

Rightful Resistance

[Kevin J. O'Brien *](#)

The words "popular resistance" typically bring to mind images of negation, usually of the legitimacy of something, and actions by people who lack recourse to institutional politics.¹ When ticking off examples of popular resistance, one is drawn to accounts of marginalized workers and peasants rejecting the claims of officials and economic elites--of efforts by the poor and weak to upset the plans of those with more power and status. Whether it is furtive, everyday resistance to changes in village norms and charitable practices or open defiance of national rule, it is uninstitutionalized acts that spring from a deeply felt (if sometimes artfully undeclared) denial of legitimacy that tend to attract attention.²

Much popular resistance surely fits this description. Struggles to tame political and economic power are often waged by the utterly excluded and rest on feelings of disavowal, even outrage. At the same time, however, other episodes of resistance exhibit a somewhat different logic. Contentious politics is not always a story of neatly divided antagonists, with representatives of the state or superordinate classes on one side and members of the popular classes on the other. Sometimes resistance depends on the discontented locating and exploiting divisions among the powerful. In these circumstances setting up "subordinates" in opposition to "superordinates" can obscure how people actually go about warding off appropriation and political control. Thinking in [End Page 31] terms of two parties can be especially misleading in those cases when aggrieved citizens employ government commitments and established values to persuade concerned elites to support their claims. When receptive officials, for instance, champion popular demands to execute laws and policies that have been ignored, unexpected alliances often emerge and simple dominant-subordinate distinctions break down. On these occasions, popular resistance operates partly within (yet in tension with) official norms; it depends on a degree of accommodation with a structure of domination, the deft use of prevailing cultural conventions, and an affirmation--sometimes sincere, sometimes strategic--of existing channels of inclusion.

Nearly a decade ago Jeffrey Herbst pointed to the importance of opportunities afforded by the wider environment to dissatisfied members of the popular classes. He advised against turning the state into a "forbidding monolith" and recommended recognizing that "certain institutional arrangements and political goods may be particularly amenable to the type of political pressure that only weak, unorganized groups can bring to bear."³ At about the same time James Scott called attention to forms of resistance that occur "within the official discourse of deference," inasmuch as they rest on ethical claims

legitimated by official ideologies. Such resistance, Scott explained, can hamstring political or economic elites because it is couched in the language of loyal intentions; it can reveal when members of powerful groups have dared to take liberties with the symbols in which they are most invested.⁴ Meanwhile, other students of contentious politics have used terms such as "in-between forms of resistance," "reformist activism," and "reasonable radicalism" to describe petition drives in Thailand, struggles to reclaim appropriated land in Latin America, and the use of antidiscrimination laws to agitate for equal pay in the United States.⁵ What is to be made of individuals or groups who dispute the legitimacy of certain political authorities and their actions while affirming (indeed relying upon) other authorities and established values to pursue their ends? How should we understand defiant acts that are intended both to open channels of participation and to make use of existing channels, that straddle [End Page 32] the border between what is usually considered popular resistance and institutionalized participation?

This article will explore the phenomenon of "rightful resistance," first in China and then, more briefly, elsewhere. Rightful resistance is a form of popular contention that (1) operates near the boundary of an authorized channel, (2) employs the rhetoric and commitments of the powerful to curb political or economic power, and (3) hinges on locating and exploiting divisions among the powerful. In particular, rightful resistance entails the innovative use of laws, policies, and other officially promoted values to defy "disloyal" political and economic elites; it is a kind of partially sanctioned resistance that uses influential advocates and recognized principles to apply pressure on those in power who have failed to live up to some professed ideal or who have not implemented some beneficial measure.

Rightful resisters normally frame their claims with reference to protections implied in ideologies or conferred by policymakers. Since they often demand little more than scrupulous enforcement of existing commitments, theirs is a defiance based on strict adherence to established values. In their acts of contention, which usually combine legal tactics with political pressure, rightful resisters typically behave in accord with prevailing statutes (or at least not in violation of them). They forgo, for example, unlawful force or other criminal behavior, which might weaken their standing and alienate their backers. Instead, rightful resisters assert their claims largely through approved channels and use a regime's policies and legitimating myths to justify their defiance. Rightful resisters know full well that instruments of domination which facilitate control can be turned to new purposes; they have an aspirational view of government measures and elite values and recognize that the very symbols embraced by those in power can be a source of entitlement, inclusion, and empowerment.⁶

Rightful resistance resembles other forms of popular contention, though at some remove. It harks back to Gramsci's "war of position," for example, in that it involves probing for weak points in a facade of power, and because it offers the marginalized a way to work the system to their minimum disadvantage.⁷ In their search for patrons, rightful [End Page 33] resisters also bear some likeness to "rebels in the name of the tsar," Russian peasants who employed the myth of the Tsar-Deliverer to mobilize others, protect themselves, and deny claims made by "faithless" officials.⁸ At the same time, rightful resisters have a certain affinity with "everyday resisters" insofar as their defiance is opportunistic and measured and because, at least at first, they almost always lack the organizational resources and collective consciousness shared by members of well-formed groups.

As should be clear, however, rightful resistance is not simply another variant of everyday resistance or of not-so-naïve monarchism. Unlike rebels in the name of the tsar, rightful resisters stop short of violence and are not limited to wishfulness and willful

misinterpretation of imaginary protections. Their insubordination is in fact nurtured by authoritative pronouncements, and they do have actual intercessors. And unlike everyday resisters, rightful resisters seek rather than avoid the attention of elites: whereas foot-dragging, poaching, sabotage, and other weapons of the weak are invariably quiet, disguised, and anonymous,⁹ rightful resistance is invariably noisy, public, and open. Rightful resisters mitigate the risks of confrontation by proclaiming their allegiance to core values rather than by opting for disguised dissent. Indeed, because they work the territory between elites and challenge malfeasance using an approved discourse, rightful resisters do not subscribe to the view that "the state and its laws are typically inaccessible, arbitrary and alien."¹⁰ To the contrary, they have learned how to exploit the potent symbolic and material capital made available by modern states. Rightful resistance is thus a product of state building and of opportunities created by the spread of participatory ideologies and patterns of rule rooted in notions of equality, rights, and rule of law. It derives as much from the "great tradition" of the powerful as from the "little tradition" of the powerless, and is a sign of growing rights consciousness and a more contractual approach to political life. It appears as individuals with new aspirations come to appreciate common interests, develop an oppositional consciousness, and become collective actors in the course of struggle.¹¹ [End Page 34]

For rightful resistance to emerge, discontented community members must first become aware that they have been granted certain protections. For it to be effective, its practitioners must craft effective legal tactics, mobilize followers, and win a measure of sufferance, even support, for their contention. That rightful resisters often engage in disruptive but not quite unlawful collective action inevitably attracts the attention of officials responsible for maintaining social peace and administering justice. That they use the vocabulary of the regime to advance their claims can help them locate advocates among the powerful and may afford a measure of protection when their plans go awry.

