interests in the development process, the most important part of which is their economic interests.¹

In this regard, I do not intend to morally blame the behavior of the land-lost farmers. Rather, this is understandable. As Marx claims, 'everything for which man struggles is a matter of his interest', self interest is the fundamental motivation of people's behaviour (Marx, K., 1842, [Online] at <http://www.marxists.org/archive/marx/works/1842/free-press/ch06.htm>, accessed March 3, 2012). Particularly, as the class standing nearly at the bottom of Chinese society, land-lost farmers care more about their own immediate interests,² which are tangible and pragmatic to them compared with social or political rights.

The concept of 'rights', therefore, as a Western deontological creation concerned with triumph over other interventions, has few roots in Chinese tradition (Peerenboom, 1995). In China, rights (*quanli*, 权利) are usually interpreted as state-approved measures which promote the unity and prosperity of society, to which citizens then have access, and from which they benefit, rather than institutionalized mechanisms of checks and balances for individuals on their own behalf to withstand

¹ This falls into the priority given by Jenkins to historical theory, which holds that peasants rebel because of their economic concern, over structural theory, which instead emphasizes political class relations. See Jenkins (1982).

² Dahl (1961, p. 221) finds out similar phenomenon.

outside intervention and to protect and represent themselves. Even interpreting rights by a utilitarian approach, it can be seen that there is a low degree of awareness of statutory 'rights' at the grass-roots level. As Li and O'Brien (1996, p. 54) argue, the opportunistically acted-on 'rights' are conditional (they can be withdrawn) and programmatic (they can be withheld until conditions are 'ripe'). Most land-lost farmers are uncertain about their statutory rights with regard to the land, let alone the details of their civil and political rights. By stark contrast, they are very much aware of their interests, although the amount of interest they wish to pursue is still vague for them. Such representation of economic interest can also be identified as commoditization of rights under Chinese context.

With this in mind, I would characterise land-lost farmers' responses to land expropriation as 'interests-striving'¹ activities rather than as 'rights-safeguarding' (*weiquan*, 维权) activities or as acts of resistance, which have mistaken connotations of rights' movements and political mobilization.

4. Are the activities organized?

Facing the governmental action of land expropriation in the process of urbanization, most farmers in China passively accept the arrangement of the government. When they feel that their interests are jeopardized or their dignities insulted, they may complain to the authority. However, suspicion among land-lost farmers who came from the village world (Adas, 1980, p. 528) and the tendency to 'free-riding' (Olson, 1971) limit the possibility of organized action on the part of land-lost farmers.

Most ordinary farmers would not like to participate in the appeal as they are frightened of the authoritative power. Instead, they choose to privately curse local government and disseminate rumors about officials. This is the most frequent form of everyday resistance. The activist Liu in S Community felt impotent and disdainful of other land-lost farmers in her community:

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

¹ Mitra (1980, p. 71) has similar nomenclature of 'benefit-seekers' in India.

Meanwhile, ordinary land-lost farmers, such as Huang, confided to me that she believed that Liu as an activist got much money from the local government without telling other people. It is clear that Liu's behavior rarely attracted widespread public support. Similarly, though Tan was respected by most land-lost farmers in Q Community, there were still a small minority who disliked her and murmured that 'she has her own political ambitions, and additional money has fallen into her own pocket'.

Even though certain actions were taken by many farmers, these actions were far from organized. For example, in June 2002 dozens of land-lost farmers assembled at the door of Q Street Agency. They blocked the exit and did not allow the officials to come out for half day. Afterwards, the official investigation indicated that this incident had not been organized by anybody in advance. It was thought that two or three farmers just wanted to express their discontentment and then an increasing number of farmers followed their action by accident.

Different land-lost farmers hold 'multiple' or 'split' purposes and take inconsistent actions (Gramsci, 1957, p. 66; Garson, 1973). With different specific personal experiences, situations, and social capital owned, land-lost farmers evolve distinct attitudes. There are those who are active in searching for their 'deserved rights' and their followers, those who grumble about unreasonable implementation of policies without the presence of officialdom, those who keep detached, as well as those who even stand at the same side as local government. Only a rather small number of activists and their followers can be regarded as active. The local cadres usually call them recalcitrants (*diaomin*, 刁民). Even the activists usually appeal to government individually. For example, Wen as an activist of D Community goes to Beijing alone every time, and Liu of S Community usually goes to Beijing only with her closest follower, her sister. It is clear that most of land-lost farmers' activities are disorganized. They do not have a unique goal and their participation is not unified. Each individual acts irregularly, and the majority of land-lost farmers have not been totally colonized by the propaganda of the activists.

