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Centralized Minimalism

Semiformal Governance by Quasi Officials and Dispute Resolution in China

Philip C. C. Huang

People's University of China

University of California, Los Angeles

Existing theories of governance generally focus on formal institutions, conceptualized in an either–or binary of state versus society. Recent archival research, however, has demonstrated that local Chinese administrative practice drew widely on semiformal governance through the use of quasi officials nominated by communities. They were not salaried and generated little or no paperwork. Once confirmed by the magistrate, they were largely left to function on their own; the county yamen intervened only after complaints or in disputes. That mode of administrative practice was born of adaptations, by a highly centralized government that aimed to be as minimalist as possible, to the demands for expanded governance that came with a growing population. Substantial aspects of that legacy from imperial China have persisted through the Republic, the Mao Zedong period, and the present reform era. They may be considered particularly persistent characteristics of the Chinese political “tradition,” “premodern” and “modern,” and they may yet play a role in shaping a distinctive Chinese political modernity.

Keywords: *archival evidence; subcounty government; xiangbao; village heads; village education; tax administration; patrimonial bureaucracy; Confucianized Legalism; Mao Zedong period; reform era*

A variety of recently uncovered archival evidence has shown us that, surprisingly, the basic principles and methods of the Qing civil justice system were also employed in many other spheres of Qing local governance. Enough evidence has now been accumulated to allow us to draw

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some preliminary conclusions about this aspect of Qing governance, which might in turn prompt us to rethink some of the main theoretical formulations about the nature of the imperial and the modern Chinese state.

To briefly recapitulate what we know about the civil justice system, the Qing approach to civil justice was encapsulated in the term “minor matters” (*xishi*), the Qing equivalent to the modern Western concept of “civil matters.” Disputes over land, debt, inheritance, and marriage (and old-age support for one’s parents) were deemed to be “minor,” first, because in the state’s eyes, offenses related to such questions were much less important than criminal acts (and warranted no punishment or only light punishment), and, less obviously, because the state thought that such matters were best handled by societal (i.e., community and kin group) mechanisms for dispute resolution rather than by the courts. Most disputes were in fact resolved by community or kin mediation.

Nevertheless, many disputes concerning minor matters could not be resolved by such means and were taken to court. The state would then rely first on a semiformal process in which the court system would operate alongside the societal mediation that was usually reenergized on the filing of a complaint. The liaison between the two systems was provided mainly by the *xiangbao*, an unsalaried quasi official nominated by the local community and confirmed by the state. In that process, the magistrate generally briefly commented on complaints, countercomplaints, and petitions as they were received. Those comments were usually either posted or made accessible to the litigants, often through the *xiangbao*, and these preliminary expressions of magisterial opinion would play a major role as the mediation proceeded. One or the other side might become more willing to compromise, and a mediated resolution would follow. If such extrajudicial mediation succeeded, the magistrate would almost always prefer it to any possible court action.

The semiformal process involving quasi-official intermediaries and interactions between the court system and societal mediation was used so widely as to be routine, almost institutionalized. It resolved perhaps 40 percent of the total “minor matters” cases filed with the courts. The magistrate would hold a formal court session to adjudicate a dispute only after both the informal and semiformal processes had failed (Huang, 1993a; also see Huang, 1996: chap. 5).

That basic approach to governance—of acting only after complaints and of relying as much as possible on informal and semiformal processes—was applied, it turns out, not only in the civil justice system but also widely throughout Qing local administration. Unlike modern bureaucratic government and its emphasis on routinized supervision and paperwork, the Qing

method of local governance by quasi officials and by dispute resolution may be termed “minimalist,” even though governmental power was highly “centralized” at the top. I begin this article by briefly summarizing the accumulated evidence and then move on to some general observations about the implications of those findings for our understanding of Chinese governance, past and present.

The Evidence

Although county government records for late Qing and Republican China remain relatively scarce because of the devastations of war and revolution, a number of them did survive largely intact and have been studied in some detail in the past two decades. Each documents how the method of civil justice was used in other spheres of administration, including sub-county tax and educational and judicial administration, village governance, and even administration of the county yamen itself. Together, they give us a coherent picture of what may have been the main methods and distinctive characteristics of Qing local governance.

The Late Qing Baodi County Example

Archival materials from Baodi county in the late Qing (Baodi xian dang’an, preserved in the Qing archives for the capital prefecture of Shuntianfu, held at the First Historical Archives in Beijing) tell us about the actual operations of subcounty administration in that county, as opposed to the state’s designs and intentions as manifest in its announced regulations and policies. They reveal the pivotal role of the *xiangbao*, each of whom oversaw tax collection and judicial affairs in an average of twenty villages (in this county of some nine hundred villages). These *xiangbao*—unsalaried quasi officials who were nominated by and drawn from local society and then confirmed by the state—served as the main liaisons between the county magistrate’s yamen and their community. They were Janus faced, at once representatives of society and agents of the state. They might be the truly powerful leaders of local society or just buffers to protect the powerful from state demands; they might be advocates of societal interests or abusers of local society who exploited their state connections for personal gain. Some *xiangbao* did little more than deliver messages and information from and to the county yamen, while others wielded considerable influence, even settling disputes on their own authority. Much depended on the local situation and each *xiangbao*’s personality (on tax

collection, see Huang, 1985: 224–31; on judicial administration, see Huang, 1996: 127–31).

We know these things not from any paperwork on bureaucratic administrative routines but rather mainly from “cases” involving the appointments of *xiangbao* and complaints against them. The Baodi archives include ninety-nine cases regarding the appointment or reappointment of *xiangbao* that span the years 1830 to 1910,¹ sometimes revealing the jockeying among local individuals for the post and sometimes the opposite, as individuals did everything possible to avoid being named to it. Indeed, in numerous cases nominated *xiangbao* or existing *xiangbao* ran away, and one man even repeatedly paid his would-be nominator extortionate fees to keep himself from being nominated (Huang, 1985: 228). Many instances involve complaints against *xiangbao*, generally for tax abuse or for exceeding their authority (e.g., Huang, 1985: 225, 228–30). The record is particularly full, for example, on one Tian Kui, who had been removed from office for abuse and then several years later, in 1814, again faced multiple complaints from local leaders when he attempted to get himself reinstated (Baodi xian dang’an, 87, 1814, 12.4; discussed in Huang, 1985: 229). Another *xiangbao* had been handpicked and installed again and again by a big landlord named Dong Weizeng, who owned 20,000 mu and had relied on this *xiangbao* to evade paying taxes on his land. The case came to court in 1896 when other local elites joined together to bring a complaint against Dong and his *xiangbao* (Baodi xian dang’an, 94, 1896, 5; 1898, 2; 1898, 7.15; also see Huang, 1985: 230).