Rightful resistance, with its slightly oxymoronic sound, is the quintessential "critique within the hegemony." Those who pursue it take the values and programs of political and economic elites to heart while demonstrating that some authorities do not. They launch attacks that are legitimate by definition in a rhetoric that even unresponsive authorities must recognize, lest they risk being charged with hypocrisy and disloyalty to the system of power they represent.¹²

I. Rightful Resistance in China

Rightful resistance can appear in many settings; it happens, however, that the concept was derived from research on rural China. This section presents evidence from interviews with Chinese villagers, grassroots cadres, and officials at higher levels, as well as accounts of rightful resistance gleaned from government circulars and field reports by Chinese researchers.¹³ The incidents examined center on disputes involving appropriation and cadre accountability: they were chosen for their diagnostic value, diversity, and ability to shed light on the dynamics of rightful resistance. Individually, each episode illuminates at least one feature of rightful resistance; together, they trace what can occur when villagers frame their claims around party policies and official values, solicit assistance from influential backers, and combine legal tactics with collective action to defend their "lawful rights and interests" (*hefa quanyi*). [End Page 35]

Rightful Claims

The roots of Chinese rightful resistance lie in the rich soil of central policy. To

appreciate how the programs of an unaccountable national leadership provide openings for rightful resisters, the term "central policy" must be understood in its broad Chinese sense. Central policies, in this usage, include essentially all authoritative pronouncements, ranging from party documents, laws, state council regulations, and leadership speeches to editorials by special commentators in prominent newspapers. Central policies can be both as general as guidelines (*fangzhen*) that cadres should "develop the economy" or be "clean and honest" or as specific as regulations prohibiting local fees from exceeding 5 percent of a villager's net income the previous year. At the same time, central policies may be formally ratified, like the state constitution, or only informally publicized, like Deng Xiaoping's remark that "some people should be allowed to get rich first." The scope of central policy in China thus encompasses what constitutes law in most other nations but also reaches into far murkier realms, such as pledges made by officials on inspection tours, party propaganda, and the "spirit of the center."

In the Chinese countryside the number of grievances amenable to rightful resistance has been rising. Discontented villagers increasingly cite laws, regulations, and other authoritative communications when challenging all sorts of cadre malfeasance, particularly misconduct related to economic appropriation and autocratic "work style."¹⁵ They often claim a right, for instance, to withhold grain tax payments because they have not received fertilizer or diesel fuel that government authorities were contractually obliged to provide.¹⁶ On even firmer ground, rightful resisters sometimes point to regulations limiting "farmers' burdens" to fend off unapproved fees or demands for grain that exceed amounts previously agreed to. In one of the poorest villages in Henan's Sheqi County, for example, a group of plucky villagers presented county officials with state council regulations distributed by the [End Page 36] prefectoral government when protesting thirty-seven fees that far exceeded the 5 percent limit announced in 1991.¹⁷ The complainants' unspoken threat was that if county officials dared to rebuff them, they would take their case up the hierarchy and insist that prefectoral officials enforce central regulations they themselves had publicized.

Contractual ways of thinking and a growing fluency in rights talk appear to underlie much of the rightful resistance emerging in the Chinese countryside.¹⁸ Increasingly censorious villagers are demanding fidelity to values and rights embodied in the contract responsibility system of farming (which has been promoted by the central government since the early 1980s), and are finding fault with local power holders who fail to respect the sanctity of agreements.¹⁹ These exacting critics know that the center seeks to encourage economic growth by creating webs of reciprocal obligation, and they are prepared to hand over whatever grain and fees are lawfully owed, provided the local representatives of state power treat them equitably, respect their rights, and deliver on promises made by officials at higher levels.

When, however, grassroots leaders neglect the letter of the law or refuse to respect limits on their discretion, eagle-eyed villagers are quick to step in and to accuse them of engaging in prohibited behavior. They say things such as, "Failing to carry out the 'three-linkage-policy' [concerning supply of agricultural inputs] amounts to unilaterally breaking a contract. I have the right not to pay the grain tax. You have broken the contract, how can you ask me to honor it?"²⁰ Or, "Central policy says that after farmers fulfill their contractual obligations, we can sell our grain freely on the market, why don't you obey? If you don't listen to the Center, then we won't listen to you. . . . Why do you always oppose the Center? Why do you always oppose us? Are you cadres of the Communist Party?"²¹ Employing authorized symbols to pose inconvenient [End Page 37] rhetorical questions, these villagers wrap their resistance in sweet reason and tender impeccably respectable demands; at the same time their rebukes reflect a heightened rights consciousness, changed perceptions of cadre responsibilities, and a

claim to equal status before the law.^{[22](#)}

In addition to inspiring challenges to unauthorized financial demands, a contractual logic is also beginning to appear, as Chinese villagers turn a disapproving eye toward "unqualified" (*bu hege*) cadres and the undemocratic methods by which they are often selected. Delegations of rightful resisters, for example, frequently lodge complaints about rigged village elections, demand greater responsiveness and financial disclosure, and request the removal of imperious local leaders.^{[23](#)} Relying mainly on the Organic Law of Villagers' Committees (1987) and regulations governing its implementation, some rural dwellers make much of procedural violations that Chinese peasants are usually thought to overlook. Following are just a few examples concerning one of the most delicate issues in rural China, that is, rules mandating how to constitute the village political elite:

