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Disorganized Popular Contention and Local Institutional Building in China

Feng Chen and Yi Kang*

Abstract:

Concurring with the approach stressing the role of contentious politics in (re)shaping state institutions, this study explores how *disorganized* popular contentions configure local institutional building in China. As Chinese citizens are not legally allowed to take organized collective action to express their grievances and demands, popular contentions, despite their common origins, similar claims, and identical targets, break out here and there in large numbers without clear organizational shape. This compels the government to build institutions able to map scattered conflicts, detect potential problems, and defuse them from below in a timely fashion on a case-by-case basis. Such a dissipative approach sharply differs, in terms of its purpose, format, and mechanism, from two common types of state responses to popular contentions—incorporation and repression—which are typically linked to democracies and authoritarian developing states where popular contentions are often organized in various ways and to different degrees.

The past two decades have witnessed a dramatic increase in social conflict in China. Demanding *hefa quanyi* (legitimate rights and interests) has motivated numerous popular actions – from petitions, protests, strikes, and demonstrations to riots – by people from different walks of life seeking redress of various grievances. They are driven in part by the sweeping market reforms that have increasingly polarized Chinese society, but also by perceived flaws in governance. Deep resentment has accumulated over the years in the face of injustices and abuse of power perpetrated by government officials at various levels. To keep social conflict at bay and shore up stability, the government has identified *weiwen* (maintaining stability) as a top priority.

It is clear that the government's efforts toward *weiwēn* have relied heavily on the coercive apparatus to suppress riots, preempt activism, round up potential "troublemakers," and silence dissenters. However, the sheer use of force is not the routine practice when dealing with the contentious incidents that occur in China on a daily basis. Over the past few years, the Chinese Communist Party (CCP) has been vocal in calling for the improvement and strengthening of "social management" and the creation of a "harmonious society." At the front line, local authorities have responded to this call by establishing various new institutional arrangements aimed at the prevention and resolution of conflict. These institutional arrangements constitute a "soft" part of the *weiwēn* system. Despite individual variations, the new conflict management institutions across the country share the common features of realigning various bureaucratic agencies, pooling their resources to control conflicts, and combining different modes of mediation in dispute resolution.

What explains the emergence of the new conflict management institutions? And why have local authorities responded to rising popular unrest with such distinctive institutional practices? This paper seeks to answer these questions by examining the mutually reconfiguring effect of state institutions and contentious politics, with a focus on the effect of the latter in shaping the former. Most previous research has treated popular contention as an outcome to be explained while taking state institutions as the key independent variable. Several scholars have written extensively on how political institutions define opportunities for, as well as constraints on, social actors; inform the way they frame and make their claims; and shape final outcomes. Others, however, have approached the issue from the other direction, taking social contention as an explanatory variable and emphasizing its role in shaping the building of the state apparatus. The most prominent effort in this regard has been made by Charles Tilly, whose "war-makes-state" thesis has become the touchstone of this approach.¹ Studies within this analytical

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tradition view popular contention as major stimuli to institutional building and demonstrate that actions taken by the state to meet such challenges “often lead to the establishment of new institutional forms, powers, and precedents.”² Popular contention, as Slater argues, is not only a product of political institutions, but also a producer of them. Internal conflicts, in his words, can also “make the state.”³ Students of social movements see their impact on state institutions in terms of “consequences,” which often take on states’ concessions to, or acceptance of, challengers’ claims. At the structural level, they include “the extension of democratic rights and practices and the formation of new political parties.”⁴ At a more intermediate level, consequences are embodied in “political public goods” or “consistent benefits” provided for a movement’s constituency and enforced collective identity, and aid challengers in making demands⁵. Overall, however, less academic attention has been paid to the role of popular contention in shaping institutions than the reverse process.

With the surge in social conflict in China, research on contentious politics has become a booming enterprise, with an impressive academic output relating to the state’s role in the shaping, framing, organization, and leadership of social protests.⁶ Some studies have examined the impact of contentious politics at the micro level, reflected in improved policy implementation and concessions by the authorities, as well as increased public awareness of an issue, the boosting of activism, and so on⁷. Others have explored

Faculty Research Grants of Hong Kong Baptist University for this research.

¹ Charles Tilly, ‘Reflections on the History of European State-Making’, in Charles Tilly, ed., *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975).

² Stephen Skowronek, *Building A New American State: The Expansion of National Administrative Capacities 1877-1920* (Cambridge: Cambridge University Press, 1982), p.10.

³ Dan Slater, *Ordering Power: Contentious Politics and Authoritarian Leviathans in Southeast Asia*. (Cambridge: Cambridge University Press, 2010).

⁴ Amenta E, Caren N, Chiarello E, Su Y ‘The Political Consequences of Social Movements.’ *The Annual Review of Sociology* 36(14), (2010), pp.1-21.

⁵ *Ibid.*

⁶ Yongshun Cai, *Collective Resistance in China: Why Popular Protests Succeed or Fail* (Stanford: Stanford University Press, 2010), and O’Brien K (ed.) *Popular Protest in China* (Cambridge: Harvard University Press, 2008).

⁷ Kevin O’Brien K and Lianjiang Li, ‘Popular Contention and its Impact in Rural China’, *Comparative Political Studies* 38(April), (2005), pp. 235-259.

the state's tactical responses to popular contentions and the activism of civil society⁸ and their microfoundations⁹. However, like the research on contentious politics elsewhere, insufficient efforts have been made so far to investigate the configuring effect of popular contention on China's institutional building.

This study will demonstrate that while the state shapes popular contention as it defines its political and institutional parameters, this in turn (re)configures institutions that serve to enhance states' capacity to manage social conflict. In pursuing this line of research, we argue that the type of contention is important and must be taken seriously. Different types of popular contention may result in different institutions. We contend that the most striking feature of Chinese popular contention is that it is disorganized and highly dispersive. Various conflicts, despite having common origins, similar claims, and identical targets, break out here and there in large numbers but without any clear and sustainable organizational shape. Such a pattern of contention is, of course, preordained by the political system itself, in that the state's *de facto* ban on the exercise of the rights of assembly and association¹⁰ as well as the absence of a genuine system of representation creates formidable barriers to organized claim making in Chinese society. However, the surge and intensification of such conflict in recent years has compelled the state to redesign and reconfigure its institutions in order to exercise social control more effectively. The primary goal of these newly built institutions is to nip popular contention in the bud at the grassroots and prevent actions from spreading, coalescing, or flowing toward the top. The urgent need to contain disorganized popular contention thus generates a set of institutions that differ, in terms of purpose, format, and mechanism, from the two most common types of state responses to popular contention: incorporation and repression. Both are typically linked to democracies and authoritarian developing states, where popular contention is often organized in various ways and to different degrees. Neither incorporative, nor across-the-board repressive, China's newly emerging

⁸ See, for example, Xiuying Cheng, 'Dispersive Containment: A Comparative Case Study of Labor Politics in Central China', *Journal of Contemporary China* 22(79), (2013), pp.131-147; Rachael Stern and Kevin O'Brien, 'Politics at the Boundary: Mixed Signals and Chinese State', *Modern China* 38 (2), (2012), pp. 174-198; Anthony Spires, 'Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China's Grassroots NGOs', *American Journal of Sociology* 117 (July), (2013), pp.1-45.

⁹ Ching Kwan Lee and Yonghong Zhang, 'The Power of Instability: Unraveling the Microfoundations of Bargaining Authoritarianism in China', *American Journal of Sociology* 6(May), (2013), pp.1475-1508.