5. Struggle by Order

Many legal avenues are not available in practice. For example, administrative reviews cannot play their due role of administrative supervision. The disputed agency is usually subordinate to the department seizing the case and their interests are interwoven. Under the circumstances, most administrative reviews are revoked. Administrative litigation is also rather exceptional. It means that the aggrieved party files lawsuits in the courts of the jurisdiction where the administrative agency locates. However, judicial independence has not been established in China. The courts shall observe the orders issued by local Party committees and government leaders. They

even execute compulsory removal of real estates of the farmers. Their everyday budgets are allocated and firmly controlled by the local government. Therefore they shall play a functional role for local government and serve the local economy. It is difficult for them to declare the orders of the local government illegal. Most land-lost farmers said, 'We once appealed to the court, but the court did not accept our case.' Meanwhile, 'lawyers are prudent about taking on cases concerning land-lost farmers. How courageous it would be to engage in a lawsuit against the government.' Therefore, the legal system for land-lost farmers to make complaint has not been working effectively.

The appeal system made available by the central state for ordinary people in their dealings with local bureaucrats, which is institutionalized as the system of 'letters and visits' (*xinfang*, 信訪), appears as the most familiar and practicable approach for farmers to achieving their goal of getting more compensation from the government. However, when land-lost farmers adopt the measure of appealing to the higher authorities, is it legally used by them?

Most land-lost farmers have to be persuaded into joining demonstrations and mass protests. Often in demonstrations, many of the attendees are old ladies with little literacy. Only a handful of farmers have a passable working knowledge of the law. Therefore, interests-striving activities are not always conducted on the basis of the law.

Sometimes the farmers do use the documents transmitted from the central or provincial government which act as the legal basis for their assertion of rights. Nevertheless, it is found that these 'policy-based' resisters were likely to intentionally misread central policies, tailor them and search additional interests. A common example is of land-lost farmers who have already received compensation requiring the government to retrospectively pay them more in accordance with a new regulation, regardless of its applicability to their own situations.

Incident 1:

After a provincial document was issued in 2005 with regulations that the rural collective economic organization should disburse no less than 75 per cent of compensations to the land-lost farmers if it is unable to arrange other rural land for farmers to resettle, more than 100 land-lost farmers, whose rural land had been expropriated and who had been resettled four years previously in 2002, came to the Q Street Agency on the morning of 17 April 2006 and required the agency to compensate them more pursuant to the new policy. The cadres patiently explained to them that the prime reason for different criteria at different times is the rise of expenditure and that the present policy

cannot be retrospectively applied to previous land-lost farmers. Nonetheless, the farmers could not comprehend such statements, and claimed that they had run out of the original compensation sums, which had been insufficient, and could not maintain their subsistence. They threatened that if the street agency did not deal with their problems, they would appeal to the provincial government.

According to the *Regulations on Letters and Visits*, where two or more visitors intend to present the same matter through appeal, the number of the representatives shall not exceed five¹. From my own investigations, many land-lost farmers intentionally broke that rule.

Following on from incident 1:

More than 100 land-lost farmers crowded into Q Street Agency and then congregated in front of the entrance to the District Government. Later, they also held a sit-in at the entrance to the Provincial Government one afternoon. In this case, a woman 'unintentionally' hit a policeman with a bottle she had in her hand. This was considered as attacking the policeman and the woman was taken to prison. Seven land-lost farmers were arrested, three of whom had gone to Beijing to appeal in 2004.

It is also stipulated that where visitors intend to present their matter, it shall be received by the government body at the corresponding level or the next higher level.² However, the activists of Q Community appealed to Beijing for four times without having recourse to local and intermediate levels of government. They ignore whether or not an appeal to the capital is procedurally legal or illegal. They instead deem this action to be the most effective. Eventually, Q Street Agency supplemented 15,800 yuan for each land-lost farmer, and one-child families were awarded an additional amount of 3,800 yuan.