Such records enable us to form our picture of the *xiangbao*. Records of routine lawsuits of the county yamen, by contrast, give us only faceless *xiangbao*, ordered by the magistrate in boilerplate language to “look into the matter” or “investigate and report.” From the cases and disputes involving the *xiangbao* themselves, we have learned about individual *xiangbao*—who they were, what they did, and the kinds of conflicts in which they were involved.

But past scholarship, including my own, has not yet unearthed from such materials the distinctive method of governmental administration that is our focus here. In the absence of formal complaints, the *xiangbao* were left to operate on their own, free of official supervision and formal paperwork. They therefore figure little in the routine documentation of the county yamen. Substantial records were generated only when the magistrate was brought in because of a complaint against the *xiangbao* or because of a *xiangbao*’s resignation or nomination. In those circumstances, the magistrate acted much as he did in civil cases. He preferred to allow the dispute to be settled by societal mechanisms; but should such mechanisms fail, he

would render a clear-cut decision. Thus, in cases involving competing and unresolvable claims to the position of *xiangbao*, he would unequivocally decide for one of the candidates; and in persistent disputes involving *xiangbao* abuses, he would uphold the complaint—acting to discipline or remove the *xiangbao*—or reject it. The intent was to maintain the system with a minimum of bureaucratic effort.

As I have shown elsewhere with regard to “civil” lawsuits, the Qing magistrate had little inclination to engage in protracted mediation at court to work out voluntary compromises among those whom he saw as lowly people. It took much more time and effort to get the two sides to make voluntary concessions than it did to adjudicate or decide a case outright.² And given the state’s approach to “minor matters” as difficulties that it would prefer to see society resolve on its own, generally disputes persisted down to a formal court session with the magistrate only after both parties had dug in their heels and had refused to make the kinds of compromises that societal mediators had urged on them. Such stubborn cases could rarely be resolved easily by magisterial moralizing, no matter how earnest or lofty. In practice, administrative expediency, if nothing else, dictated that the magistrate arrive at a clear-cut resolution of the matter (Huang, 1996; 2006a)—an observation no less true of cases involving complaints against the *xiangbao* than of general civil disputes.

Yet such practicalities did not prevent magistrates from continuing to represent themselves in their writings or their published case samples in terms of the Confucian ideal, as someone who governed by moral example and moral suasion. And it is really because of those ideological representations that some scholars came to see the magistrate as a moralizing mediator at court.³ In fact, most magistrates were careerist bureaucrats who, when confronted with otherwise irresolvable disputes, opted for speedy adjudications. Most, during their relatively brief tenure at a given locale, tried to interfere as little as possible and not rock the boat—in other words, they relied as much as they could on informal societal mechanisms and semiformal governance.

The Republican Shunyi Example

In the Republican period, the Chinese state unquestionably sought to expand its power in a manner commonly associated with “modern state making” or “bureaucratization” (discussed in more detail below). Thus, the Guomindang government sought to deepen its control over rural society by extending the state’s formal bureaucratic apparatus below the county (*xian*) level, down to the newly established subcounty “wards” (*qu*), each with a

salaried ward head (*quzhang*) backed by formal paperwork, police, and even military guards. This important bureaucratizing step came after the reforms that had begun in the New Policy period of the last decade of the Qing, when the state tried to tighten its grasp on rural society by establishing the quasi-official position of village head (*cunzhang*) at the level of the natural village rather than at the supra-village level as in the earlier *xiangbao*.

Nevertheless, alongside such twentieth-century bureaucratizing “state making,” much still remained of the old minimalist approach to grassroots governance. Here, as with the Qing, our source of information is mainly paperwork that was generated only when the new village heads were appointed or dismissed or were made the object of complaints. One notable batch of such materials comes from Shunyi county in Hebei, involving a total of eighty-eight petitions about village heads filed with the Shunyi county government in the years 1929 to 1931. Of those, seventy were from existing or nominated village heads who asked to be allowed to resign (Shunyi xian dang’an, 3:42 and 50, 1929.1–12; 3:170, 1930.9–1931.9). Six others were complaints against abuses by existing village heads, mainly in connection with their handling of taxes. The remainder consisted of five petitions submitted by other village leaders to nominate a new village head, five reporting deaths of village heads and the need for a new appointment, and two odd cases.⁴

These records tell us that the method of administration revealed in the Baodi records about the *xiangbao* was still commonly used in village governance. Like the *xiangbao*, each village head was nominated by local notables and confirmed by the county magistrate. Not a salaried official, he was more a representative of the village community than an official of the state. And he was pretty much left alone to perform his functions until and unless complaints arose or a new village head needed to be appointed (Huang, 1985: 241–44).

The spate of petitions to resign resulted from the new stresses on village government beginning in the late 1920s because of Guomindang attempts to tighten control and increase taxes, especially the miscellaneous levies—most importantly for police and military guard units and for schools—known collectively as the *tankuan*. The new state wanted to reach directly into natural villages through the village head, whereas the Qing state had attempted in Baodi county to exert its power via the *xiangbao* (overseeing, as noted above, about twenty villages each). The new state wished to hold the new village heads, not the *xiangbao* as in the Qing, responsible for tax collection. The new state sought to impose more taxes for modernizing reforms—to establish a modern police and school system—whereas the

Qing state had for two centuries tried to leave things much as they were. Finally, during times of the Guomindang wars with warlords, armies passing through strategic locations would require villages to provide food, animals, lodging, manpower, and the like for logistical support (Huang, 1985: 278–80, 284–85, 288–89).

These new pressures were what many existing and prospective village heads sought to avoid. Some used the excuse of old age and infirmity or poor health, others pled illiteracy or inadequate ability or qualifications, and still others pointed to outside responsibilities and obligations. In several instances, a newly nominated village head turned right around to nominate someone else, who in turn submitted a petition insisting that the one nominated first was the better qualified for the honor. Many of the petitioners begging off from service as village heads referred to the increased burdens of the office in connection with the new taxes, and several mentioned the military requisitions.

These materials confirm that village governance under the Guomindang in many respects changed little from that shown in the Qing Baodi archives. Just as the Qing state had done with the *xiangbao*, the new Guomindang state drew personnel from the locality itself, requiring that indigenous leaders nominate the village head from among the members of the community. Rather than appointing or assigning such village heads, the state limited its role to confirming nominations from the communities themselves. The new village heads, moreover, were to serve as unsalaried quasi officials, just as the *xiangbao* had been. And also like the *xiangbao*, village heads so chosen were left to carry out their functions essentially on their own so long as tax expectations were met, until and unless they became targets of complaints or until they tried to resign or asked to be replaced. Thus, complaints against them and petitions from them are our main source of information about them.