¹⁰ Constitutionally, Chinese citizens "enjoy" the freedom of assembly and association.

institutions aim to defuse, dissipate, and contain popular contention from below on a case-by-case basis. In the following section, we firstly contrast the Chinese state with two other types of regime as a starting point for the analysis, and conceptualize the distinctive impact of disorganized contention on the development of China's institutions. We then trace the institutional trajectory of the Chinese state's response to social conflict and show how the rise of disorganized contention has stimulated local institutional changes. The next section examines Shunde, a city in Guangdong Province, as a case study for elaborating the structure, processes, and mechanisms of using local conflict management institutions to handle the type of popular struggle that the state can neither incorporate nor totally repress. While local institutional building in response to disorganized contention is a widespread undertaking across the country, Guangdong has pioneered the promotion of institutional realignment to implement the dissipation of social conflict. As one of the most prosperous yet conflict-ridden cities in Guangdong, Shunde was selected by the provincial government as a site in which to experiment with institutional innovation in conflict management. Its experience and practices thus provide a window for us to probe the interaction between popular contention and institutional building. Data were collected through site-intensive research¹¹, i.e., interviews and participant observation. We conducted both group and individual interviews with officials in Shunde and CC Township in charge of stability maintenance in 2014. Extensive background information was also derived from government documents, officials' speeches, and media reports.

Popular Contention and Institutional Building

As a transgressive form of interest articulation by rank-and-file citizens, popular contention occurs in various social contexts, particularly where there is a lack of institutional channels for representation and participation. History shows that organized contention, which challenges state power and disrupts institutional patterns of social

¹¹ Benjamin L. Read, 'More than an Interview, Less than Sedaka: Studying Subtle and Hidden Politics with Site-Intensive Methods', in Allen Carlson, Mary E. Gallagher, Kenneth Lieberthal and Melanie Manion, eds., *Contemporary Chinese Politics: New Sources, Methods, and Field Strategies* (Cambridge: Cambridge University Press, 2010), p. 145-161

relations, engenders two types of state response: incorporation and repression. The former refers to the state's attempt to channel popular contention into the political system through the institutionalization of political representation and participation, while the latter involves negative sanction of people's civil and political liberties and the exercise of state terror. In western nations, the existence of civil rights and minimalist democratic institutions provides the preliminary social conditions for organized popular contention.¹² Having wrestled with protracted popular struggles, often using repressive means, states began incorporating them through structural and institutionalized accommodations, a process that transformed organized social contention from *de facto* into *de jure* power.¹³ The major institutions that underpin modern democracies are all the result of state responses to protracted popular struggles. As Tilly points out, for example, "citizenship rights came into being because relatively organized members of the general population bargained with the state authorities for several centuries."¹⁴ Specifically, three basic institutional mechanisms have been constructed to channel popular contention into the existing political and legal framework. Firstly, electorally representative arrangements allow political parties to aggregate and represent diverse social interests, thus organizing them into a large coalition for the purposes of winning elections.¹⁵ Secondly, interest group politics, using either pluralist or social corporatist models, institutionalizes the representation of group interests in the process of policy making¹⁶. Thirdly, states allow civil society and social movements to be a direct form of representation which resembles the classic conception of participatory democracy, a device for representing and

¹² T.H.Marshall, *Citizenship and Social Class*, (London: Pluto Classic, 1992), p.199.

¹³ Acemoglu D and Robinson J, *Economic Origins of Dictatorship and Democracy* (Cambridge: Cambridge University Press, 2006).

¹⁴ Charles Tilly C, 'Where Do Rights Come From', in Theda Skocpol ed., *Democracy, Revolution, and History* (Ithaca: Cornell University Press, 1998), p.57.

¹⁵ See, for example Frances Fox Piven, *Challenging Authority: How Ordinary People Change America* (Lanham, Md.: Rowman & Littlefield Publishers, 2006).

¹⁶ See, for example, Phillips Schmitter, *Modes of Interest Intermediation and Models of Societal Change in Western Europe* (London and Beverly Hill: Sage Press, 1973); Suzanne Berger (ed.), *Organizing Interests in Western Europe: Pluralism, Corporatism, and the Transformation of Politics* (Cambridge: Cambridge University Press, 1983).

articulating the demands of the underrepresented.¹⁷ All these mechanisms have effectively translated the myriad of bewildering social conflicts into legible formats and manageable dimensions, channeling them into institutionalized conflict resolution. In many authoritarian developing nations, on the other hand, forms of organized resistance such as communal and guerrilla actions or social and labor movements have become widespread, because states have lacked the capacity to penetrate and exercise total control over society. However, popular resistance in such countries is often met with heightened use of repressive state apparatus. Protesters and activists have been imprisoned, tortured, exiled, or killed.¹⁸ Some scholars argue that class conflicts in the Latin American authoritarian countries have had a causal effect on repressive regime institutions, and view the existence of antilabor regimes as a function of their hostility toward working-class movements.¹⁹ Bureaucratic authoritarianism is another institutional response to the increasing power of organized labor movements.²⁰ Some Latin American authoritarian states, on the other hand, have attempted to coopt or incorporate organized movements. For instance, they have established a system of officially sanctioned, noncompetitive, and compulsory trade unions, subsidizing them and imposing constraints on their demand making, leadership, and internal governance, in order that the labor movement could be depoliticized, controlled, and penetrated by the state.²¹

However, the huge popular conflicts that have emerged since the market reforms in China have been largely disorganized. They differ from the social movements or rebellions seen in other contexts in that they seek neither a class-based solidarity nor cross-cutting collaborations, even if they have shared interests, pursue similar goals, or have common targets for their grievances. Nor do they typically employ violent means, although a few localized riots have occurred. Contentious incidents in China are characterized by “large numbers of individual behaviors with similar claims, patterns,

¹⁷ Craig Jenkins, ‘Social Movements, Political Representation, and the State: An Agenda and Comparative Framework’, in Craig Jenkins and Bert Klandermans, eds., *The Politics of Social Protest: Comparative Perspectives on States and Social Movements* (Minneapolis: University of Minnesota Press, 1995), p.14-38.

¹⁸ Christian Davenport (ed.), *Paths to State Repression* (Lanham, Md.: Rowman & Littlefield Publishers, 1996).

¹⁹ Paul Drake, *Labor Movements and Dictatorship* (Baltimore: Johns Hopkins University Press, 1996).

²⁰ Guillermo O'Donnell, *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics* (Berkeley: Institute of International Studies, University of California, 1973).

²¹ Ruth Collier and David Collier D, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America* (Princeton: Princeton University Press, 1991).

and targets.”²² They often take the form of individual petitioners, plaintiffs, and complainers, or may involve groups engaged in contentious gatherings, many of which spontaneous and leaderless. Conflicts of similar content and nature have arisen in different settings, with their claims framed in diverse languages and expressed in various forms, and their ways of seeking resolution vary somewhat haphazardly across cases. However, disorganized contention does not mean that all such conflicts are unorganized. In fact, scattered group activism and organized protests can be found from place to place and on various issues, but they are often poorly organized and less sustainable. They do not represent organized movements or organized interest articulation. Reflecting what Tilly calls “embedded identity” configured in “sites of wrongdoing,”²³ many protesters have made claims stemming from specific grievances linked to a particular factory, village, or residential community, and demanded immediate redress. As Perry points out, they have rarely made broad claims on political and citizenship rights.²⁴

While such disorganized contention may not necessarily constitute an imminent and credible threat to the existing political order, the government is afraid of such conflict spreading, escalating, linking up, and flowing towards the top. It is obvious that institutionalized incorporation is not likely to be a solution where social interests are highly scattered and atomized, and there are no representative bodies serving as aggregator and bridge. Violent repression, on the other hand, is apparently not a preferred option for the government either, even though some local authorities have occasionally forcibly dispelled riots and arrested activists. Such a response would be costly given that disorganized popular actions are so widespread and pervasive. The government also has to be aware of the political price of using force against its own citizens. Thus, instead of incorporation or outright coercion, the Chinese government has chosen an approach of dissipation: preventing, defusing, and settling conflicts on a case-by-case basis, and dispelling their elements before they can fester and grow. This requires corresponding institutions to be built.

