

## Practical Moral Consciousness in Rights Claims: Petition Letters on Chinese Village Elections\*

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### 权利诉求中的实用道义意识—— 从理解农民选举上访信开始

全志辉

#### Abstract

This article discusses the motivations and reasons for peasant resistance in China, with a special focus on the “consciousness” of resisters. The current debate is limited by its purpose of trying to understand how resistance consciousness influences the transition of the Chinese political system, and does not attempt to understand on a deeper level resistance consciousness itself. Drawing on a new collection of petitions on village elections, I trace the complex relationship between the public rights claims made by peasants and the hidden line of thinking that leads them to use this rhetoric to establish the legitimacy of their claims. I find a flourishing rights-based discourse in disputes over elections—yet I also identify a new type of consciousness that underlies it, one which is neither “rights-” nor “rules”-based and which I term “practical moral consciousness.” This type of consciousness combines an understanding of morality (*daoyi* 道义)

\* The names of individuals and locations have been changed to protect the identity of petitioners and others related.

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rooted in a conception of local justice combined with a deep kind of pragmatism. My investigation of practical moral consciousness highlights the moral legitimacy of “rightful resistance” and suggests the possibility of constructing a new theory based on the research on Chinese resistance politics by looking more closely at peasants’ subjective experiences and historical perspectives.

**Keywords**

practical moral consciousness, rights consciousness, rules consciousness, rightful resistance, petition letter, resister politics, Chinese politics

**摘要**

本文尝试理解中国农民进行抗争的动机和理由，即他们的抗争意识。当前有关争论受制于探究抗争意识对于中国政治体制转型的影响的目标，对抗争意识本身缺乏进一步研究。作者以农民选举上访信中的复杂表达为经验材料，对以权利诉求为主导的各种诉求进行理解，重点放在理解农民使其抗争诉求得以正当化的思考方式。初步理解表明，农民具有争论中的权利意识论和规则意识论都未曾揭示的抗争意识，即“实用道义意识”。它是农民道义意识和实用思维的结合。实用道义意识的研究凸现了今日“依法抗争”行动的道义正当性，蕴含着中国抗争政治研究建立抗争者主体视角和历史视角的可能性。

**关键词**

实用道义意识、权利意识、规则意识、依法抗争、上访信、抗争者政治、中国政治

Respected leader, we are ordinary villagers from Tianfu. With the highest faith in the Communist Party of China and the government, and hearts full of righteous indignation against corruption of all sorts in society, we write to report on the corruption of Bai Wenshan. We are doing this not to benefit ourselves or our families, nor for the purpose of satisfying some personal grudge, but for the sake of all 1,600 people in our village, for the sake of future generations, and for the sake of the party. We know all too well that the road ahead is bumpy. But no matter what challenges we meet on the way, we have no complaints and firmly believe that these problems can be solved!

The epigraph to this article comes from a petition from a village near Beijing, delivered to the Ministry of Civil Affairs of China. The petition asks the central government to resolve problems with a wayward village cadre. Such kind of claims and expressions are not rare. It is easy to imagine that the cadre has harmed the material interests of the villagers, but what does this have to do with future generations or the sake of the party? Why in the same breath do they use the terms “highest faith” and “hearts full of righteous indignation”? When they say they have “no complaints” and that they “firmly believe” their problems will be solved, are they being truthful? Is this an earnest claim, or just an attempt to pander to higher levels of government? How can we understand this multifaceted set of claims? Hidden in this rich set of claims, can we find the real motivation behind these farmers’ act of resistance? Answering these ques-

tions will help us understand similar sorts of claims made in numerous other appeals. Indeed, the number of mass incidents and petitions filed in China in recent years has been nothing short of astonishing (Li, Liu, and O'Brien, 2012; Ru, Lu, and Li, 2004; Chen, 2012) and their influence on Chinese politics and society continues to grow.

Scholars have invested considerable effort in understanding resistance in China; in fact, the study of resistance has become a focal point of contemporary research on Chinese politics. While we have learned that resisters use a diverse and rich set of tactics, the inner consciousness that compels resisters to act in the first place remains unclear (Cheng, 2012: 75). I use the phrase "resistance consciousness" here to suggest resisters' motivation and justification for taking action, as well as how they perceive the goals of their resistance. Students of resistance in China have suggested that resistance can be explained by either an emerging "rights consciousness" or a historically stable "rules consciousness," or perhaps by some combination of the two. There has been disagreement on the issue. Both perspectives begin from a framework of trying to understand "rightful resistance," but arrive at starkly different conclusions about its meaning. Such disagreement on the understanding of resisters' inner consciousness is not only a test of whether researchers have made a deep connection with their research objects, but also a potential challenge to the body of research on action strategies. After all, if basic agreement about resisters' motivations and the reasons they give to legitimate their actions cannot be reached, the discussion of resisters' choice of strategy will lack a concrete foundation. In order to completely and thoroughly understand popular resistance in China, we should ask: what do the resisters themselves see as the motivations and reasons for their actions, and how in the end do they understand their own goals and choice of tactics? Answering this question not only will open a window onto the issue of whether popular resistance will lead to political transformation, but also will illuminate fundamental aspects of Chinese political culture and political life.

This article begins by sorting through the recent debate on the character of resistance in China, and tries to use a particular method of understanding to confirm the resistance consciousness of peasants, who play an important role in the overall map of resistance in China.<sup>2</sup> The core thesis of this article is that practical moral consciousness is a central feature of resistance in China. The argument is built on petition letters on village elections collected by the Ministry

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<sup>2</sup> On my particular method of understanding, see the sections "Rights Claims and an Approach to Understanding Them and Understanding Resistance Consciousness" below.

of Civil Affairs and interviews with petitioners. During episodes of resistance, peasants use a great deal of rights-based language. Yet these claims conceal a consciousness rooted in local identity, and a sense of the mutual interests of peasants and the responsibilities of the state. When peasants use the language of rights it does not necessarily follow that they have “rights consciousness.” Nor do they seem to be “rules conscious” interest-maximizing actors who stick to the rules to get what they want. Instead, their consciousness combines an understanding of morality 道义 that is rooted in an understanding of local justice with a deep kind of pragmatism. Practical moral consciousness refers to a kind of peasants’ common sense about the justice and rationality of public life and public behavior.

Scholars of rights consciousness have overemphasized peasants’ use of rights language, while ignoring much of the rest of the discourse around it. It would be more fruitful to consider all types of claims that resisters make, while understanding their use of different kinds of discourses in the context of their own value system and the national political discourse. Scholars of rules consciousness pay greater attention to resisters’ moral considerations but fail to clarify just what those are. Yet while peasant resisters comply with and exploit rules in order to pursue their interests, they understand their interests in terms of a sense of a local morality 地方道义感. Moreover, peasants comply with the rules in exchange for reciprocity 对等 from local authorities, or in exchange for the national state taking responsibility for safeguarding local justice 地方公正. In this sense, rules consciousness is a sort of sub-species of practical moral consciousness, one which is perhaps more focused on the material than the moral dimension of how peasants understand their interests.

The discussion below on how the development of the concept of “rightful resistance” touched off a debate over the character of resistance starts with the proposition that neither the concept of rights- nor of rules-consciousness can adequately explain farmers’ consciousness. If we look at new material from petitions on village elections in China, we see that peasants use much more than just rights rhetoric, emphasizing instead non-rights-based claims. This requires us to focus on the true, underlying meaning of all types of claims—from peasants asking the state to safeguard the interests of the village; to ensuring that everyone, including both cadres and regular peasants, have an equal opportunity to enjoy the benefits of belonging to the local community; and to upholding the state’s responsibility to protect peasants from local overreach. Although often overshadowed by the rights-based claims that frequently appear alongside them, it is the claims arising from what I call practical moral consciousness that are at the heart of peasant resistance. In fact, when peasants

use the language of “rightful resistance,” they see their claims as grounded not only in law, but in a common moral code. In short, by appreciating the moral dimension of peasants’ resistance and their subjective experience I hope the debate on rights consciousness will abandon the view of peasants as objects who can be understood only in terms of their outward appearance.

### **Rights Consciousness or Rules Consciousness?**

#### *Rightful Resistance*

The introduction of the concept of “rightful resistance” spawned an important research agenda in the study of resistance in China (Wu, 2010: 199), and while the literature in Chinese has discussed it extensively it has not been properly defined or even translated by Chinese scholars. As O’Brien and Li define it, rightful resistance is “a form of popular contention that operates near the boundary of authorized channels, employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public. . . . [It] entails the innovative use of laws, policies, and other officially promoted values to defy disloyal political and economic elites” (O’Brien and Li, 2006: 2). In short, rightful resistance emphasizes how the aggrieved use the laws and policies of the government as rhetorical weapons in the battle against local cadres who ignore the government’s mandates.

While this type of contention can be found in many countries, it is perhaps most prominent in Reform-era China (O’Brien and Li, 2006: 5). As O’Brien notes, “we sought to explain how skillful use of the language of power can at times allow the aggrieved to act up effectively without taking intolerable risks” (O’Brien, forthcoming: 2). The concept has become influential in no small part because of the way it poses protest in China as a question of political participation and “everyday resistance,” making it of broad interest to researchers in comparative politics (O’Brien and Li, 2006: 3-4, 15-34; O’Brien, forthcoming: 1). O’Brien and Li disaggregate the state and show how individuals exploit gaps within it. They also make cautious predictions about the impact of rightful resistance on governance and on local communities (O’Brien and Li, 2006: 99-114).

O’Brien and Li start by exploring multiple themes including the process of Chinese local politics, the relationship between state and society, and the mechanism of launching, motivating, and strategy-upgrading of resistance

(O'Brien and Li, 2006: 67-94). In addition, they undertake a careful and prospective analysis of how this form of resistance influences resisters, their communities, and the implementation of China's policies (O'Brien and Li, 2006: 99-114). Peasant resistance is an extraordinarily rich topic—inasmuch as peasants use a diverse set of tactics and mechanisms to mobilize each other—and O'Brien and Li's groundbreaking book opens an important window on Chinese politics. In research that followed, the increasing questioning and dissatisfaction with their research, together with the acceptance and application of it, demonstrate the influence their work has had on thinking about the resistance of Chinese people and relevant political processes. I will not comment directly on this recognized contribution, but instead turn to the research on resistance consciousness of resisters and ordinary people discussed when the theory was first raised.

As O'Brien and Li note, rightful resistance is a type of contention that lies somewhere in the middle of the continuum between quiescence and outright rebellion, and blends traditional political participation with peasant resistance. Yet in their book, they do not discuss at length the motivations or justifications for farmers' acts of resistance—that is, their consciousness—but instead take farmers' consciousness as one of the results of their tactics (O'Brien and Li, 2006: 116-29). The relationship between tactics and consciousness is presumed to be reflected in how resisters frame their claims. O'Brien and Li raise the possibility that "rightful resistance" might lead to the development of meaningful citizenship rights for Chinese farmers (O'Brien and Li, 2006: 118-23). This assertion has led to a debate over whether farmers have "rights consciousness" or "rules consciousness," and an attempt to understand the motivations (what are the prime causes of resistance?), the justifications (what is the underlying rationale for believing resistance is a reasonable course of action?), the goals, and the identity of rightful resisters in China.