For the 1930s and early 1940s, the oral histories of Japanese Mantetsu (South Manchurian Railway Company) field researchers both substantiate and flesh out the archival records. Thus, the six North China villages surveyed by Mantetsu researchers from 1939 to 1942 illustrate in concrete detail three patterns resulting from this minimalist approach to village governance. From oral histories, and not from the county archives, we know that in Houxiashai and Lengshuigou in northwest Shandong, earlier village heads, who had been nominated by community leaders, largely continued to serve through the 1930s and early 1940s. They generally represented village interests more than state concerns, and their communities dealt with the state as cohesive units. These were villages

whose community bonds largely remained intact through twentieth-century changes, in whose affairs the county government did not have to intervene at all (Huang, 1985: 259–64).

In two other villages, in contrast, longtime village leaders resigned when faced with new stresses on the village economy and new demands from the state. The result was a power vacuum that allowed abusive bullies to exploit the post of village head for their own gain. However, community bonds were still strong enough that the villagers could complain to the county authorities about their mistreatment. In Shajing, near Beijing, this process occurred in 1939 under Japanese occupation; the village, with neighboring Shimen village, filed formal complaints with county authorities against the bully Fan Baoshan, who was removed and convicted (sentenced to two years in prison). In Sibeichai, in south-central Hebei, the process occurred early in the 1930s, when longtime village head Zhang Yueqing resigned and the bullying Li Yanlin took his place for two years; after the village complained to county authorities and obtained Li's removal, Zhang Yueqing returned to serve. Here, our knowledge comes both from village oral history and from the county government records cited by the Mantetsu researchers (Huang, 1985: 264–70).

In the third pattern, exemplified in Wudian and Houjiaying villages in northeastern Hebei, old leaders of the community simply gave up on public service completely, allowing strongmen to monopolize the village government. At the time of the Japanese surveys of 1941 and 1942, both villages were under the rule of abusive village heads, and neither had been able to unite and lodge effective formal complaints. As in the first pattern, the county was never involved, and our knowledge of what happened comes entirely from village oral histories (Huang, 1985: 270–74).

These Mantetsu materials confirm that the Qing minimalist method of governance by semiformal personnel and by dispute resolution continued to be employed by the Guomindang government and even the Japanese occupation government. They did not try to bureaucratize village government in the sense of putting in place salaried functionaries. Rather, they continued to use the minimalist approach, limiting themselves to approval and confirmation of leaders nominated from below. The government's bureaucratic apparatus entered the picture only on complaint of abuse or occasions of new appointments. (And that approach, we have seen, was very much open to abuse when new pressures and strains broke down old community bonds and allowed opportunists and bullies to insinuate themselves into positions of power.) In principle and method, such governance had much in common with the Qing's handling of "minor matters."

Tax Administration in Late Qing and Republican Huailu County

Huaiyin Li's study of the archives of Huailu in south-central Hebei (Zhili) province—another county distinctive for its well-preserved records, in this case running from the late Qing down to the 1930s—confirms the above observations. Here, the key Qing subcounty official, comparable to the *xiangbao* of Baodi county, was the so-called *xiangdi*. Like the *xiangbao*, the *xiangdi* was unsalaried, nominated by the community (and usually serving on a rotating basis in accordance with long-standing “village regulations,” or *cungui*), and confirmed by the county magistrate. Unlike the Baodi *xiangbao*, who typically oversaw twenty or so villages, the *xiangdi* were apparently generally tied to individual villages, one per village. As Li notes, this difference probably reflected the greater ecological stability and soil productivity of this area of Hebei, which made for more tightly knit village communities and a higher degree of community solidarity than in the less ecologically stable and less productive northeastern Hebei area of Baodi (H. Li, 2005: 9; also see H. Li, 2000: chap. 1). Greater community solidarity paradoxically enabled quasi officials to reach more deeply into subcounty administration.

But the method of governmental administration was the same. Here again, the main source materials about the *xiangdi* are provided by disputes involving nomination and confirmation of the *xiangdi*, and by complaints against them for alleged abuse of their powers and functions. We see little in the formal archives of the government about the routine doings of the *xiangdi*, as one might expect of a bureaucratized organization. Instead, paperwork is largely limited to extraordinary “cases” or “lawsuits” that require intervention by a magistrate.

Taxes were handled in Huailu county mainly by the *xiangdi* paying the amount required and then apportioning and collecting individual assessments from the members of his community. When all went well and the county government received the taxes due, each *xiangdi* was largely left to operate the process of tax collection on his own. It was only when the system ran into problems (as evidenced by disputes and complaints) or when personnel needed to be replaced that the magistrate entered the picture (H. Li, 2000: chaps. 5, 6; also see H. Li, 2005: chaps. 4, 5).

Under the late Qing New Policy reforms, followed by so-called modern state making in the Republican period, the *xiangdi* system persisted alongside the newly established village head system. But both operated according to the old principles of minimalist governance: Unsalaried quasi officials

were left to work largely on their own until and unless disputes and complaints arose (H. Li, 2005: chap. 7).

Educational Administration and Village Schools in Haicheng County in the Northeast

Another important body of archival evidence comes from Haicheng county in northeastern China; this exceptionally well-preserved archive was the foundation of the dissertation work of Elizabeth VanderVen (2003). Here, beginning in the New Policy period, the central state called for the establishment of village community schools according to central guidelines. Such schools as existed in some natural villages had usually been the old private *sishu* schools, whose elementary curriculum centered on the “Three Characters Classic” (*Sanzijing*), the “Hundred Surnames” (*Baijiaxing*), and the “Thousand Characters Classic” (*Qianziwen*). (At the next level, the “Four Books” and “Five Classics” were taught.) The entire system was oriented toward the officially sponsored examination system by which officials were selected. Its replacement envisioned universal education for all village children and emphasized new-style subjects such as mathematics, geography, history, science, “Chinese,” physical education, and music (VanderVen, 2003: chap. 3).

While the central state was quite specific in the blueprint it developed for these new village community schools, it allocated no official funding for them. Villages, by and large, were to provide the necessary building, often from the village temple or village government revenues, and select and hire their own teachers. They were allowed to charge tuition to help offset expenses, but those fees generally remained low, for these were designed to be the community’s “public” schools. Sometimes the new schools were reconfigured old *sishu* schools that combined the old and the new in their curriculum (VanderVen, 2003: chap. 3; 2005).