²² Xueguang Zhou, ‘Unorganized Interests and Collective Action in Communist China’, *American Sociological Review* 58 (February), (1993), pp.54-73.

²³ Charles Tilly, *Contention and Democracy in Europe, 1650-2000* (Cambridge: Cambridge University Press, 2004), p.59.

²⁴ Elizabeth Perry, ‘A New Rights Consciousness?’, *Journal of Democracy* 20:1 (July), (2009), pp. 17–20.

Type	Organized Contention	Disorganized Contention
Form	interest groups, social movements, rebellions	petitions, protests, strikes, demonstrations, riots
Aim	shared interests or grievances pointing to common targets, pursuing broad goals of rights and social changes	making claims stemming from a specific grievance linked to a particular factory, village, or residential community and demanding immediate redress. Broad political and rights demands are rarely made. ²⁵
Pattern	seeking class-based solidarity or cross-cutting collaborations	nonideological, and apolitical; large numbers of conflicts with similar contents and nature that break out here and there in a scattered and unsustainable manner, with claims framed in diverse languages and expressed in various forms, and the ways of seeking resolution also varying across cases.
Effect	challenging state power and disrupting the institutional patterns of social relations	not necessarily constituting an imminent and credible threat to the existing political order, but disturbing local governance
State Response	<p>Incorporation</p> <ul style="list-style-type: none"> - electorally representative arrangements - interest group politics - allowing civil society and social movements to be a direct form of representation <p>Repression: heightened use of repressive state apparatus</p> <ul style="list-style-type: none"> - Protesters and activists imprisoned, tortured, exiled, or killed 	<p>Dissipation: to reduce or exhaust the energy of contention by dispersion</p> <ul style="list-style-type: none"> - Concerted conflict-institutional arrangements that enable bureaucrats to identify, map, and categorize conflicts and solve them in a case-by-case manner - multiple and mandatory mediation - community surveillance

²⁵ *Ibid.*

Institutional Trajectory of Conflict Management

The emerging institutions of conflict management in China reflect the changing interplay of the state and disorganized popular contention. Before the economic reforms commenced in 1978, the independently organized articulation of social demands was rare. The Chinese state denied the legitimacy of any interest-based groups and did not recognize the people's right to express demands in an organized or collective way. This, however, does not mean that political leaders ruled without regard for social interests. Coupled with negative sanctions such as repression and extensive organizational control were some unique institutional arrangements designed to accommodate such interests. For example, social interests were represented through bureaucratic encapsulation, or the setting up of functional government agencies to reflect the interests of certain sectors in society. The All-China Federation of Trade Unions (ACFTU) and the Women's Federation are *de facto* government bodies with workers and women as their constituencies. The Work Unit (*danwei*) system, furthermore, took care of most urban citizens' basic economic interests and social welfare.²⁶ Mass campaigns and the mass line were carried out to allow people to express their views in a way strictly delimited by the Party-state.²⁷

Nevertheless, incorporating citizens into these webs of organizational control and socialist paternalism did not eradicate the collective expression of grievance. Rather, it produced a unique form of contention. As Kelliher notes, state socialism places a great number of people in very similar and prescribed circumstances in which they confront “a

²⁶ Andrew Walder, *Communist Neo-traditionalism: Work and Authority in Chinese Society* (Berkeley: University of California Press, 1986).

²⁷ Kenneth Lieberthal, *Governing China: From Revolution to Reform* (New York: W. W. Norton & Company, 2003)

nearly identical face of state power,” hence creating the possibility of mass action by disorganized and atomized individuals.²⁸ Zhou also points out that the authoritarian institutional structure that prevents organized interests from forming facilitates collective action based on unorganized interests; such an institutional structure “reduces the barriers to collective action by producing ‘large numbers’ of individuals with similar behavioral patterns and demands that cut across the boundaries of organizations and social groups.”²⁹ However, the “large number” phenomenon occurred only at certain unusual moments when there was a sudden opening up of opportunities that allowed disorganized people to air their grievance collectively. The Hundred Flower Campaign in 1957, the Cultural Revolution in 1966, and the Tiananmen Movement in 1989, were all such instances. Pre-reform China otherwise saw little of the popular contention that has become commonplace today.

The market economy has transformed China’s social and economic system, engendering means of articulating interests that are in many ways distinct from those of the pre-reform period. First of all, the explosion of grievances and claims is attributable to changes in economic relations. For example, market-based labor relations produce conflict between labor and capital, leading to widespread labor protests. The state *per se* also constitutes a source of contention. Its retreat from socialist paternalism has affected the lives of millions of state workers, forcing many of them to take to the streets. The state’s developmental strategy, prioritizing economic growth, has encouraged rampant labor exploitation, house demolitions, land grabs, environmental damage, and so on, all of which has fueled people’s resentment and motivated them to protest. Widespread power abuse by local and grassroots officials and judicial injustices have also been a major cause of collective or individual petitions. Indeed, drastic social and economic change and the relaxation of political control over society all provide opportunities for popular contention.³⁰ Nevertheless, the Leninist regime is far from ready to permit organized movements and actions, which are still perceived as a threat to political order.

²⁸ Daniel Kelliher, *Peasant Power in China: The Era of Rural Reform, 1979-1989* (New Haven: Yale University Press, 1992), p.20-21.

²⁹ Xueguang Zhou, ‘Unorganized Interests and Collective Action in Communist China’, *American Sociological Review* 58 (February), (1993), pp.54-73.

³⁰ Yongshun Cai, ‘Managed Participation in China’, *Political Science Quarterly* 119(3), (2004), pp.xxx.

Consequently, it has failed to provide any meaningful institutional channels for citizens' representation and participation, despite the drastic rise of popular demands. As citizens are not allowed to organize and coordinate themselves, the expression of their grievances and demands, even when they are homogeneous and interlinked, becomes amorphous, disorderly, and chaotic. Dispersive and disorganized popular contention in China is therefore a distinctive phenomenon resulting from a socioeconomic transformation without corresponding change of political institutions.

Before its latest drive to rebuild the conflict management institutions, the Chinese state already had in place a set of institutions for maintaining social stability. These were composed of people's mediation, judiciary procedures, the *xinfang* system, and various means of administrative interference. Each, in theory, has a defined jurisdiction and distinct powers and resources for coping with social conflict. However, this conflict management system has come to appear insufficient for dealing with the mounting pressure of disorganized contention over recent decades. For example, as one of the primary institutions for handling individual petitions, the *xinfang* system lacks the real enforcement power to resolve disputes. Only two percent of petitions filed are ever actually redressed, according to reports. But since people have had few alternative channels for redressing their grievances, they have kept flooding the *xinfang* offices in Beijing and across the country. Indeed, the *xinfang* system has come to symbolize bureaucratic incapacity and the inefficiency of the Chinese state in handling popular contention.

The government has also tried to channel various disputes into legal procedures, as part of its endeavor to establish the rule of law in China. However, the soaring number of legal disputes has overloaded many local courts. Overwhelming volumes of cases, cumbersome trial processes, and the poor execution of court decisions have often led to *shangfang* or petitions. Local officials have become frustrated and eager to arrive at quick solutions to disputes. For them, judicial processes have reduced their flexibility and discretionary power in problem solving. Moreover, the last decade has seen the rapid growth of interest-based disputes that can hardly be resolved through the judicial

process.³¹ For the government, the judicial system is no longer effective enough to deal with rising levels of disputes.

