

DOCTORAL THESIS

Composite property rights and boundary-treading resistance: a case study of C county in Eastern Sichuan

Wu, Yintao

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ABSTRACT

Composite Property Rights and Boundary-Treading Resistance

—A Case Study of C County in Eastern Sichuan

This thesis studies land expropriation disputes from the angle of property right, exploring its origins from the relationships between township (town) government and villagers, village collective and villagers, and different villagers, focusing on peasants' resisting low land expropriation compensation instead of their fighting against land expropriation. Specifically, this research will discuss three questions. What is the nature of property right? How had the landed property rights been regulated and adjudicated? How do women gain and loss their land rights and interests?

In terms of the nature of property right, two kinds of idea are widely spread in academic circle; the first follows a materialist-legalist viewpoint and considers property rights as a bundle of rights, whereas the second adopts a constructivist perspective and considers property rights as a network of social relations. With defected land institutions and peasants' complicated social life, both of the two ideas cannot provide a suitable explanation for some new phenomena in land expropriation disputes, leaving a gap between property right theory and practice. Building on the foundation of Zhang Xiaojun's (2007) idea of "multiple property rights" and drawing upon Pierre Bourdieu's discussion of capitals, this research will propose the idea of "composite property rights" to systematize the discussion. This concept examines the transformation of symbolic, social, and cultural capital into economic capital, and in turn the transformation of economic capital into property rights. In so doing, I hope to

provide a better framework for understanding the mechanisms through which various capitals can be mobilized to “realize” the landed property rights.

Since this research regards composite property rights as the nature of property right, the answer of the second research question then transfers into: what are the characteristics of the practical logic of composite property rights? Basing the rationale of resistance on peasants’ local perception of land rights, peasants explore an action strategy, boundary-treading resistance. This concept reveals their tactics on three different relationships. First, as to the relation with the state, the peasants’ resistance treads on state laws and land institution by taking advantage of their capitals. Second, in terms of the relation with local government and developers, their strategies rely on probing counterparty’s loopholes, treading on boundaries of administrative enforcement of policy. Third, in regard to the relation among villagers or familial relationship, their behaviors challenges the village rules and traditions, treading on the boundaries of traditional moral principles.

In order to use the two concepts, this research specifically analyzes women’s striving for land rights and interests. After building a framework of membership, this research transfers the third research question into a specific one: since rural land is owned by rural collective economic organization, how can an individual become its member? In sum, women’s tactics include (1) taking full advantage of village collective’s self-contradictory decision which admits their huji but refuses their cuji, (2) revoking their previous promise, and (3) exploring the loophole of household register management. During their striving for membership, they utilize their various capitals: (1) they use money as deposit to get villagers meeting’s support, or gift to gain cadre’s

favor, to move in/back their huji, (2) with their relatives' help, they can get information and other support.

By attaching all kinds of capitals to the property right transformation from economic capital to economic property right, peasants' resources can be transformed into capitals; and these capitals enter their citizen life, alleviating their pauperization. At the same time, boundary-treading resistance characterizes land-lost peasants as peasant-citizens who keenly take petty advantage of others and merely try to be smart, so their resistance has a long way to catch up with safeguarding rights of citizen.

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