To administer local education, the late Qing (in 1906) set up the *quan-xuesuo*, or “Education Promotion Offices.” These subcounty offices, partly formal and partly semiformal, were responsible for overseeing local and village education. They were not components of the county yamen or tied to any exact administrative division; in that respect, they were rather like the old *xiangbao*. Yet they were bureaucratized to the extent that the staff officers of the bureaus were salaried and were to regularly inspect the schools in their jurisdiction and to report their findings to the magistrate. The chief of the bureau was (at least in theory) to be nominated by the local community and then appointed by the magistrate and that chief in turn

(at least in theory) selected the other “board members” (*shendong*) and the staff of the bureau, subject to magisterial confirmation. Invariably drawn from the locality itself, the members of these educational offices were generally closely identified with local interests. Aside from submitting regular reports, these offices were left to operate essentially on their own, unless and until disputes or complaints arose (VanderVen, 2003: chap. 6).

Some of our information about the schools and the education offices comes from their bureaucratic periodic reports (complete with standardized forms) filed with the county government, covering everything from quality of teaching to school management, student performance, health and sanitation practices, and so on. But even more, as was true of the *xiangbao* and the village heads, comes from “cases” involving village violations, special appeals, or disputes that then went to the magistrate for resolution. In such instances, the members of the education offices served as intermediaries between the village and the county yamen, much as the *xiangbao* had done. It was mainly in response to complaints and disputes that the magistrate directly intervened (VanderVen 2003: chap. 6).

VanderVen’s findings have been further confirmed by Huaiyin Li’s more recent research on education in Huailu county in south-central Hebei. Li’s materials, like VanderVen’s, are primarily drawn from disputes and complaints involving the new village schools. They show the same partly bureaucratized and partly minimalist principles and methods as in Haicheng county (H. Li, 2005: chap. 8).

What is remarkable about the education story in these two counties is how very far-reaching and profound its consequences were. This approach, which combined state initiative with village community and local elite participation, marked the beginnings of nationwide village schools, and many that exist today date back to the founding efforts of this period. In particular, the village collective (brigade) schools, widely established during the Cultural Revolution period, show clear continuities with the early-twentieth-century schools. Like their New Policy and Republican predecessors, these “modern” collective grammar schools were mainly funded by the villages (collectives) themselves, even while education followed centrally established guidelines and blueprints. They were in fact largely the products of active village participation in a minimalist initiative from the state.

Yamen Administration in Ba County, Sichuan, in the Qing

Finally, the Qing archives of the Ba county yamen in Sichuan province, studied by Bradly Reed (2000), show us how the same principles and methods

were applied even to the governance of the county government yamen itself. By governmental design, the magistrate himself was really the only centrally appointed and salaried official in the county yamen. Ch'ü T'ung-tsu (Qu Tongzu), in his research long ago, made clear the important roles filled by the magistrate's personal "private secretaries" (*muyou*), especially the judicial and tax secretaries he brought with him for his tour of duty, whom Ch'ü termed his "informal" staff. Those secretaries were paid by the magistrate himself, out of the "irregular" income (i.e., gifts and such) he earned in addition to his regular "salary" (Ch'ü, 1962). Reed's research has focused on the workings of the "regular" staff: the clerks and runners who managed the numerous offices (*fang*) that made up a yamen.

These personnel, too, were semiformal. The great majority of them were not supposed to exist at all since Qing administrative statute explicitly limited such positions to just a few dozen, a fraction of the staff's actual numbers in the nineteenth century in most counties. Their pay was similarly capped by statute, again at a fraction of the real figure. These shadowy figures, who were extra-statutory, nevertheless performed regular administrative functions. They also exhibited a kind of quasi-bureaucratic ethic, likening themselves in qualifications and purpose to those who served in the formal bureaucracy (Reed, 2000).

The core of Reed's material is, once again, the records of "cases" having to do mainly with disputes. Some occurred within a given *fang* office, pertaining to appointments and reappointments or control over the office; others occurred between different offices disagreeing about the powers and revenues of the county yamen. The judicial office (*xingfang*) was particularly conflict prone, since, as Reed shows, it provided the bulk of the county yamen's revenue through fees charged for cases of local disputes. When such conflict erupted, one or the other side would file a complaint with the magistrate, whose intervention would be sought to resolve it (Reed, 2000: chap. 2).

It is mainly through these records that we learn of the operational realities of the different offices. Reed has emphasized what these cases tell us about how the yamen actually functioned on a day-to-day basis, about the self-contradictions that characterized the clerks and runners who made up the bulk of its regular staff, simultaneously illegitimate and regular "bureaucrats" ("illicit bureaucrats," in Reed's words), acting outside the statutes and yet performing the necessary functions of local government.

What I find particularly interesting in this material is the commonality in approach and method between such yamen administration on one hand and subcounty judicial, tax, and educational administration on the other. Once again, we see the resort to semiformal personnel, sustained not by

bureaucratic appropriation but by local society itself or, in the case of the yamen, by the fees the office charged for service. And the method was, once again, for the formal state apparatus to intervene as little as possible. Instead of employing the bureaucratic approach of routinized oversight and paperwork, the official bureaucracy, in the person of the magistrate, entered the picture principally to address complaints stemming from disputes. Otherwise, the system was left to run pretty much on its own.

The remarkable thing about this record is that the magistrate dealt with the different offices of runners and clerks under him almost as he did villages. Each office was allowed to nominate its head, subject to magisterial approval. Each office would support its own “representative” or quasi official. Each office would rely first on its own internal mechanisms for dispute resolution. The magistrate entered the picture only when disputes could not otherwise be resolved or when abuse was charged. Then he would act to resolve the dispute or complaint, as he did in cases involving minor matters. This too was minimalist administration.

Centralized Minimalism

Max Weber drew important distinctions between his two governmental ideal types, “patrimonialism” and “bureaucracy,” the former characteristic of government under a ruler claiming the entire country as personal domain and the latter of modern states with specialized functions performed by an impersonal, salaried bureaucracy. It was part of Weber’s genius that when faced with the historical reality of imperial China, he employed the concept of “patrimonial bureaucracy” rather than simply applying one of the ideal types he advanced for clarifying theoretical connections. As I have noted elsewhere, Weber’s suggestion may be viewed as a paradoxical formulation—a system that was at once “patrimonial” and “bureaucratic” (Weber, [1968] 1978: 2.1047–51; Huang, 1996: 229–34). While Philip Kuhn’s study (1990) of the sorcery scare of 1768 emphasized the opposition between “monarchy” and “bureaucracy,” I have stressed their interdependence within a single, paradoxical system.