Obviously, disorganized contention confronts the Chinese state with challenges that are quite different from those posed by organized conflict. Since numerous messy, isolated, and dispersive disputes cannot be automatically converged and classified through interest group representation and organized, collective social action, the state cannot incorporate or routinely repress them. It therefore has to create institutions that enable bureaucrats to identify, map, and categorize contentious incidents with concerted efforts and control them in a scattered, case-by-case manner. We argue here that such an approach engenders an institutional alignment that provides a platform for facilitating cross-departmental collaboration on the one hand, and a decentralized working mode on the other. The new institutional arrangement constitutes the infrastructure for three key mechanisms, all of which aim to reduce or exhaust the energy of contention and defuse it at the grassroots level.

Firstly, there is concerted conflict management. Given that popular contention involves issues that cover multiple policy areas or which cannot be solved by a single agency, concerted settlement, based on the institutional realignment of various government agencies, allows them to work together to seek solutions and expedite problem solving. To a large extent, this can overcome previous institutional fragmentation in the handling of social conflict.

Secondly is mapping and surveillance, accomplished through weaving an extensive web of street-level conflict control agencies. These are the “trenches” in which stand the street bureaucrats who must execute state directives in the face of social resistance.³² As grievances are prevalent, popping up randomly anytime and everywhere, these agencies can quickly reach out to the grassroots as well as being accessible to disputants. They function like firefighters, ready to stamp out any conflicts in townships, communities, villages, and factories. They are also the antennae of government,

³¹ Feng Chen and Mengxiao Tang, ‘Labor Conflicts in China: Types and Their Implications’, *Asian Survey* 5(3), (2013), pp.559-583.

³² Joel Migdal, Atul Kohli and Vivienne Shue, *State Power and Social Forces: Domination and Transformation in the Third world* (Cambridge: Cambridge University Press, 1994), p.16.

responsible for gathering information and providing first-hand data for higher authorities to map dispersive conflicts and assess the status of local public order.

Thirdly is the use of mandatory and multiple mediation methods. As disorganized contention takes the form of numerous isolated incidents, disputes, complaints, or petitions, the government has had to adopt a case-by-case approach to settlement. Mediation best fits this approach, because it is less constrained by formal rules, offering considerable flexibility and discretion which enables officials to maneuver, manipulate, and play around with the concept of “divide and rule” in dispute resolution. To maximize the effect of mediation, the government promotes an arrangement that links different modes (people’s, administrative, and judicial, which is called “grand mediation”) to enhance multiple and coerced mediation.³³

Emerging Institutions: Structures, Mechanisms and Actors

The creation of local institutions for conflict management originates in the practice of comprehensive governance that can be traced back to early 1981. Five major cities – Beijing, Tianjin, Shanghai, Guangzhou, and Wuhan – initiated the idea at a symposium on public security. The initial purpose was to prevent crime and maintain public security. The Standing Committee of the National People’s Congress passed the Decision on Strengthening the Comprehensive Governance of Public Security in 1991, which led to the widespread establishment of Comprehensive Governance Offices at different administrative levels. These offices were responsible for coordinating relevant governmental departments, such as *xinfang*, Public Security, and so on, and involving villages/streets, workplaces, and ordinary citizens in combating crime and maintaining public security. However, comprehensive governance initially remained loosely structured and less regularized. A rapid surge of disorganized contention in the years that followed proved that casual and irregular institutional collaboration was ineffective. The government was therefore compelled to intensify efforts to strengthen its administrative

³³ Jieren Hu, ‘Grand Mediation in China Mechanism and Application’, *Asian Survey* 51, (2011), pp.1065-1089.

arm. Building on earlier practices, the government deepened comprehensive governance by promoting institutional realignment and the integration of different dispute mechanisms, and enhancing control over the grassroots. The following description of the new conflict management institutions is based on our fieldwork in Shunde.

Shunde is one of the administrative districts in Foshan, Guangdong Province, and is composed of 4 subdistricts and 6 townships, with a population of 2.4 million in total. Over the last three decades, Shunde has experienced rapid economic development and urbanization. Such impressive economic growth, however, has been accompanied by tense social conflict arising from land disputes, “not-in -my-backyard” issues, layoffs, and the grievances of demobilized soldiers. In 2010, of 2,800 people petitioning the Foshan City Government and 2,098 the Provincial Government, more than half came from Shunde.³⁴ Take CC, the township with the highest incidence of conflict in the district, as an example. Adjacent to Guangzhou, CC Township is a favorable site for foreign investors, and the commercial value of its land has also attracted numerous development projects, all of which brought various disputes. In 2010 alone, there were 34 petitions to the provincial government, involving 3,726 people. This ranked CC first in the Province in terms of the number of *shangfang*. There were also numerous *shangang* to the city, district, and township governments. In one incident, more than 600 petitioners from the township surrounded the Provincial Party Committee demanding a settlement of land disputes. A couple of riots erupted in the same year. The provincial government thus identified the CC Township as a “key unit” to be managed. Thus, the district governments of both Shunde and CC Township were under pressure from the provincial authorities to stop *shangfang* from disturbing higher authorities.

Concerted Conflict Management

In societies where citizens organize themselves and voice their problems through institutionalized channels, the myriad popular contentions are hence translated into legible formats before the state steps in to work out resolutions. This enables state agencies to discriminate interventions of different kinds and know where to direct resources, thus reducing the cost as well as enhancing efficacy of state intervention in

³⁴ See http://www.citygf.com/FSNews/FS_002008/201103/t20110331_1424869.html

social contentions. The Chinese authorities, in contrast, have locked into a “divide-and-rule” strategy. Abhorring any form of autonomous societal interest organization and representation, the state has stifled the “interest aggregation” initiatives of the society. As a result, state administration comes face to face with the wilderness of popular contentions. To contain and manage them effectively, it has to grope its own way for gathering and sorting information.

To make things worse, existing institutions have suffered from the fragmentation of power and resources and poor intrainstitutional coordination.³⁵ Bureaucratic organs, courts, *xinfang* offices, trade unions, and mediation agencies dealt separately with cases that were probably quite similar in nature, with lots of resources wasted on redundant efforts. Various self-interested state agencies have found it important to compete for resources and jurisdiction on the one hand, and convenient to shy away from responsibilities on the other. Such institutional fragmentation weakened the government’s ability to control conflict. It also created opportunities for contending parties to exploit such fragmentation by petitioning different agencies with a similar grievance, which further aggravated the waste of institutional resources and effort.

Thus, Guangdong Province took the national lead in the move toward integrating various government agencies into a single center, named the Center of Comprehensive Governance, Letters & Visits, and Stability Maintenance (CCGs for short). This was established in 2009 at both county and township levels in response to widespread social conflict. Hunag Huahua, the then governor of the Province, described the intention of such an institutional effort as follows: “Setting CCGS can solve various difficult problems caused by the insufficiency of the previous system in dealing with the increasing number of conflicts and enhance grassroots Party committees’ and governments’ ability to control the situation of public security.” He declared that the

³⁵ For the fragmented decision making process, see Kenneth Lieberthal and Michel Oksenberg. 1988. *Policy Making in China: Leaders, Structures, and Processes*. Princeton University Press.

widespread presence of CCGs would mean that “small things can be solved within the village, big things within the township, and contradictions are not handed over to higher authorities.”³⁶ Very soon, the Central Committee of Comprehensive Governance endorsed Guangdong’s experiment, which resulted in the widespread adoption of CCGs or similar institutions across the country. Institutionally more integrated and enhanced, CCGs have since significantly extended their role and scope in conflict control and resolution.