- Two young men in Hunan, when facing an illegal snap election, organized fellow villagers to plaster seventy-four posters around their village, recommending rejection of hand-picked candidates and opposition to "dictatorial elections."^{[24](#)}
- Hundreds of Shanxi farmers besieged a county government, demanding that a village election be nullified after a cadre seeking reelection escorted a mobile ballot box on its rounds.^{[25](#)}
- Residents of two Shanxi villages occupied a township office and refused to end their sit-in until officials agreed to make their villages "special zones" where free elections would be conducted and unpopular cadres could be removed.^{[26](#)}
- Nearly a hundred Hebei villagers lodged complaints at the Central Discipline Inspection Commission in Beijing concerning a township party committee [End Page 38] that insisted that a village party branch had the right to nominate villagers' committee candidates.^{[27](#)}
- Over twenty Liaoning complainants, indignant about "minor procedural irregularities," traveled at their own expense to the county seat, to the provincial capital, and finally to Beijing, at each stop reciting chapters of the Organic Law of Villagers' Committees while appealing for new elections.^{[28](#)}

In each of these incidents resourceful villagers cited specific clauses or the spirit of the Organic Law as grounds for their resistance. They treated freshly minted restrictions on cadre power as if they codified leadership obligations *in their village* and argued, in essence, that the Organic Law created entitlements they had a right to expect would be enforced.

While infractions of new election procedures are generating rightful resistance in many locations, Chinese villagers also base their defiance on other leadership assurances and more ambiguous promises, some of which date to the Maoist era. The following are some of the recent laws and institutional protections to which rural residents have turned: the Administrative Litigation Law (1989), which enables villagers to sue officials who beat them up or who tear down their homes without going through legal channels; the Accounting Law (1985), which entitles villagers to make claims related to financial disclosure; new cadre responsibility systems, which set targets for cadres but also oblige them to respect villagers' rights; minutely detailed village charters and codes of conduct, which codify rights and responsibilities and provide standards for cadre supervision; and birth control regulations (not the policy itself, which is of course impervious to rightful resistance, but improper favoritism in allocating village-level quotas).^{[29](#)} Even criminal statutes can at times provide grounds for rightful resistance. Yun-xiang Yan recounts how one villager accused several township policemen of "violating the law and human rights" for detaining him without an arrest warrant. When Yan encountered him, the villager was noisily demanding justice from the county

government, as he brandished a booklet explaining the criminal law.³⁰ [End Page 39]

All these protections offer ready-made rationales for demanding rights guaranteed by the center but undermined at lower levels. When such well-grounded appeals do not meet with success, however, another set of somewhat more equivocal commitments provides a different sort of ammunition--usually less potent, but occasionally quite effective. In recent years, for instance, villagers have been linking their claims with seemingly halfhearted campaigns to "clean up the government" and "promote rule by law."³¹ Venturing forth in the name of unimpeachable ideals and in response to the center's "call" (*haozhao*), they use the regime's own pledges to assail corrupt and predatory cadres. At the same time, some villagers have also given new life to Maoist norms and buzzwords by summoning up "communist values" to support demands that cadres "work hard and live plainly" and be willing to "serve the people." Acting now in the name of loyalty to the revolution and its founder, they "search for the real Communist Party" and level charges against "commandist" and grasping cadres who "oppress the masses" and are not "authentic communists."³²

Origins and Dynamics

Rural resistance is, of course, far from new in a nation where peasant rebellions have occurred for thousands of years and not a single decade of this century has been entirely without rural unrest.³³ Even more germane to this discussion, petitioning and appeals have long been elements in the Chinese repertoire of contention, and it was Mao himself who launched mass campaigns against corrupt and unreliable grassroots cadres and said "to rebel is justified."³⁴ Still, the rural rightful resistance [End Page 40] described here is not merely a recrudescence of routines that have existed from time immemorial, nor is it an echo of the mobilized resistance of the Maoist era, nor a simple borrowing of legalistic tactics pioneered by Chinese workers and intellectuals.³⁵ For it is only with recent socioeconomic and political reforms that rural residents have begun to blend traditional tactics with self-directed, legalistic, and sometimes proactive struggles to restructure villagewide governance and effect institutional change. Post-Mao reforms have shifted resources toward nonstate, local actors and have offered villagers unparalleled opportunities to press new claims.³⁶ As decollectivization and marketization have made villagers wealthier and less dependent on village cadres, the end of class labeling and mass political campaigns have made them less fearful.³⁷ As increased mobility and media penetration have made them more knowledgeable about their exploitation and about resistance routines devised elsewhere, so too administrative, electoral, and legal reforms have given them more protection against retaliation and more violations to protest.

These changes taken together have nurtured the current spurt of tactical innovation and have rendered rightful resistance less risky and more effective than petitioning and appealing to higher levels had been in the past. Bottom-up initiative has become more feasible because restless villagers are more aware of conflicts of interest with local cadres [End Page 41] and more able to act without prompting from above.³⁸ Emboldened by what often seems to be a genuine belief that their codified rights have been abridged, villagers are increasingly willing to invoke unsettling symbols and to mount high-profile protests.³⁹ Even in places where grassroots cadres broker economic relationships and still control access to vital resources, villagers are better placed to defy corrupt or arbitrary rule and unsanctioned appropriation.

Of course, increased leverage over structurally weaker cadres does not automatically translate into effective resistance. In today's China rightful resisters seldom win the day uncontested. For one, "rural cadres generally do not welcome the diffusion of political information, especially about personal rights,"⁴⁰ and some openly oppose central

efforts to promote legal education. Grassroots leaders typically feel that more knowledgeable villagers are harder to control, and they sometimes detain or rough up villagers simply for publicizing popular central policies.