Regardless, Weber’s formulation has the power to clarify two important characteristics of imperial Chinese rule. First, despite the patrimonial claims of the emperor in theory, in practice he relied very much on a bureaucracy to ensure the stability of his rule and to counter the tendencies of patrimonial rule to fragment (into independent local patrimonial satrapies). And second, despite the predisposition of bureaucracy toward self-elaboration,

and despite Weber's relative silence on the idea, it is clear that patrimonial rule dictated that the state apparatus remain minimalist to the greatest extent possible; otherwise, local officials would be separated from the person of the emperor by too many intervening layers, a separation that would threaten the bonds of personal loyalties that knit together the system, and decentralizing tendencies of local (patrimonial) rule might come to overwhelm the centralizing tendencies of bureaucracy (Weber, [1968] 1978: esp. 2.1047–51; cf. Huang, 1996: chap. 9). (Insofar as a patrimonial bureaucracy combines patrimonialism with bureaucracy, it also belies Weber's own rather unilinear scheme by which the premodern, prebureaucratic state changed to its modern, bureaucratic, and rational successor.)

But Weber's schema can have little place for the semiformal province of governance that has been the focus of this article. His characterization of the ideal types and of the historical (as opposed to ideal typical) Chinese state as a "patrimonial bureaucracy" was in the end limited to government's formal institutions and functions. It was predicated on a conception of state and society as an either-or dichotomous binary. Governance is by definition limited to the actions only of the formal state apparatus, in contradistinction to those of informal society.

Such a conceptualization can extend outside of formal governance to take account, as Weber did, of the strictly informal roles filled by the Chinese gentry elite and by Chinese lineages and clans, which have drawn so much attention in past China scholarship (e.g., Chang, 1955, 1962; Ch'ü, 1962; Freedman, 1966), but it cannot encompass the semiformal *xiangbao* and *xiangdi*, village heads, and extralegal bureaucrats who have been the focus of the discussion above. It cannot, for that matter, encompass the "private secretaries" whom Ch'ü T'ung-tsu showed to be so crucial to local governance or the gentry and merchant elites in the late Qing and Republic who, in conjunction with the state, came to take on an ever greater role in public services and local governance. The new "private" chambers of commerce illustrate this medial role particularly clearly: called for and regulated by the state (in 1904), they came to take on such governmental functions as the maintenance of new urban services, the establishment of public security forces, and the mediation of disputes, even while simultaneously representing private merchant interests.⁵

Building on the work of Weber, Michael Mann has made the important distinction between the degree of centralization of governmental power (vis-à-vis other competing sources of power), which he calls "despotic power," and the degree of governmental reach into society, or what he terms "infrastructural power" (Mann, 1984; also see Mann, 1986). Thus, we might say that contemporary America is rather low in despotic power, given the separation of

governmental powers into the executive, judicial, and legislative branches, their checks and balances on one another, and the power and prerogatives of civil society, yet very high in infrastructural power (whether one thinks of the Internal Revenue Service's powers or the reach of the police in a man-hunt or the government's ability to prosecute a war). Imperial China, by contrast, was very high in despotic power, given the concentration of authority in the person of the emperor, but low in infrastructural power: the official bureaucratic apparatus reached only the level of the county magistrate, who, in the nineteenth century, oversaw a population of some 250,000 on average. High despotic power coupled with low infrastructural power is a useful way to sketch imperial Chinese government and to highlight its differences from contemporary American government.

Mann's insights are well supported by Wang Yeh-chien's research into imperial taxation. Despite the highly centralized nature of the Qing state, Wang shows, its taxes as a proportion of total agricultural output were relatively low: no more than 2 to 4 percent in the eighteenth and nineteenth centuries, compared to the 10 percent and more in Meiji Japan and European feudal states (not to speak of modern states) (Wang, 1973; also see Huang, 1985: 278–81). Taxation, of course, is a good indication of the scale of a state's infrastructural apparatus and reach. The small proportion of agricultural output taken by the late imperial state attests to its relatively low infrastructural power. It obviously also highlights the constraints on the size of the bureaucracy imposed by limited funding.

Yet although it offers important insights, Mann's analysis, like Weber's, tells us little about governance outside of the formal apparatus of the state. In juxtaposing the formal governmental structure to the informal powers of civil society, Mann has little to say about the semiformal governance that is our focus here. His despotism–infrastructure distinction, in other words, cannot capture the method of governance outlined above, which occurred in the zone lying between formal government and informal society.

This is the context in which I advanced the notion of a “third realm” between state and society to spotlight the overlapping, collaborative sphere of governance between the two (Huang 1993a, 1993b). In the civil justice system, that third realm lay between the formal court system and society's informal mediatory mechanisms. Rather than signaling the end of societal mediation, the filing of a formal complaint with the yamen generally galvanized more intensive efforts at such mediation. At the same time, preliminary expressions of magisterial opinion on the complaints, countercomplaints, and petitions often played a major role in renewed societal mediation to produce a compromise resolution, to which the formal system would almost always

defer. The theory was that such mediated resolutions helped to minimize enmity between the parties and the likelihood of aggravation of the conflict or recurrence of the dispute (Huang, 1993a; also see Huang, 1996: chap. 5).

The *xiangbao* similarly represented something of a third realm in Qing governance, midway between the formal state apparatus of the county *yamen* and the informal mediatory mechanisms of society. He worked in the gray area between the two, answering at once to the magistrate and to those local people who had nominated him (Huang, 1993b; also see Huang, 1996: 127–31). We have seen above also how twentieth-century village heads, and even imperial *yamen* office heads, were alike in this respect. So too were the gentry and merchant elites of the twentieth century who came to fill new public service and governmental roles. Likewise, village education in the twentieth century belonged neither simply to society nor to the state but was rather the product of the co-working of the two.

My purpose in advancing the concept of a third realm was not to deny the reality of the other two—the “state” (e.g., the formal bureaucratic apparatus) and “society” (e.g., the village)—but rather to go beyond the confines of a simple dichotomous binary. Qing governance, we have seen, encompassed a vast sphere in between the two, in which they overlapped and worked in tandem.

But though my notion may have helped to identify that intermediate space and its quasi officials, it did not quite capture the substance of the minimalist method of governance used in the third realm. The imperial bureaucracy could have opted for complete bureaucratization, a “maximalist” approach, specifying the functions of all offices and insisting that paper records be maintained for all activities of government. The imperial state instead chose something closer to a minimalist approach, insisting on quasi officials rather than salaried bureaucrats and preferring to do as little as possible until and unless disputes or complaints arose. Then and only then would the formal state apparatus intervene to ensure that this vast sphere of governance would continue to function smoothly.