As we found in Shunde, CCGs are organizationally subordinate to the Party Committee of the county/district and township/subdistrict and directed by the Vice-Party Secretary in charge of political and legal affairs. CCGs have separate budgets as well as their own office space. Their stated aims include the comprehensive governance of social and public security, coordinating the settlement of emergency incidents, handling petition letters and receiving petitioners, carrying out people’s mediation and legal assistance, and so on.³⁷ Their core member units include the Comprehensive Governance Office, Stability Maintenance Office, *Xinfang* Office, Public Security Branch, Judicial Bureau (or Judicial Administrative Office in a township), Procuratorate, and the Court. These units collaborate with the functional departments dealing with civil affairs, labor affairs, urban construction, urban management, housing management, traffic, food security, as well as trade unions, youth leagues, and women’s federations. The Comprehensive Governance Office, which is also headed by the Party Secretary of political and legal affairs, takes the lead in coordinating all other member units. In sum, local-level management of popular contentions has now revolved around an administrative team rather than individual governmental organs. According to the officials in charge of social stability maintenance, popular contention today generally involves multi-area issues that cannot be handled by a single agency. Thus, CCG works as an efficient communication

³⁶ See http://www.southcn.com/jsfw/zt/wsxfjf/zdggz/content/2010-05/30/content_12378439.htm

³⁷ Interview, April 14, 2014; government brochures

platform and collaborative mechanism, enabling different government agencies to solve problems together.³⁸

In seeking conflict resolution, the key member units have a clear division of labor. The Comprehensive Management and Stability Maintenance Offices are in charge of daily routines. They classify incoming cases, assign them to relevant units or factional sectors, coordinate the process of settlement, and follow the cases until they are closed. The *Xinfang* Office, which used to operate separately from other government agencies, is now at the entry point of the CCG's settlement process. Visitors who come to the CCG to file complaints are dealt with by this office. *Xinfang* staff will try to effect a settlement on the spot or refer petitioners to relevant units for further consultation. This office also identifies protracted and difficult cases and forwards them to the Director of the CCG. The Judicial Office is responsible for providing guidelines for people's mediation and legal services for people who need them. It also provides legal advice to grassroots authorities and assists them in dealing with various disputes. Some functional departments are perhaps more important than others in dealing with contentious incidents. For example, in the Guangdong area, labor conflict is tense, as private and foreign companies have flocked to set up there, so the Labor and Social Security Agency is crucial in managing labor disputes. It is charged with the task of making sure that labor laws are followed in settlements and also mediates individual and collective labor disputes. It is also responsible for monitoring enterprises' compliance with labor standards in their operations. The trade unions are required to defuse workers' collective actions as well as mediate in disputes between labor and management. The Civil Affairs Office is responsible for coping with civil disputes, while increasingly getting involved in the settlement of disputes over estate management that occur frequently in gated communities. A strong arm of the CCG is the Joint Enforcement Team, composed of members from different agencies. This is further broken into task groups based on issues such as house demolition, labor disputes, migrant populations, and food safety, which are often the causes of conflict. The Joint Enforcement Team's chief responsibility is to carry out inspections in its jurisdiction and make sure that settlements, as well as laws and relevant regulations, are implemented. In this way, the CCG has synthesized the

³⁸ *ibid.*

functions of gathering, processing, tracking, and transmitting information as well as directing and coordinating operations in social conflict prevention and settlement. These jobs were once separately and often repetitively done by different agencies that were too ready to pass the buck to each other and at the same time fiercely competed for resources. Now the CCG lumps together the relatively homogeneous and interlinked tasks under one multi-functional system that is featured by joint efforts and divided responsibility.

A close look at the CCG in CC Township in Shunde illustrates its processes and mechanisms. The township's CCG is composed of four sections: Comprehensive Affairs, *Xinfang* and Stability Maintenance, Judicial Affairs, and Floating Population Management. Each includes staff members from different functional departments of the government. Previously, when a conflict occurred, different government agencies had to act separately to deal with it. If they were unable to resolve the issue, their heads of service were required to seek guidance from the Party Secretary or Deputy Secretary in charge of political and legal affairs. This often slowed the process of dispute resolution. However, since the CCG is an extended arm of the Party committee and headed by the Party Secretary in charge of political and legal affairs, it can take quick and coordinated moves to respond to conflict.

Such a concerted approach to conflict management is epitomized by the CCG's six-step procedure of dispute resolution; (1) *xingfang* officials receive letters and calls from the public, and meet petitioners. They try to resolve disputes on the spot, if possible; (2) if this is not possible, the disputes are channeled into either people's or administrative mediation; (3) relevant functional departments are assigned the administrative mediation, while the Judicial Office is responsible for people's mediation. In both cases the CCG will follow up the process; (4) if a functional department fails to mediate the dispute successfully, the Director of the CCG will hold a joint meeting with members of the various functional departments involved and seek a solution; (5) if this procedure does not lead to settlement, the dispute will be brought to the Committee of Comprehensive Governance, which is chaired by the Party Secretary of the township. The Party Secretary will seek a resolution by mobilizing all necessary institutional resources; (6) failure of this step will lead to arbitration and adjudication.³⁹ The government hopes that this

³⁹ The Work Manual of CCG of CC Township, 2013.

procedure can provide claimants with a one-stop shop for dispute resolution and keep disputes within officially sanctioned channels. Ultimately, it aims to reduce *shangfang* and nip grassroots conflicts in the bud. As one official we interviewed emphasized:

We need this platform, because without it, villagers would go directly to the township government or higher governments and demand to meet the leaders. How can the Party secretary and chief of the township have the energy and time to meet them? Now if they have any complaints, they can come to us here. We have places for them to sit down, talk, and settle their problems.⁴⁰

Community Surveillance

While institutional realignment facilitates information sharing and administrative coordination, which enables state agencies to take prompt and concerted actions in response to any developing popular contention, it alone does not relieve the government from the stress. The vast dispersion and randomness of disorganized contention poses a serious challenge for local governance. To exercise effective control, the authorities need to improve not only their capacity to act but also their acuteness of perception. Thus the top leaders have urged local governments to devote more attention and resources to gathering and analyzing information on existing and potential social contention and set up early warning mechanisms. At the Central Public Security and Legal Working Conference in 2007, the former President Hu Jintao stressed the necessity of establishing an effective system for social stability risk assessment and early alarms. “This system should be established as soon as possible,” he said, “as it will permit us to detect problems early, make timely interventions, and resolve conflicts in the bud and at the lowest level.”⁴¹ Following him, Zhou Yongkang, then Secretary of the Central Political and Law Commission, announced in 2009 that social stability risk assessments should be made and taken into account in government decision making. This drove local governments to make various efforts to map scattered conflict, gather and sort out information, and monitor potential destabilizing elements. Information gathering and community surveillance thus became an integral part of concerted conflict management.

⁴⁰ Interview, on April 14, 2014.

⁴¹ *Dongguanribao (Dongguan Daily)* (2009), 8 January.

In the CC Township, one of the jobs of the CCG is to gather, transmit information about conflict, and assess its potential influence. Village Committees or Street Offices are required to report regularly to the CCG on problems that are perceived to threaten social stability. Upon receiving these reports, the CCG holds joint meetings of member units to discuss the problems identified, devise coping strategies, and divide tasks among different agencies. These functions used to be performed separately within different bureaucratic units. The new institutional arrangement allows the CCG to follow up various types of conflicts, detecting and targeting problems at the embryonic stage.