At the same time equally established principles support existing power relations and serve to delegitimize even well-grounded rightful resistance. Chinese villagers, for example, may speak of "democratic work style" and their right to "reflect problems and expose bad cadres," but cadres can often trump them by invoking "democratic centralism" and the need to maintain "stability above all."⁴¹ Or when farmers charge that it is unlawful to lock them up simply because a family member has violated the birth control policy, a public security officer may just as persuasively counter that forcing relatives to attend full-time, daily "study sessions" is warranted because a national policy like family planning takes precedence over any other law and every citizen has an obligation to assist in its enforcement.⁴²

For their part, accused cadres typically try to discredit and disrupt rightful resistance by pointing to norms sanctioning coercion and also [End Page 42] to political expediency. Most grassroots leaders are proficient at casting all contention in the ominous light of "rebellion against village cadres" and at countering legal tactics and smothering collective action by winning support from officials at higher levels. Township and county party secretaries, for example, frequently side with notoriously high-handed village cadres so long as they enforce birth control regulations and induce villagers to pay their taxes and fees.⁴³ Township leaders, in particular, tend to be receptive to pleas from village leaders that they face dozens of genuinely incompatible demands that even the most conscientious cadre could never meet.⁴⁴

Many cadres use these conflicting norms and expectations to make rightful resisters appear unreasonable and to justify not implementing a popular measure or institutional protection. When all is said and done, officials at higher levels often end up dispatching the police to suppress rightful resisters who disrupt a rigged election or lodge a complaint--particularly if the targeted cadre lubricates a request for protection with a fine meal or a bribe.⁴⁵ And even if they find it impolitic to defend a cadre openly, township and county leaders can often convince judicial authorities to conduct perfunctory investigations of policy-based charges, or to spend years taking testimony or auditing finances.⁴⁶ In present-day China, a strong legal case and the use of compelling normative language is merely the ante for rightful resisters; to overcome the many advantages cadres still enjoy, villagers must also secure support from backers who have more clout than their adversaries.⁴⁷ [End Page 43]

In this regard, many rightful resisters have proven themselves adept at finding advocates (including journalists)⁴⁸ who are willing to investigate their charges and champion their claims.⁴⁹ Resourceful villagers skillfully ferret out supporters in various bureaucracies who have a stake in seeing their appeals addressed and in upholding the policies they invoke. Officials in the Ministry of Civil Affairs and its local offices, for instance, frequently receive delegations of villagers protesting infractions of the Organic Law of Villagers' Committees--a law the ministry is entrusted to implement.⁵⁰ Discipline Inspection Commissions, for their part, have become a focus for collective complaints concerning violation of party discipline, and some county procurators, particularly their anticorruption offices, have been receptive to charges concerning criminal misconduct.⁵¹ Local people's congresses, in the course of promoting rule by law, often attract groups of villagers who point to the villagers' committee law and local implementing regulations when combating election irregularities. Even letters and visits offices of public security bureaus can serve as a clearinghouse for grievances, and at times have roused ranking officials to investigate accusations of wrongdoing.⁵²

Given the limited institutionalization of Chinese politics and because their opponents usually have protectors among the local notables who matter most, rightful resisters typically find it advantageous to press their claims wherever they can.⁵³ They recognize that state power nowadays is both fragmented and divided against itself, and they know that if they search diligently, they can often locate pressure points [End Page 44] where elite unity crumbles.⁵⁴ They are perfectly aware that their resistance hinges on exploiting the divergent interests of officials both in different systems (*xitong*) and at different levels in the same system, and they astutely align themselves with benefactors (*eren*) who are disposed to take their charges seriously and who have the authority to ensure that a cadre is disciplined or prosecuted.

Rightful resistance, in the final analysis, allows villagers to attack abusive cadres with rights claims rather than with their "shoulder poles."⁵⁵ It is pursued by those who (at least outwardly) accept party rule and who go along with many unwelcome measures (for example, birth control, economic extraction) in exchange for unflinching execution of all popular policies. Such individuals cede the high ground to official values, shape their defiance from materials made available by the structure of domination, and appeal to elites who recognize that their claims are consistent with established principles. Aware of the risks involved in other, less dependent forms of contention, they forgo revolutionary demands and offer conditional consent to rulers who control their agents and enforce their ideals. Their claims do not always fall on deaf ears because some members of the elite believe that offering redress may help placate the discontented and reduce the likelihood of unrest while improving policy implementation and cadre oversight.⁵⁶

That rightful resistance is turning up in the Chinese countryside is perhaps not a great surprise, given the growing chasm between what is promised and what is delivered. But rightful resistance does not appear only where accountability is advocated but weakly institutionalized and rights are granted but weakly guaranteed. Elites in other settings may also be encouraged by rights talk, legal tactics, and political pressure to surrender advantages in accord with principles that usually favor them. In places far from rural China, different established values, legitimating [End Page 45] myths, and government commitments may also provide a basis for rightful resistance.

II. Comparative Perspectives

Most social scientists would agree that the value of a concept is closely related to how well it travels.⁵⁷ A truly useful theoretical construct has to survive applications beyond its original context; it must continue "to yield defensible interpretations as new social phenomena swim into view."⁵⁸

With this in mind, this section looks to the research of others to suggest instances of rightful resistance outside of China. Two of the examples presented are fragmentary and illustrate only elements of rightful resistance. One is more complete. The aim here is simply to highlight a common dynamic: to identify "deep analogies"⁵⁹ that can help us "make sense of numerous details that otherwise would seem purely accidental."⁶⁰ Without glossing over dissimilarities, we can try to locate parallels that help "break out the relevant part of the narrative."⁶¹ And while remaining attentive to variation stemming from a host of factors,⁶² we can begin to assess the generality of the findings from China and avoid wrapping a concept around a single case.

One example of the claims characteristic of rightful resistance is the "censoriousness" of Norwegian prison inmates, who base their demands for better treatment on prison regulations and recognized principles of justice (for example, equality). According to Thomas Mathiesen, such prisoners "argue with the ruler on the basis of norms that the

ruler also agrees with, trying to convince the ruler that he has not correctly adhered to these principles." These strict constructionists employ the rhetoric and values of their jailers and the wider society while targeting [End Page 46] "personal regimes" and demanding "bureaucracy."⁶³ In their efforts to domesticate power and render it predictable, they fall short of rightful resistance mainly because few inmates are able to locate elite advocates and because their potential for nonviolent political pressure is subject to obvious limitations.