#### *A Rising Rights Consciousness?*

For students of resistance in China, the main issue at hand is whether the political identity of the farmer resisters has changed or will change (O'Brien and Li, 2006: 116). This point summarizes the initial focus of work on "rights consciousness" (also referred to "rights consciousness theory" in this article). O'Brien and Li mainly use the following view on citizenship rights to understand rightful resisters. They argue that "becoming a citizen involves adjustments in psychological orientation: in particular, changes in one's awareness of politics,

sense of efficacy, and feelings toward government. . . . It implies a willingness to question authority and suggests that people view their relationship with the state as reciprocal" (O'Brien and Li, 2006: 120). Looking at rightful resisters in this way implies that peasant resisters and other peasants in China only have membership rights in a local community. But this is an incomplete interpretation. Villagers, as rightful resisters, use the state's discourse to fight for *citizenship rights* with the representatives of state power. They use the words of the authorities to restrain officials, use "rights" discourse to challenge officials' misconduct, make complaints and claims based on their contract with the authorities, expect officials to be public servants, and see themselves as equal before officials in the eyes of the law (O'Brien and Li, 2006: 120-21). O'Brien and Li infer that petitioners' actions, will, and tendencies related to the relations between rightful resisters, the government, the state, and politics have already changed.

Their book argues that, while rightful resisters may confine themselves to demanding better implementation of policies and rarely go so far as to ask for new policies, two mechanisms can nevertheless change the political identity of rightful resisters. First, by holding the central government to its word and demanding inclusion and entitlement, villagers "act like citizens before they are citizens" (O'Brien and Li, 2006: 121). This *de facto* "practice" of citizenship could lead to real, meaningful citizenship "status," with the struggle for rights in small "enclaves" gradually spreading throughout the country (O'Brien and Li, 2006: 121n8). Second, O'Brien and Li suggest that rural elites can spread the idea of citizenship and rights to other farmers. Rights consciousness is already evident among the most hardened activists (O'Brien and Li, 2006: 120-21, 121n6; Li, 2010). Protest leaders can transmit these ideas to farmers (uninvolved community members) in the process of mobilizing them (O'Brien and Li, 2006: 109).

The authors write that although the political identity of rightful resisters and peasants remains "between subjects and citizens," nevertheless there is the possibility of a rise in rights consciousness and more complete rights of citizenship (O'Brien and Li, 2006: 122-23; O'Brien, unpublished). As they note, "the notion of being a citizen is seeping into popular discourse at many points" and "we should not underestimate the implications of rising rights consciousness and a growing fluency in 'rights talk' in a nation where rights have traditionally been weakly protected" (O'Brien and Li, 1996: 119, 127). Indeed, "rightful resisters seldom contend that rights flow from human personhood, but rather that the government's right to loyalty depends on ensuring that its officials fulfill

their obligations" (O'Brien and Li, 1996: 122). While their work brims with qualifiers like "maybe" and "perhaps," they see a gradual arc leading toward growing citizenship rights.

This work spurred a great deal of empirical research into rightful resistance, and especially whether or not resisters had "rights consciousness" (e.g., Goldman, 2007: 71; Zweig, 2000: 132; Gallagher, 2006: 785; Lee, 2007: 27). Early in the debate, a scholarly consensus seemed to be emerging that Chinese did indeed have a "rising rights consciousness" which might well threaten the legitimacy and survival of China's government and mark a push toward a more participatory political system (Li, 2010).

The debate over rights consciousness started with an attempt to understand the relationship between resistance and the "hearts, minds, and social identities" (McCann, 1994, quoted in O'Brien and Li, 2006: 102) of the resisters. But it then moved on to consider whether this new form of resistance might in fact lead to broader political change. The debate presupposed that given the nature of the Chinese political system, these challenges would likely face stiff suppression. And in general, the debate proceeded with a classically liberal conception of the meaning of rights.

#### *An Enduring Rules Consciousness?*

In this context, Elizabeth Perry published a series of skeptical articles that questioned whether there was a "new rights consciousness." She argues that both rightful resistance and rights discourse are signs of a "rules consciousness" that has persisted from imperial China to the Reform era (Perry, 2010: 28). Rules conscious resisters make claims according to existing rules; they follow existing rules themselves when making claims; their claims consist of appeals for the implementation of rules; and their goal is simply to have existing rules implemented, albeit for their own benefit. Resisters do not challenge the authority of the central government. Consequently, rightful resistance can only reinforce and strengthen the state (Perry, 2010: 23-24).

Perry's critique of rights consciousness can be summarized as follows. First, promoters of rights consciousness argue that when protesters use the law to demand their lawful rights, they begin to see everyone as equal before the law, causing a growth in rights consciousness. (O'Brien and Li, 2006: 121) But Perry notes that peasants in imperial China also used the law to make claims—there is nothing new in the contemporary use of the language of the central state to lodge claims against lower-level governments (Perry, 2009: 20). In both eras, farmers used the law as a channel to advance their interests and, if necessary,



protest. However, as in the imperial era, farmers in contemporary China do not seek to challenge the national system and instead limit their targets to local rulers. Second, partisans of rights consciousness suggest that as protesters use the discourse of the state, and point out where the state falls short, they effectively undermine its legitimacy. Perry argues that when farmers appropriate the discourse of the state they do not seek to challenge authority *per se*, but use its language as a tactic to advance their own interests without necessarily believing in its meaning (Perry, 2009: 20). Third, O'Brien and Li suggest that the emergence of rights consciousness "could evolve into a more far-reaching counterhegemonic project" (O'Brien and Li, 2006: 126). Perry argues that "playing by the rules" undergirds the authority of the state (Perry, 2010: 13). Fourth, the concept of rights consciousness suggests that Chinese farmers will develop a conception of rights much like that of Westerners, while Perry argues that the Chinese have a distinct idea of the meaning of rights that is unlikely to converge with the Western model (Perry, 2008).

Perry notes several differences between Western and Chinese ideas of rights. The Chinese believe that rights are derived from the state, rather than from personhood as in the West. In addition, the Chinese idea of rights emphasizes that the state has an obligation to fulfill a right to basic material well-being. By contrast, in the American case, the legitimacy of the state rests on its obligation to provide certain freedoms. This way of thinking about rights leads people in China to respect the rules set up by the state. (Perry, 2008)

"Rules" consciousness in her words echoes the way rightful resisters use "government commitments" and the "established values" of the powerful as a tactic—yet Perry argues this tactic is not innovative or limited to Reform-era China (Perry, 2009, 18; 2010: 24). Nor does she see the tactic as threatening to the political system, or likely to evolve into a far-reaching "counterhegemonic project." Instead, she finds that rightful resistance will likely strengthen, not weaken, the legitimacy of the government. But since her work does not directly address the two mechanisms that are said to spread rights consciousness—that hardened activists will spread rights-based ideas, and that the act of resistance and using rights-based language will foster a sense of citizenship—her argument is not persuasive to scholars of rights consciousness. Indeed, one of the more troubling elements of the debate is that scholars of both camps examine exactly the same set of facts (e.g. Perry, 2010: 23) and yet arrive at completely different interpretations of them (O'Brien, 2011: 536; O'Brien, forthcoming: 17-18).

*The Growing Debate over Rights and Rules Consciousness*

Lianjiang Li soon responded to Perry's critique. Perry suggested that an attention to rules, not rights, stood at the core of resistance in China. Li took her understanding of rules consciousness as a common starting point. Farmers, he wrote, confront issues of both rule implementation and rule formulation, and they may have distinct ways of thinking about implementation and formulation (Li, 2010).

Li began by defining rules consciousness and contrasting it with rights consciousness. Using an example from Perry's work on Anyuan workers, Li defined rules consciousness as an "awareness of the necessity for protection from local rule-enforcement authorities and eagerness to obtain such protection through direct or indirect participation in rule-enforcement" (Li, 2010: 50). By contrast, rights consciousness involves an "awareness of the necessity for protection from central rule-making authorities and eagerness to acquire such protection through direct or indirect participation in rule making" (Li, 2010: 54). This definition made it possible to discuss rules and rights consciousness from a common starting point, and ingeniously linked together the two concepts in terms of rules implementation or formulation. It sees local governments and officials as rule implementers and the central government and officials as rule makers. In this framework, the rules conscious cast a skeptical eye at rule implementers, while the rights conscious aim their suspicion at rule makers. For the rules conscious, the important relationship of trust lies with local governments; for the rights conscious, the important relationship of trust lies with the central government. Both rules and rights consciousness involve aspirations for participation in the political process, and the strength of rules or rights consciousness can be inferred from the degree and aims of political participation. Li sees an inverse relationship between trust and claims-making, and he uses an empirical study to examine his hypotheses. His quantitative analysis leads Li to conclude that some degree of both rules and rights consciousness coexist. He finds that both Chinese workers and farmers have rules consciousness, but that it is increasingly transcended by rights consciousness. He also suggests that even rules-based resistance will weaken confidence in central leaders and strengthen rights consciousness.

With his quantitative analysis of the presence of rights and rules consciousness, Li pushes back against proponents of rules consciousness who claim that rights consciousness does not exist. Scholars of rules consciousness have not yet responded to this finding, and his more refined definition of rights consciousness has contributed to the relative marginalization of the rules consciousness

perspective. An additional contribution of Li's response is to expand the discussion from the consciousness of resisters to a discussion of the political consciousness of ordinary people.

Li's definition starts from the difficulty that arises when facing the vague expression of farmers' rights. However, such vagueness can be considered as the starting point and a resource of further research. I would like to raise several issues with Li's conceptualization. In his analysis, Li points out the difficulty of interpreting farmers' talk about "rights." Rather than treating this unintelligibility as an obstacle to analysis, this is something worth paying attention to. Indeed, one aim of this article is to do just that. Li makes distinctions between farmers' calls for changes to "primary rules," which are specific laws, and "secondary rules," which are the principles behind those laws (Li, 2010: 51). But does this reflect how farmers in China actually think? Farmers in fact do not make stark distinctions between primary and secondary rules—it may indeed be the case that they understand both in terms of common general principles. The words the farmers themselves use include terms like principles 理, equitable justice 公道, and morality 道义. Furthermore, when farmers make rights claims they talk about central and local authorities interchangeably, as the "government" 政府. This suggests that the difference between rule making and rule implementing is not farmers' primary standard in distinguishing the central from local government. To the extent farmers are conscious of "rules" (to borrow the term for a moment), they are likely to think in terms of general rules 理, 道义, and specific rules 法律, 政策. When coming into contact with the government, they see the central government as making and enforcing general rules, while local governments make and enforce specific rules. These general and specific rules require *both* formulation *and* implementation. Peasants talk about general rules like heavenly principles 天理, principles 理, justice 公道, morality 道义, the spirit of the center 中央精神, and party rules and national laws 党规国法. They also talk about specific rules like policies 政策, local policies 地方政策, norms or standards 规矩, and informal regulations and restrictions 条条框框. When they appeal to the central government for help, they are asking the center to control wayward subordinates and directly enforce the rules it formulated, but are not being properly implemented. But even here there is a difference between matters of large import 大事 and small import 小情 in peasants' minds. Important matters require the attention of those with great authority, and in these cases the central government draws up and implements general rules, or at least it should. Smaller matters require lesser authority, and in these cases local governments draw up and implement more specific rules. In practice a single claim may mix the two. For example,

when peasants petition the central government for compensation for land requisitions, the larger justification for going to the central government may be its obligation to ensure peasants' basic right to subsistence 生存权利, one of the "heavenly principles"; yet it is in another sense a small matter 小事, which peasants have been forced to bring to the center's attention because it could not be resolved locally. In China's increasingly legalized society, peasants may appeal to laws to justify their claims, but they may also appeal to specific rules and general rules.