To capture this approach to governance, and the government’s overall organization, I propose here the term “centralized minimalism,” “centralized” because of the imperial claims to absolute (patrimonial) power in the person of the emperor. Administrative authority was not separated in relatively autonomous branches of government or shared between the government and civil society but was concentrated and centralized. And this centralism, in turn, mandated a minimalist formal bureaucratic apparatus.

Though the imperial state had rather grandiose schemes for thoroughgoing control of society, especially the decimal organizations of households

into the *baojia* and *lijia* systems (Hsiao, 1960), the logic of patrimonialism, as noted above, demanded that governmental machinery be kept to a minimum number of layers, lest the personal loyalties of individual officials to the emperor that bonded the system together break down and local patrimonial satrapies take over. Limited tax revenues from an involuted peasant economy served as an additional constraint. Thus, the Qing state had no formal officials lower than the county magistrate. This restriction was coincident with its wish to keep down the burdens that government placed on society. It thus passed legislation to minimize the number of sub-bureaucratic functionaries in the local magistrate's office to no more than a few dozen clerks and runners in each county (Ch'ü, 1962: 38, 58). It also promised to not raise taxes despite the continual increase in population (*shengshi ziding, yong bu jia fu*).

Such a minimalist formal governmental apparatus, in turn, encouraged the use instead of quasi officials and dispute resolution. Precisely because the formal apparatus ended at the county magistrate level, subcounty administration became the responsibility of quasi officials. And because of the reliance on quasi officials and societal mechanisms, the formal bureaucracy intervened only in the event of disputes or complaints.

This formulation of centralized minimalism, of course, is on one level reminiscent both of Weber's patrimonial bureaucracy and of Mann's high despotic power but low infrastructural power. But it differs from both in being intended to capture not just the nature of the formal organization of government but also the practice of actual governmental administration. It points up not just how formal government was organized but also how semiformal governance was practiced in the gray zone between the formal state and informal society.

Confucianized Legalism

Such semiformal governance is captured only in part by the official ideology of imperial government, which was a combination of Confucian with Legalist precepts, or what might be called "Confucianized Legalism."⁶ The harshly realistic Legalist ideology of government by laws, punishments, and bureaucracy was tempered by the Confucian ideals of benevolent government (*renzheng*).⁷ At the level of local governance, the combination gave rise to the ideal of the magistrate as the "father-mother official" (*fumuguan*), who in effect brought together the stern Legalist father of punishments, discipline, and depersonalized administration and the kindly

Confucian mother of humaneness, harmony, and government by moral example. Centralized authority was taken for granted by both elements in the mix, conveyed not least by the metaphor that cast government as a parent and subjects (*zimin*) as the children.

Confucianism embraced in addition an ideal of minimal interference in societal affairs. The Confucian political ideal was a moral society that would more or less govern itself. The state's role would be mainly limited to setting an example through its morally upright officials. Therein lay the origin of the legal ideal that society would settle its disputes without government interference, that the state apparatus would defer to societal mechanisms for dispute resolution. The state would intervene only when it had to, when such mechanisms had failed. Lawsuits were aberrations, and court adjudication was born of the necessity of coping with those aberrations. This was the ideological underpinning of the concept of civil justice as encompassing "minor matters." And such benevolent government was to burden the populace as lightly as possible—hence the roots also of the early-eighteenth-century policies of minimizing the numbers of government officials and the scale of state taxes.

Here, the reader may be reminded of the much-studied eleventh-century debates between Sima Guang and Wang Anshi. Sima Guang may be seen as advocating the aspects of the Confucian minimalism under discussion: to keep the bureaucratic apparatus to a minimum and let society govern itself, insofar as it can. Whereas Wang would rely on salaried clerks, Sima would leave most of subcounty governance to the elite gentry (Bol, 1993: 169, 173–76, 177–81; cf. Hsiao, 1982: 515–17, 487–93). Sima's views were to become the mainstream and predominant Confucian political outlook that persisted through Ming and Qing China.

But such Confucian minimalism cannot in itself fully encompass the ideology of imperial rule—or the political outlook of Sima Guang, for that matter. The operative ideology of the imperial state, as we have seen, was born of a combination of Confucianism with Legalism, a combination whose historical roots long predate the eleventh-century Wang–Sima debate. Even Sima Guang himself took for granted well-developed legislation and regulations for ensuring the proper functioning of the imperial bureaucracy. Indeed, his political outlook might be characterized better as "Confucianized Legalism" than as simply "Confucian minimalism."

Even "Confucianized Legalism," as interpreted here, cannot fully encompass the dimensions of centralized minimalism outlined above. The resort to quasi officials and dispute resolution as methods of governance was born of administrative practice, not ideological principle. That the

quasi-official *xiangbao* would be used as liaison between the state bureaucracy and societal mediation to create a third realm of governance between the two, with the magistrate taking direct action in that intermediate sphere only in the face of otherwise irresolvable disputes, was not foreseen in either Confucian minimalism or Legalist governance. It was the consequence of a government that grew with an expanding population while its ideals of Confucian minimalism remained unchanged. Given the state's commitment to a number of somewhat contradictory aims—to maintain the ruler's patrimonial powers and at the same time to minimize the threat of fragmentation intrinsic to patrimonial rule, as well as to minimize the tax burden and hence to minimize the elaboration of the governmental apparatus—minimalist governance by dispute resolution was arguably the least burdensome and most cost-effective means of preserving the system. That was the implicit logic of its practice, at best captured and expressed only partially by the phrase “Confucianized Legalism.”

Much less can Confucianized Legalism capture the dimensions of centralized minimalism discussed above that were born of modernizing imperatives of the twentieth century. The quasi-official village heads and partly bureaucratized, partly semiformal Education Promotion Offices established by the late Qing are ready examples, as are the new public service functions performed by local elites and the new chambers of commerce. Most important, perhaps, is the state initiative plus popular participation model for the new village schools. Confucian minimalism took for granted the crucial role of the local gentry elite, so central to Sima Guang's political views, but twentieth-century villages had long since been largely devoid of such gentry elites. More often than not, popular participation in the new schools came from peasants and peasant leaders—in roles that lay outside the social vision of Confucianism. At the bottom, Confucianized Legalism was the governing ideology of an agrarian state and its hierarchical order; it cannot encompass the practices of centralized minimalism in the twentieth century.