In contrast to an actual prison, apartheid-era South Africa offered somewhat greater scope for using official values to goad concerned authorities into action. In Richard Abel's account of opposition to the "pass laws,"⁶⁴ black plaintiffs and their legal advisers pointed to inconsistent and ambiguous regulatory structures and demanded that the government prove its commitment to the rule of law. Invoking South Africa's "liberal tradition" and Nationalist boasts about judicial independence, they contested racial discrimination "on the terrain of ideology" and "honored the regime's pretensions by judging it in terms of legality." By framing their claims with reference to official values (including the sanctity of the family) and stressing misimplementation of judicial decisions, they won over key insiders (including some government attorneys, large employers, and judges) who endorsed their appeals and urged obstructionist enforcement agencies to heed the law. Although their foes hid behind procedural maneuvers and principles that condoned apartheid, workers and their families were able to use the language of power to win residency rights when obliging judges invalidated local rulings and condemned stalling tactics. Accommodating elites played a central role in this contention, unlike the Norwegian example, but this case still falls short of rightful resistance because, by the 1980s, opponents of influx controls focused on single-client legal challenges, while less institutionalized forms of political pressure (with the exception of a small amount of squatting) were not employed.

In the most repressive regimes resistance is largely limited to "weapons of the weak."⁶⁵ In slightly less controlled settings one or more features of rightful resistance may appear. As sanctioned coercion diminishes further and partial inclusion is formally extended, cases of more complete rightful resistance become possible, as in rural China. But what about further along the spectrum? In circumstances where numerous rights are guaranteed, the rule of law is established, and political participation is unquestionably legitimate, is rightful resistance [End Page 47] still viable and effective? Consider Michael McCann's analysis of how women workers in the United States employed legal strategies and collective action to press for wage reforms.

According to McCann, several familiar approaches to law and social change all share a skepticism "about the value of law for empowering marginalized and even ordinary citizens."⁶⁶ Modern neorealists, he explains, often portray litigation (concerning civil rights, women's rights, environmental protection, and so forth) as a "hollow hope,"⁶⁷ a strategy flawed by the limited resources that even congenial judges can muster to implement their decisions.⁶⁸ Structuralists, on the other hand, stress the limited resources possessed by disadvantaged citizens themselves and the unlikelihood these resources will be well spent on quixotic legal battles where the probability of success is low.⁶⁹ Even many Marxist scholars emphasize how law can mystify the powerless and disguise domination, largely by imposing definitions of property advantageous to ruling groups and by sustaining dubious claims to legitimacy.⁷⁰

Nonetheless, as McCann found in his study of the pay equity campaign in the United States, ordinary workers and movement organizers had more access to the law than he had ever anticipated. Although prevailing legal discourses and practices were at times forces that obstructed challenges to the status quo, they too could be a "source of disorder and egalitarian reordering." Litigation and other legal tactics, in other words,

were potent and flexible tools that enabled women's rights activists to employ existing statutes and recognized legal symbols while still remaining somewhat separate from the prevailing legal order. By the end of his research, McCann had come to question many assumptions about the conservative impact of established legal practices and was instead drawn to evidence of inventive tactical maneuvers and "site-specific accommodations between domination and resistance."⁷¹

And these tactical maneuvers originated on precisely the "old ground" on which rightful resistance appears.⁷² In the United States this meant appropriating a "rights talk" that had long offered reform activists a normative language for identifying, interpreting, and challenging [End Page 48] discrimination. In particular, comparable worth advocates borrowed from a decades-old discourse about equal rights, discrimination, and segregation that had become part of everyday understandings and expectations. They then used this language to express their demands for reworked wage scales, draping calls for reform in evocative and comparatively uncontroversial appeals to fairness and equity.⁷³

In the course of mastering a new tongue, pay equity activists found it advantageous to couple broad references to widely accepted values with appeals to specific laws and regulations, at both the state and the federal levels. Accordingly, movement participants drew on explicit comparable worth, pay equity, and equal pay statutes, as well as more general equal rights, antidiscrimination, civil service, and fair employment measures. Most notably, several Supreme Court decisions, the Equal Pay Act of 1963, the 1964 Civil Rights Act, and various executive orders regarding affirmative action were all repeatedly cited when attacking wage discrimination in the courts.⁷⁴

Established law thus offered a framework for equity activists to make sense of their circumstances and to ground their resistance. At the same time, evolving antidiscrimination norms made it possible to take advantage of the flexibility of the American rights tradition to cloak new claims in old cloth. By urging, for instance, that job evaluation methods previously used to justify hierarchy be reinterpreted to support salary increases for low-ranking workers, legal strategists appropriated "the master's tool to challenge the master." In their actions on the courtroom steps and in the courtroom alike, pay equity activists shrewdly framed even their more radical demands in terms of loyalty to established principles while professing little more than a desire to make the legal system "live up to what it was supposed to be."⁷⁵

Breaking through the silence and pursuing their claims depended on a series of timely events--some of which occurred apart from the movement, some of which were engineered by campaign activists themselves. In the first place, the overarching political opportunity structure⁷⁶ had to change in ways that supported, or at least allowed, articulation of new claims by individuals concerned with gender justice. At the same time, early arrivals had to become aware that the political landscape had become more advantageous, and they then had to exploit [End Page 49] this realization to draw in additional participants who were willing to devote time, energy, and resources to the campaign. Both of these conditions were effectively met by the late 1970s, as more women entered the workforce, the womens' movement matured, and an accommodating Carter administration made it possible for participation in the campaign to appear sensible to prospective participants.⁷⁷

With awareness, expectations, and organizational resources mounting, a few high-profile legal victories then helped convince even more recruits that wage structures could be altered and that a meaningful space for grassroots action had opened up. Buoyed by their successes, organizing national legal challenges and local pressure on employers became easier, as previously uninvolved workers and long-standing activists

came to believe they were acting at a particularly auspicious moment, ripe with possibilities for reform.⁷⁸

To increase their leverage and institutionalize their gains, activists also had to locate influential backers, particularly ones who would take up the cause within the federal and state governments. Among the movement's champions were a handful of government administrators who were responsive to the campaign's "realistic radicalism." Some federal officials had in fact endorsed pay equity reform from an early date: lawyers and officials in the Department of Labor and Equal Employment Opportunity Commission (EEOC) were instrumental in developing and initially publicizing the notion of comparable worth, whereas committees on the status of women and elected female representatives and their staffs had pressed pay equity reform in several dozen states and the U.S. Congress.⁷⁹ Other officials, however, opposed reform from the start, and withdrawal of support was not uncommon. The EEOC and federal judges, for example, were generally receptive to pay equity claims during the Carter administration, but the Reagan years brought a more hostile response to litigation and other political pressure.