Behind the spirited debate between advocates of rights consciousness theory and those of rules consciousness theory, they share some common views about Chinese resisters and the Chinese political system. First, they both consider resisters as rational actors who give top priority to their interests. Li's definition echoes the way rightful resisters shrewdly exploit the gap between central government promises and the grassroots implementation of them. Secondly, both sides of the debate admit that what the Chinese farmers demand is so-called "rightful rights." Although they have different views on whether resisters seek to participate in the rule-making process, they agree such increasing claims will lead to change in China's political system. Only rules consciousness theory denies that this is already an obvious fact.

Therefore, they have sharply different views of the influence of rights claims on the Chinese political structure, which keeps on attracting new researchers to join the discussion. Most of the researchers using Chinese also agree on the purpose of English-language authors, namely to discern China's future.<sup>3</sup> The current argument is still influenced by researchers' agenda to judge the influence of resistance on the transformation of Chinese politics. However, I am wary about rushing to judge whether the Chinese system will change with more rights consciousness. Nor do I want to presume that peasants are solely rational actors. The primary task of this article is to seriously capture the nature of peasants' consciousness: is it rights consciousness, rules consciousness, or another kind of consciousness? To answer this question requires not only solid research materials, but also an understanding closer to peasants' hearts.

### Peasants' Petition Letters on Village Committee Elections

Proponents of rights consciousness theory mainly draw inspiration from their studies of villagers' participation in and petitioning about village elections

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<sup>3</sup> I intend to write another article to specifically discuss the Chinese-language literature on peasant resistance.

(O'Brien, 2001, 2003, 2006, 2011).<sup>4</sup> Villagers' claim to electoral rights is also seen to directly reflect their rights consciousness (O'Brien and Li, 2006: 55-56). Therefore, in order to reappraise the diverging views between rights consciousness theory and rules consciousness theory, a direct and effective approach would be to return to the sources of rights consciousness theory by looking at village election petitions. If the analysis of villagers' consciousness of their electoral rights can challenge both rights consciousness theory and rules consciousness theory, which was proposed to replace the former, we can further question whether villagers' rights claims in other domains actually reflect rights consciousness or merely rules consciousness.

### *Summary of the Data*

The materials for our analysis include all of the petition letters from farmers received by the Division of Rural Affairs (DRA), Department of Grassroots Government and Community Building in the Ministry of Civil Affairs (MCA) in 2003. Our focus is on letters involving village committee elections. Some telephone interviews were also conducted with several petitioners.

There are 97 petition letters from 87 villages in total. Some villages sent more than one letter about the same issue. Thus, 87 (the number of villages) was taken as the number of cases. These petition letters reached the DRA in the following ways. First, some were directly mailed to the Department of Grassroots Government Department or the DRA, sometimes even with the name of the department director or responsible deputy department director addressed on the envelope. Second, some were mailed to the Minister of Civil Affairs, Office of Letters and Petitions of the MCA or the Discipline Inspection Group at the MCA and then forwarded to the DRA. Third, some were sent to the public e-mail address of the MCA and then forwarded to the DRA through internal channels. Fourth, some were mailed to government departments other than the MCA and then forwarded to the DRA in the form of inter-ministerial documents or were handed over based on personal relationships with senior officials of the MCA. And fifth, some were mailed to the "Village Affairs Consultation" column of the *Village and Township Forum* 乡镇论坛, a magazine supervised by MCA, and then forwarded to the DRA by the editors of the column for response. Of these 87 cases, 34 are inquiry letters, including 10 from the first two channels, four emails, and 20 letters addressed to the

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<sup>4</sup> O'Brien (2006) presents an account of the inspiration he derived from interviews on elections of village committees.

“Village Affairs Consultation” column. Fifty-three cases asked the central government to help solve various problems. It is these that serve as the main data for this article.

The letters in the 53 cases are mainly petition letters, often supplemented with testimonies, lists of signatures, documents of village-level organizations and township governments, investigation reports of relevant departments, media reports, etc. As a result, these petition letters vary a great deal in terms of volume. Some consist of as many as forty to fifty pages while some are only three to four pages. Most of the letters are written by farmers, including ordinary villagers, villager representatives, incumbent village cadres, and defeated election candidates. Among these letters, 16 were handed over by the MCA to provincial departments of civil affairs for investigation, with many receiving written instructions from MCA senior officials (including the minister, director and division chief); 4 were handed over by provincial departments of civil affairs to lower-level departments of civil affairs for investigation and reporting; and 5 were dealt with by provincial departments of civil affairs. Five letters reveal that a county- and municipal-level investigation had been conducted in the respective village. Residents of 17 villages contacted the media to report the problems they faced,<sup>5</sup> and photocopies of media reports were attached to some letters. The core data for this article are the petition letters; other materials are used mainly to verify major facts. For some petitions about issues that had been left in the air for a long time, the letters voice doubts about the official investigation process and the conclusions of investigation reports and thus these letters become the best data for analyzing peasants’ resistance consciousness. Most of these letters are about problems arising in village elections and village governance, which fall within the functional scope of the DRA.

Among the 53 cases, 26 are directly about the misconduct of local governments and village organizations in organizing village committee elections and handling election disputes. Such misconduct can be divided into nine categories,<sup>6</sup> involving a wide range of voting rights issues. In general, villagers

<sup>5</sup> The number does not include the twenty letters sent to the *Village and Township Forum*.

<sup>6</sup> 1) Postponing the election or failing to have an election (Letter nos. 3, 27, 42, 75); 2) delaying the handling of or refusing to handle complaints against the violation of law in elections, conniving with, covering up and shielding those who violate the law (Letter nos. 1, 3, 6, 11, 17, 18, 21, 23, 25, 51, 52, 61); 3) assigning the position of chair or acting chair of village committees (Letter nos. 7, 28, 29); 4) removing legitimate members of village committees from their respective posts without an election (Letter nos. 19, 20, 59); 5) interfering with the formation of an electoral committee and the finalization of candidates (Letter nos. 48, 52, 54, 62, 69, 74); 6) deliberately cutting corners in the election process (Letter no. 11); 7) betraying unfamiliarity with the laws and

directly target local government and village organizations. These letters are of great importance to the villagers and almost all of them were carefully prepared.

### *Materials for Understanding Peasants' Resistance Consciousness*

The analysis of peasants' petition letters has not heretofore been systematically applied in research on peasants' resistance consciousness. Among Chinese researchers, Zhao Shukai was the first to study petition letters. The materials Zhao chose for analysis were petition letters directed against village governments and village organizations, concerning the deprivation of economic interests and violent conflicts. His research objective was to explore "the general pattern of community conflicts in contemporary rural areas," that is, research on rural governance structures rather than on peasants' consciousness. Nor did Zhao conduct a particular analysis of petition letters regarding elections (Zhao, 1999). Yu Jianrong conducted a brief statistical analysis of the problem categories reflected in petition letters. Later, dedicated analysis was made of petition letters regarding elections, yet still at the institutional level,<sup>7</sup> such as analysis of the categories and causes of violations of the election law (Wang, 2001). But I have only found one published article in this regard. Currently, the use of petition letters also often serves as material for research on farmers' subjective consciousness (e.g., Tian, 2012; Di, 2013).

Opinions vary on whether petition letters are useful for analyzing the consciousness of resisters. There are two main concerns: whether peasants are telling the full truth about misconduct in elections and other issues and whether they are expressing their true opinions in these letters. Additionally, it is possible that petition letters are public texts and peasants have a separate "hidden transcript" (Scott, 1990).<sup>8</sup> In order to seek help from the central government, peasants may only relate facts that are to their advantage; at the same time, they may hide some thoughts. Do these two situations affect the understanding of resistance consciousness?

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giving wrong interpretations when guiding the election process (Letter no. 54); 8) standing in the way of calls for dismissal (Letter no. 55); 9) creating an atmosphere of intimidation at the election site (Letter nos. 3, 55). The above is only a rough statistical result. Even in the same letter, the acts that petitioners want the government to investigate are of various sorts, some against the law, while others are against their own will but not against the law.

<sup>7</sup> According to my experience, analyzing petition letters takes a long time, and there is no encouragement to analyze such materials under the current academic research system in China.

<sup>8</sup> Lianjiang Li highlighted this point when analyzing the petition letters from workers in Anyuan. See Li, 2010: 50.

My response is that even though peasants sometimes do not tell the whole truth—and nothing but the truth—in their letters, even their half-truths and evasions can show how they understand when resistance is justified. The research on resistance consciousness is mainly about understanding and analyzing the motivations and reasons for petitioning, as well the nature of resistance behaviors, the purposes for petitioning, and the personal role in resisting. These perspectives are rooted in the question of how problems are viewed. As long as misconduct in elections and other kinds of misconduct exist, and a petition is initiated in response to misconduct, petition letters will reflect villagers' views of what they consider relevant facts. This does not depend on whether the full facts are stated in the letter. Even though the statement in petition letters may be partly false or unreal, the point is that petition letters are a way of seeking help and intervention from the central government and are based on what the peasants consider to be legitimate reasons. That is, even when they lie, the lie itself shows how peasants want to truth to look—and this act of refashioning the truth is in a way just as revealing about peasants' consciousness, their sense of when resistance is justified, as an entirely truthful letter.

Still, whether the appeals accurately reveal the mind of peasants is an important question. Although requests are made prudently, for farmers know the government might launch an investigation to verify and carry out their requests, we cannot deny that some peasants may aim for something else by asking the central government to intervene; that is to say, petition letters may fail to voice the true opinions of peasants, but serve only as a tool. This requires that we use a supplementary approach so that more than the superficial intention evident in petition letters can be identified.

To mitigate the negative impact of the above two concerns on my analysis, I interviewed petitioners from selected cases by phone. Two types of information emerged from these interviews: recalling the facts and restating the reasons for resistance. The interviews supplemented some major facts and were very helpful in understanding petitioners' motives. The questions we asked also encouraged the petitioners to restate the reasons for their resistance, which is helpful for understanding the petitioners' mood and understanding of the facts, thus contributing to an overall view of the reasons for resistance. The interviews also helped to understand what the peasants' considered to be the purpose of their resistance and helped put their strategy of action in context. In short, the interviews combined with the analysis of petition letters put us in a better position to understand peasants' resistance consciousness.

But as to text and oral accounts, we cannot say one is absolutely better than the other for researching peasants' consciousness. The language used by



petitioner peasants in their letters and oral accounts includes their interpretation of their own acts. For research on resistance consciousness, the key is to combine both of them. Both petition letters and oral accounts are narration of past resistance experiences. The former show the how petitioners reflected on the incident that prompted the petition, while recent interviews show their current thoughts about the incident. By taking both into account, we can get a much better understanding of peasants' resistance consciousness.