Bureaucratization and Minimalism in Contemporary China

Since Weber first schematized the steady expansion (and “rationalization”) of the machinery of the governmental apparatus in modern Western nation-states, “bureaucratization” has come to be seen as *the* major governmental change from the premodern to the modern era. The Republican state and the contemporary Chinese Communist Party–state, if seen from that

perspective, clearly evince much in the way of bureaucratization. They have pushed the state apparatus down to far lower levels of society than ever before, beginning with the establishment of the bureaucratized subcounty “ward” (*qu*) under the Guomindang and the subsequent further elaboration of the subcounty bureaucratic apparatus in the “commune” or township (*xiang*) administration in the People’s Republic. The numbers of officials paid by the state have expanded geometrically, from the 25,000-odd of the late Qing to the millions of cadres on state salaries in the post-1949 Party–state—5 million in “governmental and public organizations” (*jiguan tuanti*) by 1979 and 10 million by 1989 (11 million in 1999 and slightly fewer in 2002, the latest year for which official statistics are available; see *Zhongguo tongji nianjian*, 1990: 114; 2005: 125). Elaborate bureaucratic rules, regulations, procedures, and paperwork have accompanied that unmistakable process of bureaucratization.

Given this obvious process of bureaucratization, it is easy to overlook the simultaneous persistence of aspects of the minimalist tradition of the imperial and Republican periods. Village “government,” called “collective” government before the reform era, in fact displayed many characteristics of the earlier minimalist method. The lowest level of state-paid cadres were those at the commune (township) level; the village cadres (i.e., production brigade and production team cadres) were not funded by the central state but rather were conceived as self-funded—they “ate collective grain” instead of “state grain.” They were, moreover, representatives of villages at the same time that they were agents or “officials” of the Party–state. To be sure, the new Party–state used the Party apparatus to control such village leaders, with a reach well past where the formal state apparatus stopped. The Party branch committee of the village was thus the Communist equivalent of the old village head, and it was subject to an unprecedented degree of centralized control. Nevertheless, much remained of the old practices, for members of the Party branch were almost invariably members of the village community itself, deeply engaged with the village’s interests and inevitably identified not just with the Party–state but also with their home village.

Rural governance in contemporary China in fact needs to be understood as an interaction between bureaucratization and the older minimalism, not just as characterized by one mode or the other. Village (“brigade”) elementary schools provide one illustration of the complex history of the two. From the start of the rural education movement of the twentieth century, as we have seen, villages actively participated in the development of village schooling. Most village schools were principally started and funded by the villages themselves. The state set the guidelines, reviewed the schools, and sought to

develop some measure of standardization, but within that context, the schools were mainly sustained and run by their communities. Much remained of that tradition after 1949, though a much higher degree of state control was imposed. In the Cultural Revolution period (1966–1976), especially, the formula of *minban gongzhu*, or “local people-run” (by the brigades [villages] and the communes [townships]), with state assistance, became paradigmatic, driving an unprecedented rise in universal education in the countryside (Pepper, 1996: 414ff). Villages by and large administered and maintained their own schools, under state-set guidelines. Most even hired their own teachers, providing at least part of their pay in collective workpoints. Through this system, nearly universal primary school education was provided at close to no cost to almost all rural people, even if significant gaps in quality remained between rural minban schools and elite urban schools.

In the reform era, however, new stresses from marketization and from declines in village and township government revenues (relative to their tasks) have brought semiformal rural education to a state of crisis. Free universal education has been replaced by a money-driven system of high tuition fees and miscellaneous charges. Schooling has become a heavy financial burden that many rural people cannot afford. Budget shortfalls in townships and villages have led to delayed payment or nonpayment of teachers’ salaries, failure to meet assigned quotas of teachers, extensive reliance on cheaper substitute instructors, and so on, with the result that the quality of education has sharply declined. The entire system, in fact, is teetering on the verge of collapse (Li Liang and Xu Tonghui, 2005).

The central government has therefore recently proclaimed its intent to provide nine years of mandatory primary and middle schooling free, and the Ministry of Education has called for incorporating all of the nation’s 3.8 million village school teachers into its regular budget to guarantee them a certain standard of pay (“Jiaoyubu,” 2005). Such changes will likely be accompanied by greater national standardization and control of village schools, with a corresponding drop in semiformal participation by the local community.

Today, rural education seems poised before choosing a path through, or perhaps entering the whirlwind of, these different methods. One approach is the free minban education system provided by the brigades and communes of the earlier Mao period, with minimal state interference; another is the prohibitively expensive and malfunctioning system that succeeded it, after it was corrupted by the reform era’s marketization; and a third is the new twenty-first-century model of a bureaucratized welfare state, which would provide all with nine years of mandatory education, fully funded by

the state. Just how this mix of the past and the present will work out remains to be seen, but it is possible that the older semiformal approach—state initiative plus community participation (based on local, self-interested commitments to public service as opposed to a desire simply to make money)—might yet have a role to play. A similar logic may also apply to health care, currently also priced out of the reach of most rural people (Song, Xiong, and Zhang, 2003).⁸

These observations may also be expanded to cover general rural governance. The collective brigades and communes of the Mao era successfully provided virtually free education and health service and impressive public security, but at the cost of excessive, “totalistic” control of village populations and economies by the Party–state.⁹ It was a paradoxical combination of a highly bureaucratized totalistic Party–state with the semiformal minimalist approach of old. Indeed, rural governance under Mao may be seen as containing a strong strain of antibureaucratism, linked to the slogan of “simplify administration” (*jianzheng*) dating to the Yan’an period. The governmental apparatus of the Cultural Revolution might well have been more totalistic than the bureaucratized Communist Party–state in its efforts to control culture and mentality, but it was surely more minimalist in terms of its degree of reliance on the formal state apparatus. Pointing out these commonalities by no means ignores the obvious differences between Maoist movement politics and old-style minimalist governance.

Reforms of the 1980s at first successfully drew on the combination of good village leadership and new market stimuli to drive “rural industrialization” and an impressive rise in the incomes and standards of living of rural people, but under marketization local governance gave way to the dictates of profit and careerism. First, as the Party’s importance shrank and calls for village self-governance grew louder, village and township cadres came to exercise much greater latitude than in the pre-reform era. Indeed, beyond basic tasks such as tax collection and birth control, to a considerable extent local governance often focused no longer on doing what the Party asked but only on avoiding what the centralized Party–state explicitly forbade. But as the morality of public service broke down, local cadres became ever more careerist and self-serving. Widespread abuses arose in local government (especially at the provincial and county levels) in the requisitioning of land (*zhengdi*) for enterprises and for real estate development (as the governments or individual officials sought to enrich their coffers, enhance their supposed administrative accomplishments or *zhengji*, or both), in the sales of state-owned enterprises to private owners for local government or personal benefit, and in the uses of arbitrary power to back

such endeavors and suppress protest and opposition. They occurred with relative impunity, as increasingly the bureaucratic apparatus of the Party-state intervened only when state-set targets were not met or when disputes arose. The *shangfang* system—"appealing to superior authorities" by letter or in person—became overloaded with villagers' complaints against individual cadres or various levels of local governments.¹⁰ The most severe of the abuses may be seen as combining the worst features of Communist totalism and traditional minimalism to create a kind of new-age local bureaucratized patrimonialism.