To regularize information processing and problem solving, the township government has set out the procedure of “examining (*paicha*) the information on the elements of instability and handling major instability incidents.” The Information Section of the CCG is responsible for collecting and assessing information on the state of public order, while the CCG makes an overall assessment of the information on a weekly basis and issues a wrap-up report every 10 days. The CCG also ranks villages and communities in terms of the effectiveness of their *weiwen* work. For those villages and communities identified as unstable, the CCG will set up a special network for gathering information and watching those targeted persons closely. The CCG claimed that in 2013, it collected 1,220 pieces of information about instability. Moreover, the CCG enhanced its surveillance capability by aggressively recruiting informants as well as security staff. In 2013, in a township with a population of 150,000, there were 68 CCG staffers in charge of monitoring public order in the community, 415 members of security patrol, 72 monitors of video surveillance and 120 “village defenders.” They were all under the supervision of the Head of the township’s Public Security, who reported to the CCG.

Community surveillance is also carried out through the experiment of “grid management.” Dividing residential communities into smaller grids, the authorities attempt to multiply the “nerve centers” at the grassroots level in order not only to help sharpen government sensitivity to social grievances which randomly pop up everywhere, but also to enable them to respond promptly to a variety of contingencies before they develop into more worrying threats to social stability. Various advanced digital technologies such as GIS (Geographic Information Systems), data grids, and mobile information are used to enhance this form of social control. Specifically, each geographic

grid cell is assigned functionally differentiated staff. For example, in some townships in Shunde, the authorities equipped each of their grid cells with five types of staff, including supervisors, managers, police officers, assistants, and property managers. These personnel served as the government's designated liaisons at the grassroots level, assisting local officials to carry out various administrative control and service programs on the one hand, and monitoring neighborhoods for the purposes of public security on the other. In addition, they played a crucial role in preempting disruptive popular contention. For instance, they collected input from residents, and divided labor among themselves to act on relatively trivial complaints and suggestions over issues such as noise, dirt in the environment, and crimes in the neighborhood. If more demanding requests emerged, they would convey the message upward. They also gathered information about people in need such as migrants, lonely elderly, families in financial difficulty, and so on, and helped the Residents' Committee to assess what kind of aid would be sufficient to prevent grievances from arising among these groups. Furthermore, they kept an eye on disputes and discontent, watching out for petitions and any other activities that they considered unusual and that might upset social stability. Besides those five types of staff, the Residents' Committees also had dozens of assistants on the ground within each grid cell, including residents' small group leaders, courtyard liaisons, block and floor representatives, security patrols, and so on. These ordinary residents could not only gather household information to which administrators at higher levels would have no access, but also served as a bridge between state cadres and residents, helping the former to create more intimate ties with the latter. They could mobilize public support for policy issues and work closely with cadres and police to identify and prevent political offenses. Furthermore, all the people's mediation organizations in Shunde identified a number of mediators as informants (*xinxiyuan*) responsible for collecting information on social conflict in their neighborhoods.⁴² A more drastic measure introduced by the Shunde government was the establishment of enclosed communities with extensive use of surveillance cameras. According to a document issued in 2012, the government called for "adopting a thorough physical enclosure of communities if geographical conditions permit, and adding more surveillance cameras otherwise." The CC Township reports that

⁴² See <http://www.sdpma.com/news.aspx?id=370>

all 14 of its villages were turned into such gated communities. Accompanying this measure was an enhanced monitoring of the floating population, which is thought to be a potentially unstable element. CCG staff regularly inspect the areas where migrants reside.

To ensure that disputes were solved within communities, the Shunde government purchased legal services from law firms and guaranteed that each community/village would be assigned one lawyer. He or she would be on site within 24 hours of a conflict emerging, as well as providing legal advice to people requiring it. Lawyers who took on dispute cases independently were required to report to the city's authorities about the nature and status of their cases. As one of the city's top officials described it,

we have the internal mechanisms to follow up the cases being handled by commissioned lawyers. If they find any sign of escalation of conflict or anything that involves sensitive issues, they must report to us the first time. If they (lawyers) are handling collective cases, they must inform us. We can go to mediation for the sake of social stability. We have a guideline for lawyers to follow in their dealing with mass incident cases. If they inform us of anything serious, we will report it to the Party secretary in charge of political and legal affairs. We will figure out how to prevent the intensification of contradiction and the escalation of the conflict. The advantage of the current system is that the information about mass incidents that occurred in communities or villages can quickly be transmitted to the leading officials and we can respond quickly.⁴³

In this top-down grid management reform that aims to reinvigorate and reequip the Party-state's grass-roots governing infrastructure we witness that the Chinese governments at all levels have made their utmost efforts in weaving denser governance networks that permit more precise, penetrating, and systematic state control over the Chinese society. Dividing neighborhoods into even smaller grid cells, the authorities have multiplied the "nerve centers" at the ultra-local level that they wish could not only help sharpen government sensitivity to the social grievances and conflicts which randomly pop up everywhere, but also enable them to respond promptly to a variety of contingencies before they develop into more worrying threats to social stability. Furthermore, the near ubiquitous presence of government units and state designated liaisons on the ground shows the government's intention to squeeze the more autonomous and perhaps less cooperative civil associations out. Finally, through passing the task of

⁴³ Interview, July 23, 2013

identifying and solving social problems downward, higher levels of the state expect to relieve themselves from the burden of managing a confused mass of social contentions.

Collaborative and Mandatory Mediation

Disorganized contentions often take the form of numerous isolated incidents, disputes, or complaints. The government has to adopt a case-by-case approach to settlement. Mediation fits this approach best, because it is not only low-cost and widely applicable, but also less constrained by formal rules and offers considerable flexibility and discretion, enabling local officials to play divide-and-rule tactics in dispute resolution.

Mediation has been used as a method of conflict resolution in urban neighborhoods, rural communities, and workplaces since the founding of the People's Republic of China. However, the process of market reform since the 1980s stimulated the rule of law movement, which sidelined mediation for some time. The surge in social conflict over the past decade or so has once again restored mediation as a key mechanism of conflict resolution. What is striking is that the form of mediation that has reemerged has been considerably enhanced as an instrument of the state to handle disorganized contention. For the government, mediation is especially suitable for controlling and defusing disorganized contention, due to its flexible manipulative nature. Mediation used to be carried out separately by different agencies. To maximize its impact, some local governments sought to combine different modes of mediation. Nantong is the first city to have experimented with the so-called grand mediation that links people's, administrative, and judicial mediation. This approach quickly gained momentum in other parts of the country. The reason for this is that each mode of mediation has its limitations. For example, while judicial mediation is more authoritative, it is relatively costly and time consuming. The rapidly growing numbers of cases also create a heavy burden on the courts. People's mediation is highly flexible but its decisions appear to lack authority. Administrative mediation is often perceived as biased, arbitrary, and uncertain, as citizens' trust in local government agencies is currently remarkably low.

To enforce collaborative mediation, the Shunde government rebuilt a huge network of people's mediation as the frontline of dispute settlement and extended it down to the

grassroots with a four-level structure (that is, at the district, township/subdistrict, village/residential community, and subgroup of village/residential community levels). In the meantime, it also set up some specialized and trade-based mediation committees for labor, medical, and housing disputes. Such a network constitutes a micro foundation of the mechanism of conflict resolution. Peoples' mediation has been promoted because mediators embedded in grassroots society are accessible, sensitive to local disputes, and can be quickly mobilized for conflict resolution. Here are some facts about the mediation network in Shunde:⁴⁴

Mediation Committees (in the district and townships/subdistricts)	299
Village Mediation Committees	108
Neighborhood Mediation Committees	92
Small Mediation Groups in Villages	1,090
Small Mediation Groups in Neighborhoods	654
Enterprise Mediation Committees	45
Sectoral Mediation Committees	7
Professional Mediation Committees	36
Commercial Mediation Committee	1
 Mediators	 18,715

While people's mediation is considered crucially important for conflict management at the grassroots, the CCG provides an institutional platform linking it to both judicial and administrative mediation as well. The CCG is responsible for coordinating and supervising mediation by different agencies, integrated into a single center. However, it is the court that plays a pivotal role in steering the process of mediation, particularly in enhancing people's mediation. People's mediation has been aggressively promoted by the government, as it is flexible, less constrained by formal rules, and accessible.