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

Incident 2:

On 10 April 2010, because of issues with regard to the expropriation of a collective plant in D Community, more than 100 land-lost farmers joined a demonstration. The negotiations did not go smoothly. Several land-lost

¹ The Regulations on Letters and Visits (*Xinfang Tiaoli*, 信访条例) article 18.

² *Ibid.*, article 16.

farmers clashed with the representatives of the street agency and were hurt. A few minutes later, the Channel of Politics and Law of the Provincial TV Station was called in by the land-lost farmers. When the reporter tried to find out what was going on by asking the people who were hurt, other land-lost farmers gathered around them and all talked at once, even when the reporter asked them to be quiet. In the end, the reporter seemed to get little useful information and went away, saying that the station would follow up on the outcomes of formal negotiations.

The prompt recourse to media intervention manifests that land-lost farmers were aware of the potential significance of publicity. As the regional or even the entire inland media were politically constrained, and could not do much for them, they tried to get sympathy from overseas. Many interviewees asked for my help when they knew I studied abroad, hoping that I could pass information on to the foreign media. Some appellants even uploaded their information to websites using overseas servers which are legally forbidden in China to publicise their situations.

Although it is regulated that when a letter-or-visit matter has been accepted, or is under review, the matter cannot also be considered by another government body at a higher level,¹ land-lost farmers still have recourse to pestering appeal (*chanfang*, 缠访) towards the same level or higher levels of government (Ying, 2001, p. 42), whenever they believe their problems have not been resolved.

Also following incident 1:

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

Their expectation was that pestering appeal would make the government cadres fed up and leave them no alternative but to respond to farmers' requests.

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

¹ *Ibid.*

Incident 3:

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

Incident 4:

Another man, Jian, attempted to set fire to himself in his home to resist being removed. Though he got hurt in the course, he eventually received an extra 150,000 yuan.

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

Though it seems China's land-lost farmers lack institutional 'interdependent power' and thus are short of more positive institutionalized actions of opposition, it may not necessarily mean that they cannot squeeze a way out to exert counter force. There are actually cases where Chinese land-lost farmers engage in disruptive or even extreme action that challenges order of governance and eventually forces the political system to grant very substantial concessions. Under the present resilient authoritarianism in China, in some cases local governments carry out flexible 'humanized compensation standards', which adds 'affectionate operation' to the land expropriation process. This means that sometimes they may 'bend the rules (*kaikouzi*, 开口子)' in order to maintain order of governance. To some extent, this operation is compatible with economic rationality, as the 'affectionate' amount would not go higher than what they have to pay if ordered to pay fuller compensation by their superiors. Under such circumstances, on the part of land-lost farmers, gains won survive to enhance the capacity for effective action in future rounds, and given the gains, such methods become more widely adopted.

6. Logic of land-lost farmers' responses

Land-lost farmers scarcely question the authority of the central government and its ideology. Observed from the investigation, most farmers hold the opinion that the policies of the central government are good but cannot be properly implemented. In other words, they deem that if the policies were implemented, the outcome would be favorable to the common people. In this way, the local governments are at the forefront of the land-lost farmers' complaint. Many land-lost farmers complain that 'the local government only distributed a little resettlement allowance, which cannot even cover the expenses for building the resettlement house'. As the heritage of the royal aureole, the central government is destined to bear its obligation of protecting the ordinary people from local governments' abuse of power.

These views of their situation seem to be consistent with Li and O'Brien's concept of 'policy-based' or their later term 'rightful' resistance. Within their interpretative framework, land-lost farmers make use of policies of the central government to challenge the rulings and legitimacy of the regional and local authorities. Nevertheless, in many cases, the relationship between the local government and the farmers is more accurate to be identified as bargaining than as pure confrontation, with the policies and ideologies of the higher authorities acting as one important pretext of their bargaining.