To their credit, movement activists found ways to endure and even exploit their fair-weather friends in the federal government. The pay equity campaign grew, even though not a single, unambiguous judicial endorsement of its underlying comparable worth theory managed to survive appellate review. Resourceful equity advocates needed only a tiny opening for their resistance to develop a momentum of its own. Even after judicial defeats became commonplace during the 1980s, [End Page 50] movement organizers persevered. In fact, frustration with Reagan-era interpretations of civil rights law led to a redeployment of organizational resources from legal campaigns to collective bargaining, lobbying, and other forms of grassroots collective action. And this strategic retreat seems to have catalyzed rather than retarded the movement.⁸⁰

In the end the campaign's successes arose from using "law as a club" and "bargaining in the shadow of the law." Legal tactics heightened uncertainty, which posed risks to employers and created a favorable environment for negotiation. Although more confrontational forms of defiance were rendered impractical by the reliance on existing channels of inclusion and on advocates within the executive and judicial branches, the campaign did help alter workplace practices and promoted other efforts to enhance workplace rights, even as the movement itself was contained.⁸¹

The attempt to win equal pay for women workers in the United States nicely exhibits the attributes of rightful resistance:

- the reliance on established principles to anchor defiance
- the use of legitimating myths and persuasive normative language to frame claims
- the attention to existing statutes when leveling charges
- the recognition and exploitation of a newly congenial opportunity structure
- the importance of advocates, however uncertain, within officialdom
- the combination of legal tactics with grassroots collective action
- the disavowal of overtly revolutionary alternatives
- and the partial victories and built-in limitations of a form of resistance that embraces values endorsed by conscientious political and economic elites

Rightful resistance in a democracy, as illustrated by McCann, is one way that dissatisfied citizens try to make officials and business leaders "prisoners of their own rhetoric."⁸² It is a form of contention ideally suited to pursue new rights claims because at its heart lies the eminently reasonable expectation that rules and norms which usually reinforce dominance should be equitably and universally enforced. Enterprising rightful resisters in a nation such as the United States have astutely recognized that

legal symbols and norms create practical obligations that can be used to mobilize the discontented and to limit the abuse of power.⁸³ They know, along with E. P. Thompson, that for [End Page 51] the law and other official norms to appear just, they must, sometimes, be just.⁸⁴

Rightful resisters may act out of conviction or they may strategically manipulate official norms. Most often, their motivations probably combine elements of both sincerity and cynicism. Whatever the case, they are adept at picking out where claims to authority lie and at maneuvering within systems that otherwise control them.⁸⁵ They have partly cast off the "mind-forged manacles"⁸⁶ through which law reaps obedience and deference, and have recognized that the weaknesses of any would-be hegemonic ideology provide grounds for resistance.

III. Rightful Resistance, Rights Consciousness, and Political Change

Concepts may not be about outcomes, but politics is. In the final analysis, the significance of any form of popular contention depends on its effects. What consequences does rightful resistance have for those who wage it and for wider political change?

In the United States, McCann concludes, the greatest impact of the pay equity campaign was on the activists themselves: participation in the movement affected their "hearts, minds, and social identities" by transforming their "understandings, commitments, and affiliations." As previously unvoiced or whispered objections grew into loudly asserted claims, thousands of working women became proficient at generating pressure on employers and "mobilizing rights as a political resource." Rather than being lulled by the law and its ability to confer legitimacy, they broke its spell and used legal practices and institutions to create protected spaces in which to act. In the end, taking rights seriously "opened up more than closed debates, exposed more than masked systemic injustices, stirred more than pacified discontents, and nurtured more than retarded the development of solidarity." Instead of reinforcing prevailing power relations, rights advocacy sparked dialogues, validated [End Page 52] new ways of thinking, posed troubling questions, and spurred a desire for political change.⁸⁷

A similar process, but with a very different starting point, may be under way in China. Even though aggrieved villagers often advance their claims using elite homilies, their actions reflect new understandings and aspirations and spring from a creative reworking of official rights talk. Enterprising Chinese villagers are busy appropriating authorized rights discourses and extending them into new areas. They are mastering the changing language of power and are demanding, in particular, that quarrels with rogue cadres be resolved like contract disputes⁸⁸ --fairly, without reference to the identities of the parties involved, and in accord with some sort of procedural regularity. Displaying an increasingly sophisticated rights consciousness, rural Chinese appear to be invoking central policies not so much because they believe existing power relations are just but because this strategy produces leverage in a world of unequal resources.⁸⁹ There is little evidence, for instance, that dissatisfied villagers are unaware of continuing exploitation or are in any way taken in by pro-peasant propaganda; instead they seem to view central policies as tools that can expose the pretensions of elites who claim to rule in their interest.