It needs to be realized that petitions are sent to the central government and peasants rarely expect they will have any additional opportunity to express their claims. As a result, even though they use official language, they usually express all of their claims at one go. The election petition letters can be used as an entrée and basic materials for analyzing peasants' resistance consciousness because such letters have unique advantages. First, the degree of legalization of village elections is relatively high, and the letters are mostly about compliance with the law. The rights discourses that emerge from the logic of peasants' narration can be analyzed for their understanding of laws and the right to vote. Second, the letters show a complete process of resistance, and thus can be used to analyze in detail the evolution and content of peasants' resistance consciousness.<sup>9</sup> Third, although these letters reflect various instances of misconduct when describing individual cases, common patterns of arguments can be found, including the types of discourses and similarity of relationships. This makes them suitable for further statistical and comparative research. Fourth, some letters indicate the exact address and name of the petitioners, and sometimes even their mobile phone number, making further interviews possible. Considering the research purpose of this article, I have tried my best to take advantage of these materials. The focus of this study is to reconstruct peasants' ways of thinking about how to legitimate their claims, and to understand peasants' motivations, reasons, and purposes. The incomplete expression of claims in the letters does make analysis more difficult, but not impossible.

### **Rights Claims and an Approach to Understanding Them**

In this section, I first analyze the reason that rights claims are such a crucial part of election petition letters, and that rights claims mainly take the form

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<sup>9</sup> There are six letters to which seven investigation reports have been attached (two are attached to one letter) by local governments. These reports are titled "elections", or "finance", or "petitions by farmers". It is clear that farmers and local government have different understandings of the nature of what is at issue.

of law-rights discourses. I then propose an approach for understanding rights claims and law-rights discourses and, finally, discuss concrete steps for implementing such an approach.

### *The Concentrated Presence of Rights Claims*

Most of the petitions about village committee elections aim to expose misconduct during elections and the suspended or unsatisfactory handling of election disputes. The core purpose of petitions filed by election candidates is to remove the winning candidate from office (disqualify them for election) or for the petitioners to gain an edge in the election. But a larger number of disputes are filed by ordinary villagers who reveal not only violations of the law in elections, but also that the elected village-level authorities are not competent or responsible more generally. After a dispute is filed, the local government often shirks its responsibility, interferes with the case or even suppresses it, which makes the local government a recurring villain in petition letters.

The rights discourse that fills petition letters on village elections is related to the election system itself as well as its implementation. The system of direct elections of village cadres is relatively new and a core part of “democracy’s entering into rural society” (Tong, 2000, 2001; He and Tong, 2000). Village committee elections are implemented through a combination of legalization and administrative guidance (Wang, 2000; Tong, 2008; Sun and Tong, 2002), and the election process has come to be the basis for replacing cadres in the villages. The competition among interests within the village before the implementation of the election system, which manifested itself in the form of personal disputes, family conflicts, and village factionalism, is, to a large extent, reflected in today’s election campaigns in the form of competition pursued through the use of some legal procedures. Pre-election conflicts of interest are intertwined with new ones arising in the election over legal procedures or the use of legal procedures, in the form of election disputes. Election disputes are based on legal procedures, which are designed to safeguard villagers’ electoral rights and confirm, realize, and protect these rights in every respect. It is through legal procedures that petitioners know how to file a dispute and therefore their claims are seen as “lawful rights” claims.

### *The Absoluteness and Fuzziness of Rights Claims*

Below I analyze a petition as an example to demonstrate the absoluteness of law-rights claims. Following that, I highlight the gray area between rights discourse and true intentions, which is revealed in the interviews.

In Letter no. 25, peasants from Wuxing village in Heilongjiang province accuse the county bureau of civil affairs of misconduct. On the day of the second-round election 另行选举, twenty-six registered voters did not vote but waited until the day after the election to vote, which was against the legal provision that all votes should be cast on election day. Though the twenty-six votes could not change the results of the election, villagers demanded that the county civil affairs bureau rule the whole election invalid. Considering that “it cost a lot of manpower and material resources to organize an election” and that the twenty-six votes had no impact on the election results, the county civil affairs bureau ruled the election results valid. The petitioners were “shocked” by the decision.

According to the villagers:

The civil affairs bureau is responsible for all the village committee elections in the county. But it failed to handle the serious violation of law in the election in Wuxing village according to law, and what’s worse, it decided the winners of the election simply through a game of calculation with the votes won by the two candidates for chairman of the village committee and the 26 registered votes respectively. The election of village committees must adhere to the Organic Law of Villager committees of the People’s Republic of China and the Measures on the Elections of Villager Committees of Heilongjiang Province. Any election of a village committee is illegal if it fails to comply with the stipulated legal procedures. To make the election results valid, “the winner shall win more than half of the votes and the whole election shall comply with legal procedures. Failing to meet either of the above conditions, the election results will be invalid.” The results of the election [of the village committee] are invalid and how the bureau of civil affairs handled the dispute is wrong.<sup>10</sup>

The election incident in Wuxing village and villagers’ response to its handling by the bureau of civil affairs shows that village committee elections tend to arouse disputes and that there is no turning back if such disputes are filed according to legal procedures. If villagers try to resolve the disputes by legal means, they will surely demand their electoral rights. The ruling of the county civil affairs bureau was obviously illegal, but the main intention was to save election costs and maintain local stability. After a dispute is filed, law becomes the most convenient tool for the petitioner who will demand a final ruling regardless of which level of government he/she is accusing. After the election incident caused by the twenty-six votes in Wuxing village, villagers paid several visits to the township government and the county government to file petitions. In 2003 alone, they paid seven visits to the county government, once with over

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<sup>10</sup> Petition letter no. 25.

seventy people. Finally, they brought the petition directly to the Ministry of Civil Affairs.

By the 2003, relevant provisions of the law on electoral rights were comparative complete, so the rights discourse was very well developed in peasants' appeals in general. Besides, many of the petitioners had already studied the laws on elections before they filed a petition with the central government, and had survived the debate and wrangling with the local government over electoral rights. This was also the case with the petitioners from Wuxing village.<sup>11</sup> It's no wonder they were well prepared to demand their rights. That claims for electoral rights seem absolute and leave no room for moral ambiguity seems to back up the theory of growing rights consciousness. But is the violation of electoral rights the true reason for their resistance?

Xu Quan'an, whose signature was at the top of the list of the twelve petitioners from Wuxing village, was also the initiator of the appeal and a candidate for village chairman. In September 2012, I called the number he left on the petition letter and he told me another story behind the dispute over the election in 2003:

In the second-round election in 2003, Xu, the incumbent chairman of the villager committee, lost. During his term in office, he and some of his supporters set up a village financial management team, demanding to check the financial situation of the secretary of the Chinese Communist Party (CCP) village branch. But the secretary refused and was backed up by the township government. In a conference for all directors of the village committees in the town, the secretary of the CCP town branch criticized Xu, who was angered and openly challenged the secretary. On the eve of the election, the secretary of CCP village branch nominated an agent to compete with Xu. After losing the election, Xu filed several petitions about the problem of the 26 votes, which turned out to be, he said, "useless." He was advised by a township government official who supported the secretary of the CCP village branch: you can run for election again three years later and you'd win then. Since it seemed almost impossible to turn things around through a petition, Xu chose to swallow the pain of the failure

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<sup>11</sup> Xu Quan'an, the organizer of the petition group from Wuxing village, came across the law on the organization of villager committees in the home of a retired cadre of a local civil affairs bureau, and then studied it and communicated it to his supporters. In their petition against the 26 votes incident, the petitioners demanded that, in accordance with the relevant laws and regulations, the election results be completely rejected. The above is derived from a phone interview with Xu.

to get elected. Three years later, as he had wanted, Xu won the election and served two terms in office. But in the winter of 2011, Xu was again defeated in an election where voters had been bribed. This time, however, he did not file any complaint over the bribery; instead he peacefully accepted the compensation offered by the township government: Xu was appointed the deputy secretary of the CCP village branch after the election.

It can be seen from the above account that: whether a losing candidate might file a petition over a violation of law in an election depends on whether the local government or his opponent is concerned about the person's interests;<sup>12</sup> in interest-based disputes over the violation of law, the law is only employed as a discursive tool; when to use the law as a discursive tool to fight for one's rights depends on complex interest balancing, and it is not inevitably employed even when it is applicable. Facing the violation of the law in elections, Xu chose "rightful resistance" in 2003 while he "gave up resistance (for silence)" in 2011. These actions are the opposite of each other, but in his mind they are not much different. The key consideration was deciding whether resistance would best serve his interests. This shows that electoral rights are not the true motivation and purpose of resistance, and the question of electoral rights protected by law is merely a discourse for public use.

For candidates, the legal "right to vote" is the only discourse that can be openly employed, and by fighting for such rights, they may try to take revenge on the local government or their opponents for their oppression before or during an election, or seek to promote a more specific and substantial interest.<sup>13</sup> They can usually manage to motivate the villagers to support them. In the petitions where only ordinary villagers but not defeated candidates are involved, law-rights are also an important rationale. Does the rights discourse of ordinary villagers express their true intentions? It appears there is a gray area between the expression and the true intention of peasants' rights claims and we need to closely identify it in order to make it clearer.

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<sup>12</sup> In Wuxing village the primary interest of the petitioners was their reputation in the village.

<sup>13</sup> There are six disputes similar to that in Wuxing village. Five are directly about election results, in which the petitioner won the election but was not recognized or the opponent won the election by illegal means; in the remaining dispute, a candidate was beaten to death. Two out of the six disputes are with the village electoral committee and four are with the township government (including one against the county bureau of civil affairs). And two out of the six disputes were brought to central government agencies.

*The Diversity of Appeals and Discourses*

The law on the organization of village committees and other relevant laws have, to a large extent, specified and protected the right to vote. Villagers' appeals regarding elections are in the form of rights claims, and often employ legal-rights discourse. However, we cannot use the rights discourse prevalent in the petition letters on elections directly as evidence of rights consciousness among villagers. The reason is that villagers often use other discourses, which involve appeals to other than rights claims, at the same time.

Considering most of the petition letters had gone a long way before reaching the central government, we should regard the developed rights discourse in them as intensifying both temporally and spatially, which is even truer when we consider that petitions like that about the 2003 election first appeared in the 1980s. We can compare the use of discourse to the use of tools. The more complete the legal tools for the protection of rights are, the more peasants will use such legal tools and the closer they will follow pre-established legal procedures in applying the law, and the more they will use a rights discourses that is within a legal framework. But their concerns during elections arise not only in the legal area, but also in areas not involving the law. So there are still many mixes of different appeals, multiple purposes for "exposing problems," and the coexistence of rights discourse and other discourses in petition letters. Indeed, such multi-dimensionality and coexistence are not necessarily shown in public and hidden texts; however, they might already exist in public texts alone.

A petition letter can be regarded as a frozen moment in the winding process of petitioning in different layers of space. In a petition, there must be multiple appeals and diverse discourses. It has to reach different levels of government departments, survive their wrangling and obstruction, withstand ups and downs that will take longer than the petitioner expected, and the petitioner, along the way, will experience loneliness, desperation, oppression, then support and hope. Petitioners' interaction with different departments, their anxiety when seeking help and their solving of problems during the process are a voyage through different layers of space. With the overlay of these spaces, the appeal multiplies from a single appeal or multiple appeals in a single space into multiple appeals in a multitiered space. And the overlay of the (original) discourses developed in these spaces is represented in the form of multiple discourses. The letters addressed to the MCA are the freeze frames in multitiered space which is full of appeals and discourses, with a great many differences, even contradictions.