In the new century, a new model of local governance seems to be on the rise with the call for replacing the old controlling-extractive state with a public-service welfare state. The agricultural tax has been abolished, and the central government has declared its intent to overhaul rural education and health services. But the transition to the new model will not be easy and will likely bring many unintended consequences. Village cadres are increasingly becoming no more than salaried personnel, supported by appropriation from above rather than by taxes on the local communities—a change that might be considered suggestive of Weberian "bureaucratization" or "rationalization." But it is occurring as community resources and tax revenues markedly fall and the roles and functions of the village and township cadres sharply decline (they no longer collect taxes, lack the resources and authority to provide public services, and may do less in birth control if policies should relax).¹¹ The danger is that the bureaucratization of village governance may be merely formal and not substantive, with its elaborate paperwork not matched by real work, as one recent investigation has reported (Dong, 2006: part 3). Whether the upper levels of the bureaucracy will be able to completely absorb and take over the provisions of public services remains to be seen.

In the highly industrialized and globalized China of today, of course, much of the imperative for a "Confucianized Legalism," which had been intended to meet the demands of an agrarian state, no longer obtains. The size of the bureaucracy is no longer constrained by the limited tax revenue generated by a predominantly agricultural economy. And modern needs, for education and health care as well as for transportation, marketing, and communication infrastructures, will force the new state to greatly differ from the old. Centralized minimalism can be relevant only if it can play a role in the current transition from a controlling-extractive state to a public service state. Nevertheless, the early-twentieth-century precedent in self-governance and locally generated public services might yet prove instructive—and despite its totalistic excesses, so might the Mao period's use of central initiatives plus local participation, partly based on the minimalist governance tradition of old.

Popular participation in, and control over, projects of local interest could also serve to restrengthen community bonds that have been so dramatically weakened by the pervasive marketized atomization of recent decades. Given the long-term persistence of a peasant economy and of villages, simple reliance on the Western-style model of a bureaucratized welfare state may not be the complete answer.

For our purposes here, the important point is that changes in governance within the People's Republic cannot be understood simply in terms of our modern Western-derived categories of "bureaucratization," "rationalization," and "modernization," or their opposites (e.g., de-bureaucratization). We need to also think in terms of the legacy of centralized minimalism and the method of administration by semiofficials and by dispute resolution that were so much a part of imperial and twentieth-century governance in practice.

There are obvious overlaps among the concepts discussed above: Weber's patrimonial bureaucracy, Mann's high despotic and low infrastructural power, and "Confucianized Legalism." We might associate high despotic or centralized power mainly with Legalism and minimalist governance mainly with Confucianism. We might also associate bureaucratic rule mainly with Legalism and patrimonial rule (with its imperative for minimalism) mainly with Confucianism.

But these models tell more about the institutional structure and intent of government than about its actual operation or practice, and it is the latter that arguably lends real substance to the former. We must distinguish between the formal structures of government and the operational realities of governance, between governmental institutions and administrative practice. The imperial Chinese state apparatus, I have suggested, indeed needs to be seen in terms of the apparently paradoxical combinations of bureaucracy with patrimonialism, high despotic power with low infrastructural power, and Legalism with Confucianism. Yet it is the minimalist method of governance—that is, relying on semiformal personnel and doing no more than resolving disputes if and when necessary—that truly captures the operative realities of the imperial Chinese state at the crucial locus where it met rural society, which I have called "centralized minimalism." As has been seen, much remained and still remains of that tradition in Guomindang, Communist, and reform-era governance. While new-age imperatives for a welfare state may render much of the old minimalism irrelevant, its tradition of semiformal governance and of state initiative plus local participation may yet have a role to play in China's ongoing search for its own distinctive political modernity.

Notes

1. Talled by Wang Fuming, drawing on documents from five of the twenty *li* of the county (in Cong, 1995: 26–33).

2. The time-consuming difficulty of mediation is, of course, the reason why in the current reform era, as caseloads mount, the courts have tended to replace it with simple adjudication (Huang, 2006a, 2006b).

3. For more on this question of the magistrate as a moralizing mediator, the subject of my dispute with Shiga Shūzō, see Huang (1986: 12–13).

4. One petition was a complaint by a village head against several villagers; another was submitted by three members of the newly (though far from consistently) established “supervisory committee” (*jiancha weiyuan hui*) against a village head for failure to properly post village accounts in accordance with new Guomindang instructions. In an earlier tally, I reported a total of “roughly 120” such petitions (Huang, 1996: 43–44). In that number are also 15 duplicate petitions, 10 having to do with issues other than village heads, and 6 that were just normal civil complaints lodged by individual villagers—a total of 119 petitions.

5. Rowe (1984, 1989) and Rankin (1986) first equated this trend toward the growing role played by gentry and merchant elites with a Habermasian “public sphere” juxtaposed against the state; they later came to view it more as something intermediate between state and society (Rowe, 1993; Rankin, 1993). My summary of these views is in Huang (1993b: 220–21).

6. On the “Confucianization” of Legalist laws, see Ch’ü (1961; cf. Bodde and Morris, 1967).

7. The Legalist ideology was also wedded to the Confucian vision of social hierarchy, as Ch’ü (1961) showed.

8. Yang (2006) makes stimulating suggestions regarding a new “third way” model for public health.

9. “Totalism” (*quanneng zhuyi*) is preferred by Tsou Tang over the old term “totalitarianism” (*jiquan zhuyi*) (Tsou, 1994: 222ff).

10. Since the promulgation in 1990 of the new Administrative Litigation Law, the courts have offered some remedy against abuses by agents of the Party–state (Pei, 1997). To date, however, the more informal *shangfang* system remains the principal recourse of common citizens who suffer such abuses.

11. After the collective units were dismantled, education and health services for a time were supported by special local levies imposed under the township (*xiang* and *zhen*) governments. But those were eliminated in 2003 (for the express purpose of lightening the burden, *jianfu*, on the peasants). For a couple of years, the shortfall was made up by an expansion (a near doubling) of the agricultural tax, but the formal elimination of that tax in 2005 in effect completely “hollowed out” the township governments in terms of tax revenues and finances (Zhou, 2006).

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Philip C. C. Huang is working on the third volume of his study of civil justice from the Qing to the present and has been teaching a year-long graduate seminar titled "Historical Study of Society, Economy, and Law" every other year in Beijing.