To imagine that rightful resistance can remake a political system from top to bottom is a lot to expect from a form of contention that is, by its nature, mindful and circumscribed. Lasting impacts of this form of contention are more likely to be mediated, a consequence of intensified rights consciousness in populations that are experiencing "cognitive liberation" and recognize their capacity for action is growing.⁹⁰ In the United

States, McCann notes, the legacy of pay equity reform included other, more significant advances that "matched or exceeded wage gains." The movement, for instance, increased sensitivity to social wrongs and strengthened organizational ties, as pay equity became a "symbol for a broad and growing political agenda of gender based reform in the workplace." The cohesion and solidarity forged in one [End Page 53] struggle swiftly spilled over to other, often more successful campaigns for improved child care, sexual harassment regulations, parental leave, and health care for pregnant women.⁹¹

In China the subversive implications of rightful resistance may reach even deeper. Apart from restraining rapacious cadres and increasing accountability, rightful resistance may also presage the stirrings of a more far-reaching counterhegemonic project. In other words, although successful rightful resistance probably enhances regime legitimacy in the short term, some villagers may graduate from combating illegal mistreatment to combating legal mistreatment. And indeed, there is already scattered evidence of rural resistance to systematic discrimination, for example, efforts to overturn household registration policies that keep villagers out of the cities.⁹²

But even if many villagers embrace established values and even if officials at higher levels continue to be seen as indispensable intercessors, we should not underestimate the potential consequences of growing rights consciousness in a nation where rights have traditionally been poorly protected. Rightful resisters, in a word, are subalterns, but they may not be as constrained in thought as Gramsci suggests or as constrained in action as Scott suggests.⁹³ As villagers refashion and recombine familiar elements in the repertoire of contention and exploit new opportunities to press fresh claims, their defiance may extend beyond the strict constructionism that normally constrains them. When rightful resisters cite people's congresses as a model for turning villagers' representative assemblies into policy-making bodies,⁹⁴ or claim that the principle of mass line democracy entitles them to vote in party primaries,⁹⁵ or use vague clauses stipulating direct election to demand open nominating procedures, their resistance is both "loyal" and proactive.⁹⁶ It is simultaneously [End Page 54] a means to advance one's interests within existing limits and a way to assert new rights and pry open channels of participation that few power holders at any level could have foreseen.

Chinese policymakers have many instruments of repression but few means to co-opt the discontented or soften their demands. Politically, the huge disparity between what is promised and what villagers experience creates openings for rightful resisters to challenge blatant misconduct, obvious evasion of central intent, and flagrant violations of recognized rights. In this sense, Chinese villagers may be more like American civil rights activists of the early 1960s than like pay equity campaigners of the 1980s. Speaking both as and for people who are closer to subjects than citizens, they risk repression daily and face formidable collective action hurdles but are well positioned to "win big" (that is, to reorder power relations), provided they do not "lose big" (that is, end up being crushed by their local opponents) first.

Rightful resistance is a hardy perennial that can sprout wherever leaders make commitments they cannot keep. A partly institutionalized form of contention, it works largely within (yet at the edges of) an existing opportunity structure, and it may be more consequential than most "everyday resistance" but still less risky than uninstitutionalized defiance. Its successes come about not because its practitioners remain unobtrusive or because they are insulated from hegemonic penetration,⁹⁷ but because they openly and opportunistically engage the structure of domination (and pierce the hegemony) at its weakest point. Using the raw material at hand, rightful resisters align themselves with lawful authority, however it is constituted, and confront power holders who compromise the ideals that justify their rule. So long as a gap exists

between rights promised and rights delivered, there is always room for rightful resistance to emerge.

[Kevin J. O'Brien](#) is Associate Professor of Political Science at Ohio State University. He is the author of *Reform without Liberalization* (1990) and his current research draws on theories of popular resistance and collective action to study political change in the Chinese countryside.

Notes

* The research for this paper was conducted with the generous support of the Henry Luce Foundation, the John D. and Catherine T. MacArthur Foundation, the Pacific Cultural Foundation, and the Ohio State University. For advice and comments on earlier drafts, I would like to thank Marc Blecher, Anita Chan, Daniel Kelliher, Gerald Rosenberg, James Scott, Dali Yang, and, above all, my collaborator in the larger project from which this is drawn, Lianjiang Li.

- [1.](#) On the relationship of resistance to negation, see Andrew Turton, "Patrolling the Middle-Ground: Methodological Perspectives on 'Everyday Peasant Resistance,'" in James C. Scott and Benjamin J. Tria Kerkvliet, eds., *Everyday Forms of Peasant Resistance in South-East Asia* (London: Frank Cass, 1986), 38.
- [2.](#) For differing views on whether political contention (particularly in the countryside) seeks mainly to retrieve what was or reaches for something new, see James C. Scott, *The Moral Economy of the Peasant: Subsistence and Rebellion in Southeast Asia* (New Haven: Yale University Press, 1976); and Samuel L. Popkin, *The Rational Peasant* (Berkeley: University of California Press, 1979). For the purposes here, it is only important that intrusive states and expanding markets pose challenges and present opportunities to marginalized groups and individuals.
- [3.](#) Herbst, "How the Weak Succeed: Tactics, Political Goods, and Institutions in the Struggle over Land in Zimbabwe," in Forrest D. Colburn, ed., *Everyday Forms of Peasant Resistance* (Armonk, N.Y.: M.E. Sharpe, 1989), 199.
- [4.](#) Scott, *Domination and the Arts of Resistance* (New Haven: Yale University Press, 1990), 101, 106.
- [5.](#) On these types of resistance, see respectively Turton (fn. 1); Leslie E. Anderson, *The Political Ecology of the Modern Peasant: Calculation and Community* (Baltimore: Johns Hopkins University Press, 1994), 16; Michael W. McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago: University of Chicago Press, 1994), 276.
- [6.](#) For related discussion, see Mari J. Matsuda, "Looking to the Bottom: Critical Legal Studies and Reparations," *Harvard Civil Rights-Civil Liberties Review* 22 (Spring 1987); McCann (fn. 5), 232-33; Ellis Goldberg, *Tinker, Tailor, and Textile Worker: Class and Politics in Egypt, 1930-1952* (Berkeley: University of California Press, 1986), 14-15.
- [7.](#) See Antonio Gramsci, *Selections from the Prison Notebooks*, ed. Quintin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1971), 229-39; E. J. Hobsbawm, "Peasants and Politics," *Journal of Peasant Studies* 1 (October 1973), 13.