Of course, the legal-rights discourse dominates the increasing appeals related to village committee elections. But since a petition letter is addressed to the highest authorities and plays a key role in solving problems, embellishments and exaggerations of legal-rights discourse are inevitable. There is a certain gap between the intensity of rights discourse in these letters and peasants' actual understanding. What is more important, the legal-rights discourse is developed in a multitiered space and thus must involve other discourses, and the new appeals emerging in the petition process also must seek more discursive support. To uncover the true resistance consciousness of peasants, we must be aware of these appeals and discourses, and understand the logic of their coexistence and interconnection.

#### *A Method of Understanding and Its Operation*

How can we understand the differences and even conflicts between different expressions? The essence of understanding the resistance consciousness of resisters is to objectively understand the goal and meaning of resistance actions given by the resisters themselves. By carefully analyzing the multiple appeals and discourses in the petition letters, and comparing the petition letters and interviews, we can find the essence and internal structure of peasants' resistance consciousness.

The precondition for us to uncover the resistance consciousness in petition letters is to understand that what is involved in the letters are rights as a cluster of electoral rights. The cluster of rights includes the right to know the election plan, the right to nominate candidates, the right to vote in each election, the right to appeal against the violation of law in elections, and the right to recall. But the legal protection for these rights is not equally strict. As a result, villagers find the current rights discourse insufficient for their purposes, and hence different appeals will emerge and different discourses will be employed at the same time. This will be more obvious when a part of electoral rights that is not clearly specified in the law is violated. For example, the law does not clearly specify how to protect the equal and fair right to vote, how to define election bribery, and how to correct election bribery. As for the right to appeal in election disputes, the law does not designate the specific organ for handling each kind of dispute, their responsibilities, or the punishment when they fail to carry out such responsibilities. The remedy mechanism in case of a violation of some of these rights is on paper only and thus villagers have no idea where to seek a remedy. Such phenomena make it possible for us to understand how

peasants see the violation of their rights and seek a remedy by using multiple regulations and criteria: to what degree do they value electoral rights? Based on what regulations and criteria or what combination of regulations and criteria will they seek a remedy and compensation? It is through such analysis that we will come close to villagers' resistance consciousness.

In order to get closer to the true resistance consciousness of peasants, we need to adopt a step-by-step approach to analyze their discourse. First, when villagers' electoral rights are violated or when they have no access to a remedy, what kinds of grounds do they use in framing an appeal? Second, when certain components of electoral rights lack specified legal and policy support, do villagers employ a discourse about rights? If not, what kind of expressions do they employ? What kind of resistance consciousness is behind such expressions? Third, if the local government fails to provide any remedy according to law, or when villagers' electoral rights cannot be remedied according to law, how do they justify their demand for their rights? What kind of resistance consciousness is involved? Since peasants' justifications of their rights and other demands are used partly to seek help from the state as displayed in a public text, full consideration needs to be given to the nature of the state-peasant relationship as assumed by peasants and their understanding of state power.

An approach to an analysis based on the focuses and steps above can be summarized as: emphasizing a localized and contextual understanding of discourse, focusing on pre- and post-election governance and the relationship between different parties, identifying the differences and conflicts within the expressions in a specific context as a whole, and getting progressively closer to the peasants' true understanding of resistance. Since many petition letters do not represent the entire petition process, and only a limited number of petitioners were interviewed, this article can be considered a trial application of the above approach.

### **Understanding Resistance Consciousness**

Diverse discourses ranging from voting rights to socialist rhetoric can be found in election petition letters. Only when these are carefully analyzed and taken as a whole and seen from the perspective of villagers can the resistance consciousness underlying them be understood. In this section, I will uncover concrete resistance consciousness by analyzing several petition letters applying the approach suggested in the preceding section. Villagers' multiple claims in one particular case will be discussed in detail in the context of the complete



petition process. These arguments will be analyzed to understand villagers' key concerns and provide insights into how the principles involved are integrated. The focus is on understanding the subtle differences between, and coexistence and mutual integration of, the various principles in the claims, and how they are in "dialogue" with each other.

### *The Weakness of Current Explanations of the Key Concern of Villagers*

In the preceding sections I illustrated the gray area between petitioners' rights discourse and their true intentions through a case involving a defeated candidate. I also discussed the need to apply a particular method of understanding rights discourse. Here I will use a case about ordinary villagers' claims of their electoral rights to demonstrate that their key concern is actually not electoral rights but economic interests. I propose to regard the justification of economic interests as the starting point in analyzing rights discourse with the method of understanding I have outlined.

The following case demonstrates how villagers' respond after an attempt to have an official recalled is thwarted. The villagers of Ninth villagers' group 第九村民小组 of Feiyun village in Sichuan province attempted to dismiss their leader for two reasons.<sup>14</sup> First, the villagers' group leader had been directly nominated in an illegal way by the village committee instead of being elected by the villagers of the group; second, during his tenure in office, he had acted contrary to the law and caused great economic damage to both the community and individuals. Upon learning that their dismissal request had been rejected by the township government, the villagers organized a dismissal meeting by themselves. With approval of the township government, the village committee then posted a statement claiming that the dismissal was invalid. The villagers of the group consequently petitioned to the MCA.

The petition letter started with a description of how the incumbent sub-village leader, Mao Yuwen, had attained his position illegally. It went to state the villagers' real reason for requesting Mao be dismissed: "During his tenure of office, Mao dealt with all kinds of community affairs without going through any of the necessary procedures, and he caused great damage to the economy of the community and individuals."<sup>15</sup>

<sup>14</sup> Petition letter no. 44.

<sup>15</sup> The allegations listed in the petition letter include: 1) Selling collective fields without permission and turning them into quarries. 2) Privately granting 600 yuan from collective funds to his superior, Wei Shigang (also the accountant of Ninth villagers' group), the buyer of

Obviously, it was the damage to collective and individual interests that sparked the dismissal motion, while the illegal election was only one of the reasons raised by the villagers after the motion was already initiated. The villagers' key concern is their interests and the unfair distribution of the economic gains caused by the elected leader. Safeguarding their "electoral rights" are not their motivation, at least not the primary motivation.

Like the Feiyun village case, among the 26 cases on elections that we analyzed, only 7 of them reported nothing more than an illegal election. Villagers are more concerned with village leaders' misconduct in managing village affairs. Actually, although researchers and the government all insist that elections are the most important issue in village governance, the 26 petition cases on elections only account for a part of all 67 cases. When election competition becomes more and more fierce, and vote buying is more and more severe, some officials and scholars have finally "convinced" the peasants to regard elections as the most important issue. But with their actions, peasants demonstrate that this is actually just a one-sided wish. To conclude, it is far more important to understand the true logic of the facts in the rural areas and the real thoughts of peasants than to satisfy researchers' emotional expression based on ideology and a self-satisfying deduction by reasoning.

Thus, the key motive of ordinary villagers' rights claims is not the right to vote, but real economic interests. By claiming their right to vote, villagers can better promote their economic interests. This, however, should not be regarded as the end, but the starting point of the argument. Furthermore, the following questions need to be asked: What kind of economic interests are villagers' key concerns? How is the claim of electoral rights related to their economic interests? Is the villagers' argument about the legitimacy of their right to vote limited to the value ascribed to it by law, policy, and the authorities?

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the quarry for stone to be used in laying pavement. 3) Using the villages' funds (e.g., for road maintenance, lighting, public reserve, etc.) for private purposes. 4) Ignoring an emergency occurring in Feiyun Ninth villagers' group (when a light pole fell into a fish pond), and insisting on taking care of it only after finishing a card game, which resulted in hundreds of kilos of dead adult fish owned by villager Zhou Yinhu, exposing Mao's disregard of his duty to protect villagers' lives and property. 5) Keeping secret the expropriation of a subsidiary for Provincial Highway 305, which passed through Feiyun, as part of the Leshan Giant Buddha bypass road project. The villagers claimed that Mao privately kept the 820,000 yuan for the sale of land as a village reserve, and the "stone fortress fee" as working expenses. The reported subsidy, the villagers claimed, was insufficient and false. 6) Receiving as kickbacks all the land compensation paid by the construction team for collective land, and refusing to turn it over to the collective. 7) Distributing Return Farmland to Forests project funds in undisclosed ways. 8) Embezzling funds for the relief of the handicapped.

Why do villagers consider their economic interests legitimate? What other key concerns do villagers have apart from their economic interests, and what is the legitimacy of these concerns?

### *The Concurrence and Interaction of Varied Principles*

Regarding the group leader's illegal taking of office and arbitrary conduct, the villagers based their criticism on two different principles: socialist democracy, and equality between the powerful and the common people 百姓. Each of these has dual functions concerning the expression of strategies and reasoning. We need to distinguish between the two principles and interpret the different function of each.

The first criticism in the petition letter of the villagers in Ninth Villagers' Group is that "familial domination has replaced socialist democracy." From the peasants' perspective, "familial domination" is opposed to socialist democracy or the orthodox ideology of the CCP. Below we will discuss the implications of "socialist democracy" as peasants understand it.

Peasants' understanding of "socialist democracy" does not necessarily exactly match the state's interpretation, nor are peasants necessarily able to articulate their own understanding. But when they use this concept as opposed to the concept of "familial domination," it illustrates a recognition of the expression "the masses are the masters and exercise leadership," the state's definition of "socialist democracy." This probably cannot be attributed to peasants' rights consciousness, but the recognition of principles such as "village officials should be fair when making decisions," "village officials should be elected," and "village affairs should be transparent."<sup>16</sup> The development of peasants' consciousness is positioned in the process of state power consistently entering the village, and is influenced by what the state advocates, thus it should not be unexpected that peasants have this kind of interpretation. This is the first aspect of "socialist democracy" in peasants' understanding, which means they will partly accept what the state promotes. The second aspect of "socialist democracy" in peasants' understanding is the balance of power and interest in the village. This is also what peasants are more concerned about. Familial governance can

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<sup>16</sup> To the open question "How do you understand 'governance should be democratic'?", which is one of the five aspects of "new rural construction," there are 222 persons (46.3 percent of the total) who did not respond. For who answered this question (31 percent of the total), 149 farmers' answers include the words "equality," "openness," "justice," "discuss with farmers," "democratic election," "financial disclosure." See Ye, 2006.

damage the balance of power and interest in the village,<sup>17</sup> and indicate a relationship of inequality.

When rightful resistance theorists see the official term “socialist democracy,” they may tend to understand it as an expression of a strategy for resistance. However, in the peasants’ consciousness, this has gone beyond the use of official language as a tool. Peasants do think familial governance is the reason for chaos in the village. Familial governance suppresses the needs or interests of a part of the villagers, which creates friction and causes multiple powers in the village to fight against each other. Eventually this will obstruct the state’s support for the development of the village, harming the interests of the majority in the village. Therefore, opposing familial governance with the official expression “socialist democracy” is both an expression of a strategy in the search for the understanding and support of the state, and an acceptance of official language for the purpose of restoring the balance of interests within the village. On one hand, the state discourse strengthens the legitimacy of villagers’ demands. On the other, the coupling of its content and the local view of justice becomes a part of villagers’ will or demands.