The appeals' system represents an institutionalized approach of the populace towards officialdom, framed as neither contestation nor resistance, but rather as a means of airing grievances, which casts officials in the role of 'parental' figures (*fumuguan*, 父母官) rather than as impersonal representatives of state 'power'. Such a traditional conception is especially true of farmers due to their rural political habitus. Recourse to appeal is well understood by the rural populace to operate as follows – weak younger children complain to their parents about overbearing elder children in the disentanglement and resolution of family disputes – and so, means gaining the attention and recognition of officials at higher levels (*qingtian*, 青天) in order to deal with the ordinary people's woes. Based on widespread experience, many land-lost farmers are of the opinion that matters can be tackled only when they make a disturbance (*nao*, 闹), to gain recognition. The greater the disturbance is the more attentive official treatment will be. The approach is known as, 'crying children can be fed milk'. A farmer Huang provides a vivid depiction of what the process involved and the logic of its application:

The relationship between the ordinary people (*laobaixing*, 老百姓) and the government is just like the children and the parents. When a child is hungry, he may make trouble for his parent and ask for more food. The parent may be annoyed and give his/her kid a slap. But if the child is still crying for the food, the parent is likely to give him some.

His metaphor is quite close to the reality. In land-lost farmers' opinion, the government should give more attention to recognizing their troubles. Even if grass-roots government does not care, the higher authorities will. It can be seen that land-lost farmers are laying claim to the legitimate morality of their actions, in line with Thompson's (1971) and Scott's (1976) conception of how eighteenth-century English crowd and Southeast Asian peasants resist development. In the present case, farmers respond to the marketization of land in changes from the old centrally planned to the socialist market economy, with the argumentation that administration of the new system still has moral obligations to them, for example in terms of the paternalistic relationship they have always struck with the authorities.

7. What is the real concern of the higher authorities? ■■■■■

As what was mentioned earlier around, land-lost farmers sometimes intentionally broke the law and policy. Thus, it can be claimed their actual weapon is not the law and policy that they refer to. They have a real weapon that the higher governments really concern: order.

The tactics used by the knowledgeable land-lost farmers are not limited within the rules stipulated by the government, such as *Land Administration Law* and *Regulations on Letters and Visits*. Their mind was occupied by how to appeal, who is going to be associated with in higher authorities, which leader is useful and can help them to get more compensation. They hope that their complaints could be heard by people who have discourse power, especially senior officials. As a farmer said, 'If you get ill, you need to find a famous doctor; similarly, if you appeal to the higher authorities, you need to find a high-ranking official.'

They know the benefit and harm so well that they have to lodge appeals in this way. They do not trust the grass-roots government and universally deem that they should resort to appeal in Beijing. Some may even resort to extremes to arouse the attention of the central authority. Once the attention of the central authority is enlisted, it is much more likely that the local governments will reply to their requirements more quickly and fairly. In most cases, it is because they make their activities conform to the chief political direction that their dispute is solved. When asked why they broke the *Regulations on Letters and Visits*, the frequent appellant Lei in D Community told me:

We just wanted to make the matter more severe so that the provincial and central government would pay attention to our claim. You need to know what the central government particularly considers at every specific stage. We travel to Beijing and learn a lot of hearsay. For example, if the government has a potential intention to solve the problem of corruption, we may try to find vulnerable points (*xiaobianzi*, literally pigtails, 小辫子) of

local cadres and threaten to report on their guilt. It does not matter whether their fault is concerned with our issue. Once we know their drawbacks, we would make use of their scariness to achieve our own intention. In fact, maintenance of the social stability (*weiwen*, 维稳) is the primary concern of the central government. They are afraid of riots. They are sensitive to foreign journalists. Once you understand their situation, you know how to get more money.

In order to ensure 'harmonious society'¹ and 'maintaining social stability', legal certainty is severely sacrificed in dealing with appeals by land-lost farmers. Social stability is the bottom line for Chinese political policies. Many forms of responses by land-lost farmers such as demonstrations or sit-ins, which might seem more or less justified in Western societies, are regarded as disorder and chaos. These activities are required to be suppressed by every possible means. The state power is much centralized. Thus the central government creates much pressure on local government. Administrative pressure further bends the legal rules, as social stability is an important denominator of local administrative achievement to be examined by the central government. The quota system for appeal is noteworthy. Once there are a certain number of persons going to Beijing for appeal, the achievements of the relevant officials will be simply denied. The local officials in charge will thus be politically questioned and even dismissed from their posts. It becomes a source of political accountability for the local governments.