⁴⁴ See <http://www.sdpma.com/news.aspx?id=370>

Nevertheless, it suffers from lower prestige and authoritativeness, which often leads to noncompliance with its decisions. Under the new institutional framework, the court is allowed, with the consent of the disputing parties, to approve mediation agreements so that they become legally valid and binding. The court also screens numerous litigation actions and channels many of them, again with the consent of parties, to mediation agencies. The court endorses successfully mediated cases to place them on the same footing as those that have been legally settled. Finally, the courts provide training and advice for grassroots mediators to enhance their legal knowledge.

Under grand mediation, the courts are linked to administrative agencies through the joint conference and other *ad hoc* arrangements. Participants in the joint conference include officials from the judicial and public security bureaux as well as representatives from trade unions, youth leagues, and women's federations. The joint conference aims to share information on local conflicts, examine difficult and complex cases, assess potential problems, and discuss collaboration. The courts also channel lawsuits to relevant administrative agencies (such as the public security and labor bureaux) for mediation. The courts even invite government agencies to carry out joint mediation in some complex and sensitive disputes. Administrative mediation agreements can also be judicially endorsed in the form of civil dispute resolution.

The courts themselves are also actively involved in mediation under grand mediation. Judicial mediation takes place not only before but also during court trials. In Shunde, mediation offices have been widely set up within the courts. Representatives from other agencies, such as arbitration committees, trade unions, and women's federations, have been invited to join the process.⁴⁵ Mediation allows the courts to use various nonjudicial approaches, such as divide and rule, persuasion, and intimidation, to seek plaintiffs' withdrawal from lawsuits, or to strike a compromise and ensure a legally binding agreement between parties. For court officials, mediation can reduce the tension between parties, as it is undertaken in a closed-door setting and open confrontation can be avoided. Unlike an open trial, closed-door mediation is less likely to attract media attention and hence heighten the antagonism between the parties. Another reason

⁴⁵ See <http://sdfy.shunde.gov.cn/data/main.php?id=50424-7090042>

mediation is encouraged is because controversial verdicts are believed to risk arousing more controversy and *shangfang*.

The Consequences of the New Institutional Practice

Disorganized contention has taken the form of numerous scattered and dispersive conflicts or *shangfang*, which disturb the local social order. Thus, from the government's perspective, defusing them and reducing their number is the primary indicator of the effectiveness of the new institutions of conflict management. Local governments have claimed that the implementation of these so-called innovative measures has enabled them to bring conflict under control and contain *shangfang*. For example, the Shunde government reports that in the past 3 years 22,530 out of 23,347, or 97%, of disputes raised in the city were successfully mediated by various agencies. Also, 63.5% of civil cases brought to the courts in 2010 were settled or withdrawn after mediation. In the same year, 6,846 disputes were resolved through collaborative mediation prior to court trials commencing. 2010 also saw a 31% drop in *shangfang* compared to the previous year⁴⁶.

One of the thorniest challenges to the Shunde government was the recurring collective petitions and protests by demobilized soldiers who fought in the Sino-Vietnamese War in 1979. This is a nationwide issue but Guangdong witnessed a few big rallies and demonstrations in a number of its cities as well as numerous *shangfang* to city and provincial governments. On May 9, 2012, hundreds of former soldiers marched in the streets in Shunde and blocked the traffic, demanding jobs and economic improvement. Many of them had also been among the more frequent petitioners in the city. The CCG was fully mobilized to pacify this highly contentious group. Besides adopting various measures to keep them out of the streets and punishing those whose behavior was illegal, the CCG sought to provide them with employment opportunities. It managed to recruit a number of former soldiers to the *weiwen* apparatus through community security teams and various security positions as well as the CCG itself. It was hoped that such offers of employment could defuse the soldiers' contention. As one CCG official put it,

⁴⁶ See http://www.fzgd.org/gzdy/201111/t20111121_213754.htm

they wanted employment and we arranged it for them. We introduced them to community security teams or security positions in various departments. We pay them a salary even if they do not work normally or very hard, as long as they do not make trouble anymore.⁴⁷

The authorities in Shunde claimed that the contention caused by demobilized soldiers had been largely settled over the past two years. The CC Township also reported that the new institutions of conflict management had been successful. According to its statistics, there had been a drastic drop in the number of *shangfang* raised with the provincial government in the past three years⁴⁸:

Year	Times	Number of people involved
2010	34	3,720
2011	45	1,782
2012	1	15
2013	0	0

In the meantime, the Township government also reported that using the mechanism of concerted conflict settlement, it resolved 178 out of 189 *xinfang* received by its CCG in 2013. The CCG also defused and resolved 32 mass incidents involving a total of over 900 people, while all 103 cases channeled to people's mediation were successfully settled in the same year. Some villages in Shunde reported that 90% of disputes had been internally solved without involving *shangfang*.⁴⁹ This change matches the national data, which record a 75.5% reduction of *shangfang* in 2012.⁵⁰

The accuracy of these data may be open to question as there is always an element of exaggeration and cherry-picking in China's official statistics. However, in our interviews with grassroots officials in the CC Township our respondents unanimously concurred that *shangfang* had been reduced. The Party Secretary in Shunde claimed that "with the CCG, we have finally got rid of the previous 'on-the-run-all-the-day situation'"

⁴⁷ Interview, April 14, 2014.

⁴⁸ See http://www.fzgd.org/xczb/fzpt/mtssd/201409/t20140911_508974.htm

⁴⁹ See http://www.fzgd.org/gzdy/201111/t20111121_213754.htm

⁵⁰ See <http://3g.163.com/news/13/0310/09/8PJIE33Q0001124J.html>

in dealing with disputes and *shangfang*.⁵¹ The intensification and acceleration of governmental *weiwen* efforts seemed to have contributed to this trend. The new institutional arrangements had significantly reinvigorated and extended local governments' organizational web of control over grassroots society and enhanced their capacity to respond and handle conflict. What still needs to be pointed out, however, is that the new conflict management institution does not function without coercion. The police are often used to disperse contentious gatherings. Protest organizers are likely to face harsh punishment. In handling the former soldiers' protests, for example, the Shunde authorities used the carrot and stick method. While they placated protesters by providing them with employment opportunities, they also arrested two organizers and sentenced them on charges of disturbing public order. As the District Mayor of Shunde made clear,

nobody should *shangfeng* or *naoshi* without reason. Don't assume that the government would yield under unreasonable pressures... We will use all means to maintain stability. If anyone challenges us, we will show no mercy on him according to the law.⁵²

Coercion is also common in mediation. Judges and mediators often force the weaker parties (such as workers and peasants) to accept unfair settlements, intimidating them into believing that their refusal to cooperate can only incur higher costs; prolong the process; and lead them into far more uncertain, unpredictable, and possibly worse outcomes. Lacking any legal and financial resources, many hapless people have no choice but to submit to such coercive mediation.