The second, “oppressing the common people,” refers two types of behaviors. The first is supporters of the group leader (village and township officials) depriving peasants’ of their legal right to vote; and the second is the group leader infringing on collective assets as well as private economic interests. What is damaged by these two behaviors is villagers’ right of self-governance as well as the system of collective assets management. For the peasants in 2003, the former is a new right given by the state via the system of village self-governance, while the latter has been implemented for dozens of years and is protected by the state. Rights consciousness theorists can regard both as villagers’ rights, while rules consciousness theorists would consider these moves as an expression of the fact that peasants respect rules made by the state. However, they are more or less the same in peasants’ eyes as “bullying the common people” in some moral sense.<sup>18</sup> Both disregard villagers’ wishes and misuse power, similar to what is called “defying the public will” or “the powerful bullying the weak.” And both attack their interests as protected by the state. This shows that the

<sup>17</sup> The case study of village committee elections shows there is a great deal of agreement among peasants on the power balance in the village. In elections in many villages, the type of candidates and the election results reveal the balance between different natural villages and families. When the balance is lost, there will be concern among peasants about the effects on governance. There has been ample research on this phenomenon.

<sup>18</sup> There are three other cases (Petition letter nos. 14, 28, 55) where villagers condemned their opponents for “bullying people.”

common people themselves see the need to protect their own dignity or subjectivity, which is based on two aspects. The first is a perception of the natural righteousness of “villagers’ will” 村民意愿 and the second is the state’ assignment of legitimacy to peasants’ identity and its pledge to protect it. The action of organized dismissal reflects such a voice and dignity.

The expression “bullying the common people” is certainly reminiscent of official rhetoric and thus can be seen as an expression of a certain resistance strategy. However, it also shows that peasants firmly believe that the “villagers’ will” and the alliance between the state and peasants must not be violated, and further consider it a legitimate reason for their resistance. What the villagers want to protect is their “dignity” as common people.

*“Villagers’ Will”: Enforcing the Law “Reasonably” and “Fairly”*

The legitimacy of villagers’ will can be seen clearly from the positive expression of that will. Villagers’ negative comments about misbehaving village officials discussed in the foregoing section represent the will of the villagers in a negative sense; that is, they point to what villagers disliked and refused. However, in the course of their resistance, the villagers also expressed what they wanted and appreciated, reflecting the positive nature of their will. In the paragraphs that follow, I will exemplify this latter aspect.

Villagers’ right to dismiss their leaders was regulated by law as early as 2003.<sup>19</sup> But it is not easy for villagers to legally file a dismissal petition. Cases like that of Feiyun village are not rare, and in fact six villages’ petitions in total were submitted to the MCA, but none was successful.<sup>20</sup> The first obstacle was the local government. After the villagers made their petition according to the Organic Law of Villager Committees, the township government either tried to refuse to accept the petition from the beginning, or it was forced to accept it because of legal regulations. There were two villages that got the attention of a municipal-level agency, which conducted an investigation according to the

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<sup>19</sup> Dismissal proceedings require that the local government accept a petition.

<sup>20</sup> Among the petitions from these six villages, only one was approved by the township government, but it was then ignored due to the merging of the township and the county; two of them were disapproved by an investigation group at the municipal level on the grounds that some of the signatures on the petition letter were forged. The signatures that the investigation team was able to verify represented less than a fifth of all the supporters required by law. There was one village in which the dismissed leader was later elected in the next election through paying bribes; the remaining two villages organized dismissal meetings before petitioning to the MCA, but one was not approved due to an insufficient number of signatures, and the other was rejected because the leader was absent.

law.<sup>21</sup> But the villagers eventually found out that it was exactly their expectation that the law would be complied with that led to the failure of their petitions. The authorities chose to individually check the authenticity of all the signatures, and they could always “find” some villagers who claimed they had no intention of seeing the leader dismissed or who had someone else sign the petition letter for them. Quite a number of the villagers did this to avoid revenge.

Yongxi village in Fujian is one of the two villages that organized a dismissal vote. However, the result of vote was denied by the township government.<sup>22</sup> The argument of the villagers can be considered a direct expression of their will. On July 13, 2001, the villagers jointly signed a petition letter to have the chair of the village dismissed. On January 8, 2002, the villagers organized a dismissal meeting where 1,126 voted, 962 of them in favor of dismissal. The villagers all believed that the advocates accounted for the majority of the villagers, and therefore they believed the result was valid. But according to the township government, the number of total voters required was 2,733, while the actual turnout was only 1,126, less than half of the total number necessary, and thus it was decided that the voting did not meet the regulations and was therefore invalid.

The villagers were quite disgruntled with the government’s decision. Han Zigui, one of the villagers and also a deputy in the county-level people’s congress, submitted an inquiry to the county civil affairs bureau. As for the inadequate number of the supportive votes, he argued that the township government increased the requirement about the number of votes needed at will. Moreover, he demanded that the dismissal procedures should be “reasonable”: most of the residents were constantly absent from the village, which made the “majority rule” impossible to realize. Among the villagers participating, eight out nine were in favor of the dismissal, while only one disapproved. He argued that the majority’s opinion should be recognized, and majority does not refer to the percentage of supporters among the total number of villagers. He declared: “The dismissal procedures are as important as the election itself. Even if it is not lawful, a second dismissal vote should be permitted, and the township government has no right to refuse it.” He demanded that the government respect the “villagers’ will” and enforce the law reasonably, which is crucial for “the life of the people of Yongxi village.”

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<sup>21</sup> In fact, in terms of the petitions by villagers concerning illegal elections, the local government usually has a clear idea of what occurred.

<sup>22</sup> Petition letter no. 10.

It is evident that legal regulations concerning the number of votes needed in a dismissal procedure did not prevent the villagers from insisting on the validity of their dismissal vote. The villagers' petition was not a reflection of their understanding of the authority of the law or the rights protected by law. The villagers do not accept the denial of the vote result based on law, but express their disagreement according to what they consider to be fair and reasonable.

What the villagers intended to achieve via the dismissal was to stop the village leader's misconduct that damaged their interests and violated their sense of fairness. The leaders of the two villages where the villagers themselves organized a dismissal vote displayed two features in common:<sup>23</sup> they were arbitrary and dictatorial, and they embezzled collective property and mismanaged the village's finances. The villagers resorted to the method of legal dismissal only after the normal channels for fixing these problems had been blocked. What they were aware of is villagers' common interests in the village and that they should have equal access to the collective resources of the village. This is also related to villagers' experience with equality and justice in the village. It is these that the villagers are trying to protect, and it is here also that "reason" and "fairness" start and exist.

The emphasis on "fairness," "reason," and the "fate of the whole village" *really* reflects the positive part of villagers' will.<sup>24</sup> The villagers resorted to legal remedies out of their perseverance in the appeal to morality and justice. They recognize the law because the law can back up their will to have unjust officials dismissed, which is reasonable in their view of morality. Or we can say villagers understand the law via the perspective of morality. Therefore, villagers would not give up their appeal when the legally required number of supporters was not met, instead they demanded to "truly implement the Organic Law of Villager Committees [OLVC] in a reasonable way." The villagers think the real implementation of OLVC should lead to the selection of village cadres following the villagers' will. This is directly opposed to the view of township and county officials, who denied the validity of the dismissal vote on the grounds of specific legal provisions. The two sides have a different understanding of the same law: villagers did not think they were "unreasonable" as some village and county officials thought, but were just the opposite. This was based on their wish to develop the collective entity and promote justice and equality, as well as their belief that the state's laws should protect this will. The "will of villagers"

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<sup>23</sup> The other village referenced in petition letter no. 55 is Tieyingzi, in Liaoning province.

<sup>24</sup> Here the "fate of the whole village" has the same meaning as the interests of "future generations," in the words of the Tianfu villagers quoted at the beginning of this article.

can neither be summarized as “right consciousness” nor grasped by “rules consciousness”; instead, it involves a type of rightfulness that arises from a moral perspective. Through the demand to implement the law in accordance with morality and reason, villagers obtain subjectivity from the law.

*“Villagers’ Will”: Safeguarding Common Interests*

Compared to the specific articles on the procedures to lawfully dismiss a village committee, the law only very vaguely states how election bribery should be prevented and sanctioned. This situation, to some extent, also encourages the spread of the phenomenon of election bribery.<sup>25</sup> The villagers who encountered election bribery started their protest efforts under these circumstances and faced obstacles that were greater than when opposing any other violation of law occurring during elections.<sup>26</sup> They need to provide proof recognized by the government, which means a consistent description of the bribery, evidence confirming the identity of the briber, evidence of the bribe, and witnesses of the bribery. Rarely can petitioners meet these requirements. When official investigations are launched, very often many villagers who once admitted taking bribes or persuading others to do so will deny doing so. For candidates and factions involved in election bribery, an investigation means that the election is invalid, and that all the money and resources put into election bribery have been wasted. For local governments, to investigate a charge of local election bribery means to admit their failure to properly organize the election. It also entails uncertain effects on the social and political stability in the village where the bribery took place and also in other villages close by. Therefore, in such a situation when law fails to function and the opposing power is great, how can villagers structure their appeals about election bribery? How would they respond when their moves are denied because of insufficient proof? And what do they consider in deciding whether to continue or give up the fight?

The case of Louhou village within the jurisdiction of Tianjin city is the one where a petition to the MCA was raised by the losing nominees: an unsuccessful

<sup>25</sup> See Dong, 2005: 47, 50. Dong’s book is a comprehensive study of bribery in elections of village committees before 2004.

<sup>26</sup> In most cases, election bribery will not be reported by villagers. Village society has a culture of tolerating election bribery. However, once bribery is reported and investigated, the candidate winning the election via bribery will lose face. If no attention is paid to the report, the briber can become more arrogant. Since villagers who resist the bribery will not be supported by public opinion in the village, they have to turn to the state for help. The state’s judgment is of great importance to both resisters and those whom they oppose.



candidate for the post of village chairman, an unsuccessful candidate for the post of a village committee member, and an ordinary villager.<sup>27</sup> On July 24, 2003, the villagers from Louhou reported to the township and county government that nominee Xie Changqing had paid bribes in cash and in rice for votes in the election that had been held on April 28. Not receiving any response, they again reported to the authorities—to the leaders of the MCA this time—on August 11. The three petitioners also collected over sixty signatures from villagers to substantiate that there had been bribery.<sup>28</sup>

On April 22, 2013, ten years after the incident, I conducted a telephone interview with Yang Yongfa, an ordinary villager, the author of the petition letter and one of the petitioners. When asked about the reason for reporting the bribery, Yang said the main reason was that Yang Jingkui, Xie Changqing's major opponent for the position of village chairman, did not want Xie to win the election. Yang and Xie had a financial conflict before the election. This is consistent with our previous analysis that petitioners do not report illegal behavior purely to secure their electoral rights.