Local governments are thus mostly worried if land-lost farmers go to Beijing for appeal. They make an effort to adjust their institutional working strategies. For example, Q Street Agency set up a reception room for letters and visits and arranges it so that leaders have a rota of accepting days. Every Tuesday and Thursday, the Chief Secretary, the Vice-Secretary, the Vice-Director, the Director of the Office of Urban Construction and Development, and the Commissioner assigned by the District take it in turns to handle appeals. In this way, local government hopes to manage land-lost farmers' demands and avert conflict. However, direct appeal to higher authorities never stops. Under the circumstances, local government may also use extra-legal measures to deal with appeals, such as accompanying land-lost farmers in their appeals to the higher authorities (*peifang*, 陪访) in order to demonstrate their responsibility, holding up appellate farmers before they reach the

¹ The construction of a harmonious society is the dominant socio-economic vision that is said to be the ultimate end result of Chinese leader Hu Jintao's signature ideology of the Scientific Development Concept. The idea deviates China's focus from all-out economic growth to overall social balance and harmony. It indicates that China's leaders have become concerned in recent years about social tensions including clashes broken out by land-lost farmers.

location of higher government (*jiefang*, 截访), sending the appellants to asylums for reeducation and coercing them to sign on the promise of not to appeal to Beijing again.

With understanding of the authoritative concern, land-lost farmers make use of the pressure of the government to realize their goals, i.e. getting more monetary compensation. To achieve their own interests, they try various means to challenge the order of governance. Compared with their wider objectives of compensations and redress, it may be worth taking the risk, though they still have to weigh up situations and try to gain the most with fewest losses. As one land-lost farmer said:

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

Though rule of law is advocated in China and a modern court system has been being established, the law is not adequately complied by both the government and the land-lost farmers. It might be related to Chinese legal culture, and more importantly, the current political structure, whereby the official authority still supersedes the law and the judiciary is not independent. The solution of disputes tends to be contingent and unpredictable subject to the flexible relationship between the land-lost farmers and the government.

8. Conclusion

Russell (2003) holds that the successful opposition of the farmers living near Mexico Airport to governmental expropriation of land manifests the triumph of democracy over neo-liberalism, the power of globalization, and the power of modernization.¹ Farmers in other Western countries can be more drastic. However, the nature of these activities cannot hold explanatory leverage for the resistance of Chinese land-lost farmers. Chinese farmers' responses have their own logic of actions.

Using the case study in City C, this article illustrates that during the process of resistance, the seemingly powerless usually turn out in fact to have distinct definition of rights and interests, and they have a certain amount of power. For land-lost farmers, other than political gains, the computation of benefits (as well as costs) is largely predicated on material rewards for the individual. They come to make appeals

¹ The former President Vicente Fox cancelled the plan of building an airport on a sprawling stretch of communal farmland just outside the north-eastern edge of the capital after violent protests by machete-wielding farmers who refused to cede it.

and take action only after their livelihoods and material interests have been directly threatened. In this transitional stage from the planned economy to the market economy, the pursuit of interests becomes more and more evident and even utilized as a moral justifier on the part of the land-lost farmers. Thus the nature of their resistance is manifested as 'interest-striving' activities. It is owing to such individual and split pursuit of interests that their activities are difficult to be organized.

Though the rule-awareness of land-lost farmers is increasing, their understanding of relevant information and procedures is ad hoc and fragmented, and they adopt the approaches that are the most direct to them. With their knowledge of the state's deep concern to contain situations that might disrupt social order, land-lost farmers use a strategy of 'struggle by order', rather than 'policy-based resistance', 'rightful resistance' or 'struggle by law'. They can do this through threatening to use the approach of appeals against officials to their seniors, risking black marks on officials' professional and political careers, and also suggesting that officials cannot control matters to maintain order locally. Albeit sometimes appearing extra-legal, many of these measures are veiled under the cover of the institutional system of appeal. It may seem to the land-lost farmers that they are making morally legitimate complaints and appeals to the higher authorities phrased in paternalistic terms. With the evidence provided in the paper, land-lost farmers strive for their materialized interests by tentatively setting feet on the margins of the juxtaposition of institutional and paternalistic order.

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