Needless to say, the local institutional (re)building designed to contain disorganized contention has also had broad political and institutional consequences. One of its most notable corollaries is a reenhanced presence of Party power in the grassroots. This is reflected in the ascending position of the Party's political and legal commission, dominating the work on stability maintenance. As described above, all CCGs are concurrently headed by Vice-Party Secretaries in charge of political and legal affairs, while the Comprehensive Governance Office directed by the same officials assumes the leading role in CCGs. Institutional realignment, concerted action across bureaucratic

⁵¹ See <http://roll.sohu.com/20130116/n363575510.shtml>

⁵² See http://www.citygf.com/FSNews/FS_002008/201103/t20110331_1424867.html

agencies, and the incorporation of nongovernmental actors in conflict resolution are all decisively reliant on the Party's organizational power and authority to direct, mobilize, and coordinate⁵³. The CCG framework, in turn, allows the Party via its political and legal authority to amass administrative, legal, and human, as well as financial, resources. The Party's political and legal commissions are the final decision makers on the settlement of major mass incidents. The Party-directed institution of conflict management does not amount to the institutionalization of dispute resolution. In fact, CCGs rely heavily on *ad hoc* measures to operate despite their stated working rules and procedures. This is largely forced upon them by the nature of disorganized contention, whose dispersal and unexpectedness require quick, flexible, and niche-targeting responses. The Party's increasing discretionary power further encourages *ad hoc*-ism, which undermines the institutionalization of conflict resolution.

Furthermore, the Party-dominated institutional realignment and concerted actions undermines the distinctive role of the judicial offices in mediation. The judicial offices in subdistricts or townships used to be subject to the district judicial bureau and more or less independent of subdistrict or township governments. They were perceived by the people as relatively impartial in conflict settlement, as they were not organizationally entangled with other arms of local government. Nevertheless, the incorporation of the judicial offices into the CCGs in subdistricts or townships has compromised their impartiality and hence weakened people's trust. As one official described it,

... before, the judicial offices in the subdistrict and townships played an impartial role in dispute settlements and could win people's trust. If villagers had an argument with villagers' committees or the township government, the staff from judicial offices could mediate as a third party on behalf of the district judicial bureau. However, since the judicial offices are now integrated into the CCGs of subdistricts and townships, the people have come to lose trust in them, for they now perceive them as a part of township governments. We told the villagers that the judicial offices did not represent the township government and that they were an impartial third party, but they simply did not believe it. As some villagers said, 'they [staff from judicial offices] were working with township officials in the

⁵³ Xie Yue, 'The Political Logic of Weiwen in Contemporary China,' *Issues and Studies*, 48 (3), (2013), pp.1-41.

same office (that is, the office hall of CCGs), so how can you say that they do not represent the government?⁵⁴

Similarly, the new institutions of conflict management also distort the role of the courts and hence weaken the rule of law. As some studies have already pointed out, the Party-state's *weiwen* drive has pushed local courts to engage in extrajudicial activities and mediation, and collaborate with government agencies.⁵⁵ In other words, in order to serve the government's priority of maintaining stability, courts tend to seek pragmatic solutions rather than applying the law to disputes.⁵⁶ This is also the case in Shunde:

Since joining the office (that is, CCGs) and working together with other government agencies, the courts and lawyers have had to pay more attention to stability maintenance. Before, the courts and lawyers followed laws and legal procedures to settle collective disputes. Now it is different. They must report their cases to us and solve disputes in the light of stability maintenance. We will work together with them to settle the problems.⁵⁷

In short, the incorporation of the local courts in the new institutions of conflict management has led to them becoming increasingly subsumed into the Party's prioritization of stability. As a result, political and administrative tactics often and indeed routinely prevail over the rule of law.

Conclusion

Because of structural and institutional constraints, Chinese citizens cannot legally organize themselves to articulate their interests. The explosion in the number of claims

⁵⁴ Interview, July 23, 2013.

⁵⁵ See, for example, Xin He and Yang Su, 'Street as Courtroom: State Accommodation of Labor Protest in South China', *Law and Society Review* 44(1), (2010), pp. 157-84; Feng Chen and Xin Xu, ' "Active Judiciary": Judicial Dismantling Of Workers' Collective Action In China', *The China Journal* 67, (2012), pp.87-108.

⁵⁶ Randall Peerenboom, 'More Law, Less Courts: Legalized Governance, Judicialization, and Dejudicialization in China', in Ginsburg T. and Chen A. H. Y, eds., *Administrative Law and Governace in Asia* (New York: Routledge, 2009), p.175-202; Peerenboom, Randall and Xin He, 'Dispute Resolution in China: Patterns, Causes and Prognosis', *East Asia Law Review* 4, (2009), pp.36-37; Feng Chen and Xin Xu, ' "Active Judiciary": Judicial Dismantling Of Workers' Collective Action In China', *The China Journal* 67, (2012), pp.87-108.

⁵⁷ Interview, July 23, 2013.

and demands made during the market-driven reform process has consequently taken the form of widespread and disorganized incidents of contention, which are dispersive and scattered. They cannot be incorporated as they are not organized; nor can they be totally eradicated by force, given their quantity and frequency as well as the political cost of such suppression. Disorganized contention thus produces an institutional state response that differs from those found in countries where popular struggles can be organized to varying degrees. This research shows that disorganized contention has left a significant imprint on the evolutionary trajectory of the country's institutions of conflict management, which has several prominent characteristics. Firstly, as disorganized contention usually takes the form of isolated conflict and disputes, the institution has developed strong mechanisms for case-by-case dispute resolution. The CCG framework provides institutional platforms that enable dispute cases to be handled by different modes of settlement or government agencies in coordinated and collaborative ways, aiming to secure quick and effective solutions to conflicts and prevent them from escalating and spreading. Uniting different government agencies, the new institutional arrangement is now able to deal with various kinds of disputes. Secondly, the new arrangements use mediation as the principal means of conflict resolution, because it is most suitable for the case-by-case problem solving approach. Mediation is widely applied to almost all types of dispute cases. Without the need to follow any specific rules, it allows the authorities to flexibly apply a range of means, from persuasion, intimidation, and divide and rule, to defuse conflict. Thirdly, to cope with the pervasiveness, unexpectedness, and randomness of disorganized contention, conflict management institutions have evolved into a network of social monitoring agents involving information gathering, risk assessment, and the microgovernance of communities. This reinforces the government's capacity to reach out into grassroots society and prevent and preempt social conflicts.

Institutional (re)building for conflict management is a robust return of state power to grassroots China, which had weakened during the market reforms. It relies on the old institutional structure and resources but reconfigures and refurbishes them into a new form of power to penetrate society. Through weaving denser governance networks, this permits more precise, targeted, and systematic state control over society, and strengthens

local authorities' ability to contain grassroots social conflict. The almost ubiquitous presence of government units and state-designated liaisons on the ground demonstrate the government's intention to maintain a stern grip on society and to squeeze the more autonomous (and perhaps less cooperative) civil associations out.

Whether the new institutional arrangements can cope effectively with the challenge of mounting levels of popular contention remains to be seen.⁵⁸ However, as long as citizens are denied the right to organize and the opportunity for representation and participation, they will continuously create new forms of expression of their discontent and demands. The resulting duplication and chaos may block and even overturn any categories officials devise and impose upon social problems. Moreover, since people's voices can pop up at any time and everywhere, even the most refined organizational networks can fail to prepare administrators properly to hear their voices clearly and silence them all at once. *Ad hoc*-ism and improvisational tactics have to be frequently used to handle unexpected and complicated situations. It can be argued that without providing more representative and participatory channels, the institutions built to contain disorganized contention will continue to keep popular resistance atomized and disorganized and (re)produce and entrench the current pattern of popular contention. If so, China will continue to face the challenge of disorganized contention in the years to come.

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⁵⁸ One recent study shows that mediation in the Guangdong area did reduce workers' collective actions. See Wenjia Zhuang, 'Can 'Mediation First' Reduce Collective Labor Disputes?' *Shehuixue yanjiu* (Sociological Studies) 5, (2013), pp. 145-171.