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<sup>27</sup> In 2003, the MCA received thirteen petitions in total concerning election-related bribery, twelve of which had provided the specific time, location, and subject of the bribery, while the remaining letter, which was sent via email to the "Minister's Mailbox" through the MCA's website, contained no specific information. By analyzing the twelve letters with specific information, we can see the great effort that is put into the petition process. Eight of the twelve cases made it to the township government; eight were sent to the county government; five were submitted at the municipal level and three at the provincial level. This indicates that villagers put great efforts into opposing election bribery, but in the end they could only put their hope on the central government. Of the twelve cases, eleven eventually petitioned to the MCA, and only one case petitioned to another central government department, from where the case was later personally transferred to the leaders of the MCA. The investigation and punishment process related to the twelve letters was as follows: none of them had received any response nor was there any investigation in the first instance. Following subsequent requests by the villagers, two cases were investigated by the local government. After petitioning the MCA when there was no local response, there were two cases which the MCA approved and transferred to the provincial level. One of them was organized by the municipal civil affairs bureau, and the other by the county government's civil affairs office. Both of the investigation reports denied the accusation of election-related bribery. To summarize, only four of the twelve petitions were dealt with by the government, and only one ended in a village committee election being reheld. What is interesting is that, of the twelve petition cases, only one was made by an unsuccessful candidate, while all others were by villagers or their representatives.

<sup>28</sup> The petition states, "Since Xie Changqing won the election in an illegal way through bribery, and the villagers do not support her governance, we report her misconduct to the county and township government in written form (with more than 60 signatures from the villagers)" (Letter no. 1). This indicates the villagers were either not clear about the exact numbers or they did not really care about it when reporting to the central government.

But why did so many ordinary villagers report the bribery together with them and why was there this “collaboration” three months after the bribery had occurred? The petition letter stated, “we have known for sure for a long time that Xie Changqing was elected through paying bribes, but we didn’t have solid proof; besides, a false accusation is illegal.” Superficially read, it was the lack of solid evidence that hindered the villagers from reporting the incident, which means the petitioners have a thorough understanding of the election and petition system. However, Yang told me that the real situation was that the three of them did not have much understanding of the relevant law, but had wanted to report the bribery for a long time. But it was not until August that the petition gained support from the majority of the villagers, and that some villagers are willing to provide evidence of the bribery. Neither the ordinary villagers nor the petitioners were aware that such strict evidence is required to substantiate a complaint about election bribery. At the beginning of the process, other than the losing candidates and the core supporters, the common villagers did not have any strong motivation to report the bribery. Only after Xie was elected and decided on her own to authorize a construction project, lease land, and the set water prices, did they decide they could not stand this arbitrariness and corruption any more—“Xie Changqing was behaving ridiculously and the villagers could not bear that any more”—and turned to support the petitioners.<sup>29</sup>

What “the villagers could bear any more” was Xie’s abuse of power in the pursuit of her own interests. What is more, Xie publicly proclaimed, “I bet 20,000 that you’ll fail! I can buy your witnesses!” This outraged the villagers. Both of the motives for the petition are redolent with moral judgment: the first was protesting against the violator’s conceitedness, and the second was condemning her hunger for money. Although the petition from Louhou village sprang from personal competition among the village elite, it required the common villagers’ support and the state’s attention when the competition was shifted to the public sphere. The expression above in the petition letter reflects

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<sup>29</sup> In the election in 2003, Xie pledged to provide villagers with access to tap water, since her husband ran a tap water system project. After Xie had taken up her office as village chair, she started to purchase the materials for the tap water project in the name of the village committee. Her husband contracted the project and she used her own home as the office for the project. After investigation, Yang Jingkui and his companions proved to the villagers that Xie had purchased the materials at a wholesale price, but on the invoices had declared the retail price, for which the villagers paid over 10,000 yuan. This triggered opposition from the villagers, and Yang Jingkui reported Xie’s election bribery involving the candidate who had lost, Li Changming, and his business partner Yang Yongfa.

the moral claim of the common villagers. From the perspective of peasants, the rules spelled out in the law are not the only factor that legitimates a demand to have one's interests protected, and what is right is not only interests legitimated through the law. What peasants provide here is their own "villagers' will," for which rightfulness is something held in common by all the members of the village community.

Yang told to me that the election mentioned in the petition letter in 2003 was the first time a local election was staged that strictly followed the Organic Law. Among the eight villages in the township, there was election bribery only in their village. After that election, more incidents occurred, and bribery, according to Yang, became "too common, too serious." During the recent election in 2012, he heard that one vote in a nearby village was worth more than 1,000 yuan.<sup>30</sup> Bribery marred the four elections in Louhou village since 2003, but the villagers had "already gotten used to it" and learned to "adjust" and consider bribery "a normal phenomenon" during village elections. Nowadays, it is very difficult to motivate supporters for petitions about election bribery, and the village elites all consider election bribery normal. The villagers avoid confronting the institutional and legal strictures against bribery, and also avoid the huge cost of opposing election bribery. However, although the money provided by the bribers is increasingly accepted by the common villagers as in their immediate interest, this does not mean the villagers recognize that election bribery is legal and moral, and even less that they do not hold the bribers in contempt. They just "do not have any other choice," but in their hearts they do not accept election bribery. Their will to oppose vote buying is still there and has not disappeared.

### Practical Moral Consciousness

An examination of petition letters and interviews with petitioners reveals that when villagers feel that the "villagers' will" has been violated or ignored because of improper election procedures and results they will stand up to protest. Their stated justification for protesting has to do with the law and rights, but the use of this discourse is apparently rather instrumental. When their demands cannot be supported on the basis of legal rights, they directly make claims

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<sup>30</sup> Since the village was involved in the construction of the Beijing-Shenyang railway, which promised a huge amount of compensation for the land that would be used, competition in the election was very fierce.

based on “villagers’ will” and stay away from, or even “reject,” legal-rights justifications. The use of the phrase “villagers’ will” signifies a type of “rightfulness” different from legal rights. The former is more practical, fundamental, and significant to peasants compared to what they see as relatively superficial legal-rights reasons. The following section, based on the analysis above, further defines “practical moral consciousness” as peasant resistance consciousness and discusses its connotations and differences from rights consciousness and rules consciousness.

### *Moral Consciousness and Practical Thinking*

Earlier I spoke of “morality” 道义. The two words *dao* 道 and *yi* 义 has been broadly used in the literature from the pre-Qin period. According to the *Shuowen*, “*Dao* 道 refers to the road for traveling on. The road exists so that people can reach their destination smoothly.” Duan Yucai comments, “This can be extended to ‘principle’ 道理,” thus the original meaning of *dao* is the right way to reach a certain destination. The *Shiming* defines *yi* 义 as “reason or appropriateness.”<sup>31</sup> “It is to apply discipline to allow every object to perform appropriately with reason.” When using the two characters *dao* and *yi* together, the expression “morality” *daoyi* 道义 is closer to “principle,” and means the original standard of doing things, the standard that is used for judging the legitimacy of behaviors. While *daoyi* puts more emphasis on the view that the legitimacy of behavior is about the appropriate way of doing things according to the nature of things, “morality” (*daoyi*) here refers exclusively to the legitimacy of behaviors in the public sphere. Village communities and local communities are the most important public spaces for peasants. Based on the definition of morality above and the analysis earlier in this article of how peasants’ express themselves, “moral consciousness” (or “consciousness of morality”) refers to the combination of the members of local communities and village communities equally sharing in the common interests of local communities and village communities, and the state taking responsibility to protect the common interests and maintain order. Peasants believe individual or organizational behaviors should be in accordance with or based on these two aspects, otherwise they will lead to dissatisfaction and further forms of resistance action when

<sup>31</sup> This sentence is taken from Chinese classic, the *Shuowen*. 《说文》：“道：所行道也，从辵首，所达谓之道。”段玉裁注：“毛传每云行道也，道者，人所行，故亦谓之行。道之引伸为道理。亦为引导。从辵首。首者，行所达也。首亦声。”（许慎【撰】、段玉裁【注】，1981）也就是说，道的本意是到达某个目的的正确道路。《释名》：“义，宜也。裁制事物，使各宜也。”（刘熙（东汉），毕沅疏（清），王先谦，2008）义就是合宜的意思。

conditions are ripe. Though the concepts of common interests and sharing tend to summarize today's peasants' standards of fairness and rationality, they are compatible with traditional peasants' ethics as revealed in the literature, such as peasants' subsistence ethics and protecting commonly recognized dignity (Scott, 1977), the concept of mutual fairness based on comparison (Yu, 2008), and the elites and the powerful protecting peasants based on the notion of clientelism (Wolf, 1966; Scott, 1972).

When peasants apply moral consciousness to judge others' behavior in public life and to conduct their own behavior, moral consciousness involves a practical way of thinking. Such pragmatism is demonstrated in three aspects. First, what the peasants care about and pursue is local justice, i.e., daily, local, concrete justice, rather than remote, general, abstract justice, even though the ideal just order in their mind also includes general abstract justice such as "heavenly principles." The focus of common interests, sharing, and national responsibility in peasants' minds is to understand and handle peasants' relations with the powerful including village cadres and elites around them, and with local officials and governments, rather than peasants' relations with the powerful far from them and with the central government and the state in an abstract sense. Peasants' trust in the central government and the state in an abstract sense cannot be separated from their relationship with local officials and local government. Therefore, peasants' moral consciousness is local and is mainly a consciousness of local morality, which is the relationship between peasants and village leaders, elites, local officials, and the government in the public space, rather than the relationship between peasants and an invisible central government or abstract state.

Secondly, peasants' moral standards of public behavior are essentially realistic. Peasants judge the possibility and degree of realizing their moral standards according to the institutional environment and the resources they have, rather than pursuing their standards based on a certain "absolute order" of morality (Kant, [1785] 2005). In most cases, moral consciousness is not an absolute standard. As mentioned above, in 2003, villagers in Louhou were indignant about election bribery, but when facing more serious instances of election bribery, the fruitlessness of a legal investigation into such bribery, and the government's tolerance of it, they grudgingly and later passively accepted it. They recognized the high cost of fighting bribery and the uncertain risks of resistance.<sup>32</sup> Peasants are open to compromise with all other parties on moral standards, rather than stubbornly clinging to a particular moral standard to the

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<sup>32</sup> But such a sense of helplessness does not mean that they are not attached to moral standards nor that their appeal is not intended to realize their moral standards.

end. The few peasants who continue to fight and pursue high moral objectives regardless of the costs out of “indignation” are the only exception and their actions are particularly affected by governmental suppression.

Thirdly, peasants’ expression and application of moral consciousness is strategic. When judging whether the exercise of public power is just and reasonable on the level of morality and norms, and determining their own response, peasants can choose suitable and prudent ways of expression and action. Peasants will use the mainstream discourse, such as “laws, policies and other officially promoted values” (O’Brien and Li, 2006: 2), as in “rightful resistance.” As for action, peasants will choose the way that will maximize their objectives with regard to legal rightfulness, such as “stepping on but not crossing the line” and “uniting with allies.” The specific manner of expression and behavior can be roughly understood as based on actual conditions after weighing the costs and the benefits.

#### *The Practical Application of Moral Consciousness*

In the situations discussed above, moral consciousness, which is understood, expressed, and applied in a practical way, can be called “practical moral consciousness.” Practical moral consciousness refers to peasants’ recognition of naturally holding and fairly sharing common interests, along with the expectation and acceptance of the state’s role as responsible for ultimately safeguarding this order. This is peasants’ common sense of the justice of the local order and rationality in public life. In case of the insufficient holding and sharing of common interests, peasants express such a common sense or act in an appropriate and practical way. Practical moral consciousness is a way of thinking to express claims and choose actions. When they fight against violations by public power or the powerful, practical moral consciousness particularly emphasizes that the state has the responsibility to protect local justice, which is taken for granted and is the most important aspect of public power. A pragmatic mindset helps them choose corresponding objectives, strategies, and paths. Practical moral consciousness thus becomes the driving force (motivation) and ground (reason) for peasants’ resistance.

Moral consciousness is always revealed in a practical way, while pragmatic considerations are the nature of peasants’ practical consciousness. There are also contradictions between moral consciousness and practical considerations. But the conflict is not between ideal and actual strategies, or between objectives and means. We may regard the conflict as a clash between two ways of thinking, both of which are deeply rooted in Chinese peasants’ minds. The

combination of the two always occurs in concrete circumstances, and thus does not appear closely unified. And the combination of moral consciousness and practical considerations might vary greatly from farmer to farmer. Therefore, we can find different peasants who show different attitudes and therefore engage in different behaviors in the same resistance event. In practice, the combination of both can take the form of one side strengthening the other, as well as conflicting with and restricting each other. This can even be found in the internal conflict within the resister's mind.<sup>33</sup> In a high-profile expression of morality, though moral consciousness seems to deviate from real expectations, it in fact is part of a practical action strategy and shows indirectly the influence of practical considerations on moral consciousness, for a high-profile expression may be both a natural expression of moral consciousness and a practical strategy to force local officials to bow to peasants' demands.<sup>34</sup> When moral consciousness is translated into a particular focus on concrete material objectives and strategies to achieve them, it might appear to betray moral objectives, but in fact it is only driven and restrained by a moral consciousness of resistance claims that justify and are made rational in claimants' minds. Without the presence of moral consciousness, strategic requirements are pure interest exchanges and will be easily bought off, but the strategic requirements of peasants' resistance are often hard for external forces to conquer or deny.<sup>35</sup> The expressions in petition letters are examples of the mutual interaction of practical consciousness and moral considerations in practical moral consciousness. We will explore the coexistence and integration of the two by analyzing the strategy of resistance actions in future studies.

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<sup>33</sup> A farmer petitioner that I am following has similar conflicts between moral consciousness and practical considerations.

<sup>34</sup> On the latter, there has been sound research in the theories of rightful resistance and rights consciousness, but the previous point was missed.

<sup>35</sup> Rules consciousness theory denies the originality of the way farmers raise their claims because it finds that strategic requirements of rightful resistance are driven by interests and expediency. But we should reconsider the question of originality by recognizing that the basis for such claims is concrete local morality and local moral concepts that have evolved over the history of the revolution. That is to say, the originality of rightful resistance does not lie with initiative and aggressiveness in contrast to the passivity and endurance of "daily resistance" or some modern concepts about rights in contrast to traditional consciousness where such concepts were absent. Instead, it lies with original and unique moral reasoning in a long-established tradition of moral consciousness. To some extent, rules consciousness recognizes the historical link with moral consciousness, but fails to see the revolutionary and original moral reasoning among today's farmers. Therefore, it denies the innovativeness of farmers' claims in rightful resistance and the means they adopt to realize those claims.

We can also see that peasants believe their resistance actions are justified, but when treated unfairly, such as by brute force or ruthless repression, from the perspective of moral consciousness, they sometimes tend to endure and keep their mouth shut. This does not mean there is an absence of moral consciousness, or that cost-benefit calculations or risk avoidance dominate peasants' consciousness. On the contrary, it might show the tension between moral consciousness and practical considerations. Facing the same unfair treatment, peasants might respond differently from person to person under different circumstances. It all depends on the actual situation of the interaction between peasants' moral consciousness and practical considerations. The continuous change from silence, endurance, complaint, minor acts of destruction, to direct confrontation and resistance should not be interpreted simply by different external structural conditions, or different endowments of elites and ordinary people, but should be interpreted as the conflict and integration of peasants' moral consciousness and practical considerations.

Looking deeper into the composition and origin of practical moral consciousness can bring a more in-depth appreciation of rural life and values. Are moral consciousness and practical considerations the basic elements of a farmer's value system? Is the theory applicable only to the contemporary period, or can it also be applied to the prerevolutionary era? What relation does the theory have with Confucian ideology, the revolutionary heritage, and socialist ideology? Can it be applied to social groups other than peasants?

### **The Moral Legitimacy of Farmers' Resistance and Resister Politics**

Based on the argument presented so far, we cannot simply consider the epigraph to this article as a standardized formula asking for help from the state. And perhaps we need to jump out the framework that only emphasizes the legal-rights rightfulness of peasants' resistance and rethink the moral rightfulness 道义正当性 of peasants' resistance.

#### *Resistance Consciousness as a Whole*

"Rightful resistance" theory notes that resistance based on laws and policies has become the most widely adopted form of peasants' resistance, and proposes a series of behaviors characteristic of such type of resistance. But this should not mean that laws and policies and the "rights" peasants try to defend represent or serve as the ground for peasants' resistance, nor that today's laws and policies are like the centuries-old "rules" that peasants adapted to. Today's political



and social environment in China allows laws and policies to have a congenital advantage in public spaces (state ideological space, legal and public opinion space dominated by the media) without concrete contexts, and makes them rightful. In most cases, peasants' moral reasoning must bow to the law and policies. Therefore, based on practical considerations, peasants will take advantage of rights discourse. While the use of rights discourse helps peasants express a part of their demands, another part might be obscured. The discovery of the practicality of rights discourses motivates us to explore peasants' diverse demands. It is only when one starts with peasants' true and complete demands that one can uncover peasants' true and complete resistance consciousness.

What drives the resistance is peasants' real sense of resistance consciousness. So-called right consciousness and rules consciousness can be separated purposefully from peasants' consciousness, which is helpful in determining the effects on the Chinese political system caused by the impact of concrete consciousness. However, in peasants' consciousness, the content of rights consciousness and rules consciousness as defined by scholars actually overlap with each other and are hard to distinguish. The difference between "rules making" and "rules implementation" may be solely a creation of scholars. As a recent argument (Li, 2010) shows, rules consciousness and right consciousness coexist. Following along this line, further questions should be raised about the understanding of the nature of peasants' resistance consciousness as a whole. This means we must go beyond an either-or argument as well as the separation of peasants' resistance consciousness into rights consciousness and rules consciousness, and seek an overall understanding of peasants' resistance consciousness. In such an effort, practical moral consciousness reveals that peasants have demands for which there may be a legal basis, but all their demands are based on a unified consciousness, practical moral consciousness. Practical moral consciousness has two sides. One consists of moral concepts about common interests, fair sharing, and the state's responsibility. The other is the practical use of these concepts to guide behavior by focusing on local justice, setting realistic objectives, and choosing an appropriate strategy. This consciousness is formed in daily life, performing as the motivation for initiating and participating in resistance, as well as the justification that legitimates resistance.

### *The Moral Rightfulness of Peasants' Resistance*

In applying practical moral consciousness to understanding rightful resistance theory, we find that rightful resistance pays relatively more attention to resisters' choice of strategy. In fact, the experiential phenomenon in rightfulness

(resisters using the law, policy, and discourses of the powerful to oppose the latter) can be explained in two steps. The first is to explain why it emerges in a certain institutional environment and successfully overcomes the risks, and the second is to explain why it is considered rightful by the resisters themselves. The explanation of rightful resistance theory puts more weight on the first aspect, which leads to research on action strategy. However, the other aspect, whose importance cannot be denied, is that resisters consider their own acts rightful and keep on resisting in spite of the risks. In other words, rightful resistance theory reveals the phenomenon of peasants' seeking to legitimize their resistance, but does not go further to question why they think their protests are legitimate.

When further analyzed, the two aspects can be found in the explanation of the rightfulness of resistance behaviors given by peasants themselves: moral rightfulness as well as legal and policy rightfulness. It is moral rightfulness that is the more essential and can even be used to judge whether current law and policy are rightful. Rightful resistance theory notes only the justification of resistance through laws and policies and a series of characteristic ways of expression and action strategies in order to maintain such justifications. But the justification of laws and policies is only one, superficial side of the justification peasants feel. In this article, we have discussed the example of peasants insisting on the dismissal of officials even when the number of villagers voting for dismissal was less than a quorum, and also the phenomenon of peasants filing complaints about bribery even after they fail to present sufficient evidence as required by law. Peasants have an alternative kind of justice, in addition to "common interests," "equal sharing," "the state's responsibility," "morality," and "reason" 情理, etc., that is, moral rightfulness, which is in peasants' eyes the essence of justice. Only when we dig into and truly understand the moral rightfulness of peasants' resistance, can "rightful resistance" be truly understood as "rightful resistance" in the sense of the Chinese term *zheng dang kang zheng* 正当抗争. Contemporary peasants' resistance can be understood in the following way: it is a resistance of peasants themselves, which does not necessarily involve democratization and the forming of civil society; it is a politics existing between everyday politics and the politics of protest.

Moral rightfulness is at the center of the legitimacy of peasants' resistance. With an emphasis on moral rightfulness, practical moral consciousness presents a perspective different from that in the literature. When rights consciousness theory was first raised, the discussion about peasants' resistance consciousness paid excessive attention to the way peasants' expressed themselves, while ignoring their ways of thinking behind those expressions. Perry's

rules consciousness theory considers rules as the basic point in peasants raising claims and tries to demonstrate the moral reasons behind the rules. Lianjiang Li's rights consciousness and rules consciousness is more balanced, borrowing Perry's idea of rules as the basic point for peasants in raising their claims. To some extent, Li's thinking has moved forward from classic rights theory, which ties rights to the inherent quality of human beings and regards individual rights and the state power protecting rights as conditions for each other, to peasants' ways of thinking in the way they express their own claims (Li, 2010: 49-50, 53-54). To highlight the difference between practical moral consciousness and the existing theories, the former stresses peasants' self-awareness, understands peasants' resistance consciousness as their ways of thinking about the rightfulness of resistance, tries to identify these ways of thinking in peasants' daily life and worldviews, and stresses the function of moral rightfulness in motivating and sustaining the legitimacy of resistance.

In this article, practical moral consciousness is understood as the deep structure of peasants' public consciousness formed in daily life in local society, and developed as the motivation for resistance and the reason for rightful resistance, which greatly affects the strategic choices and external expression of resistance. According to this view of peasant protest, the study of peasants' resistance involves trying to connect resistance consciousness and resistance actions as a whole, rather than studying only resistance action without its associated resistance consciousness. My study is based on the petition letters from peasants and interviews. What is needed now are materials on resisters' life histories and other materials that may better achieve the potential of research in this area.

The proposal to study peasant resistance with practical moral consciousness also brings the hope of clarifying resister politics and opening a new approach to resister politics based on the subjective consciousness of farmer resisters. Resister politics is not only an explanation of a certain political phenomenon as resistance politics, but also a way of bringing history and people's lives into people's politics. As outsiders to the experience of farmer resisters, stepping into this perspective we will not only look upon resisters more clearly, but will also see ourselves more clearly.

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