8. Daniel Field, *Rebels in the Name of the Tsar* (Boston: Houghton Mifflin, 1976).

9. James C. Scott, "Everyday Forms of Resistance," in Colburn (fn. 3), 8.

10. Ibid., 28.

11. On the collective definition of grievances, see Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970* (Chicago: University of Chicago Press, 1982), 33-35. On the development of an "oppositional consciousness" that only partly rejects a would-be "hegemonic consciousness," see Aldon D. Morris, "Political Consciousness and Collective Action," in Aldon D. Morris and Carol Mueller, eds., *Frontiers in Social Movement Theory* (New Haven: Yale University Press, 1992), 363-64.

12. For an insightful discussion of how resistance can originate within a hegemonic discourse, see Scott (fn. 4), 90-107. A passage on critiques within the hegemony that are legitimate by definition appears on p. 106.

13. The fieldwork for this article was conducted in twenty-two villages, over a dozen townships and county towns, three provincial capitals, and Beijing from 1992 to 1995. The interviews were conducted by the author and Lianjiang Li, sometimes together and sometimes apart.

14. Given the sensitivity of rural resistance and the limitations of Chinese sources, full ethnographic detail for each episode was not always available.

15. Tang Jinsu and Wang Jianjun, "Nanyi huibi de redian: jinnian nongcun ganqun guanxi toushi" (Hot issues that are hard to avoid: perspectives on rural cadre-mass relations in recent years) (Report of the Ministry of Civil Affairs, Beijing, 1989), 4-5. A shortened version appeared in *Difang Zhengzhi yu Xingzheng*, no. 3 (1990), 15-20; no. 4 (1990), 13-17; Fang Guomin, "Dui dangqian nongcun jiti shangfang qingkuang de diaocha fenxi" (Investigation and analysis of the current situation of groups seeking audiences at higher levels), *Xiangzhen Luntan*, no. 12 (December 1993), 36; Cheng Tongshun, "Dangqian Zhongguo nongmin de zhengzhi canyu" (Political participation of current Chinese peasants) (Master's thesis, Nankai University, Tianjin, 1994), 11-12.

16. "Shixin haiyao feili" (Not only breaking promises, but also using force), *Hebei Nongcun Gongzuo*, no. 6 (June 1993), 42.

17. Cheng Tongshun (fn. 15), 11-12.

18. On contractual ways of thinking in the countryside, see Murray Scot Tanner, "Law in China: The Terra Incognita of Political Studies," *China Exchange News* 22 (Winter 1994), 21-22; David Zweig et al., "Law, Contracts, and Economic Modernization: Lessons from the Recent Chinese Rural Reforms," *Stanford Journal of International Law* 23 (Summer 1987), 326, 335.

19. On "censorious" Chinese villagers, see Marc Blecher, "Collectivism, Contractualism and Crisis in the Chinese Countryside," in Robert Benewick and Paul Wingrove, eds., *China in the 1990s* (Vancouver: ubc Press, 1995), 106. On the concept of censoriousness more broadly, see Thomas Mathiesen, *The Defenses of the Weak: A Sociological Study of a Norwegian Correctional Institution* (London: Tavistock, 1965).

20. "Shixin haiyao feili" (fn. 16), 41.

21. Tang Jinsu and Wang Jianjun (fn. 15), 4. On reciprocal rights and duties in dynastic China, see Wang Gungwu, *The Chineseness of China: Selected Essays* (Hong Kong: Oxford University Press, 1991), 165-86. Interestingly, Wang argues that the notion of reciprocal duties currently takes the form of cadres "serving the people" and citizens meeting their legal responsibilities.

22. On villagers' "awareness of personal rights and an intention to protect them," see Yun-xiang Yan, "Everyday Power Relations: Changes in a North China Village," in Andrew G. Walder, ed., *The Waning of the Communist State: Economic Origins of Political Decline in China and Hungary* (Berkeley: University of California Press, 1995), 235.

23. Zhongguo Jiceng Zhengquan Jianshe Yanjiuhui, *Zhongguo Nongcun Cunmin Wei yuanhui Huanjie Xuanju Yanjiu Baogao* (Research report on rural China's villagers' committee reelections) (Beijing: Zhongguo Shehui Chubanshe, 1994); Fang Guomin (fn. 15), 36; interview with township official, 1993. One Liaoning farmer expressed his desire for greater disclosure with these words: "I don't know what kind of fee you are asking me to pay. When I know, I'll hand over any amount requested"; "Shixin haiyao feili" (fn. 16), 41.

24. These posters were all written on white paper (a color associated with death and ill fortune). This gesture attracted the attention of county officials, who investigated the charges and ruled that the balloting should be rescheduled and nominations reopened. See Zhongguo Jiceng Zhengquan Jianshe Yanjiuhui (fn. 23), 80.

25. Interviews with two officials from the Ministry of Civil Affairs, Beijing, June 1994.

26. Shao Xingliang et al., "Yi min wei tian" (Regarding the people as sovereign), *Xiangzhen Luntan*, no. 4 (April 1994), 10-13.

27. Interview with official from the Ministry of Civil Affairs, Beijing, June 1994.

28. Tian Yuan, "Zhongguo nongcun jiceng de minzhu zhilu" (The pathway to grassroots democracy in rural China), *Xiangzhen Luntan*, no. 6 (June 1993), 3-4. Complaints about election irregularities can also be found in Zhongguo Jiceng Zhengquan Jianshe Yanjiuhui (fn. 23).

29. Interviews with two township officials, 1993; interview with provincial civil affairs bureau official, 1993; Bao Yonghui, "Cunmin zizhi fuhe bu fuhe Zhongguo guoqing?" (Does villagers' autonomy accord with China's conditions?), *Xiangzhen Luntan*, no. 6 (June 1991), 12; interview with village party secretary, 1993; interview with villagers, 1994.

30. Yan (fn. 22), 235.

31. Interviews with two villagers, 1994.

32. See, for example, Wang Wanfu, "Mo rang qunzhong 'xunzhao gongchandang'" (Don't make the masses "look for the Communist Party"), *Hebei Nongcun Gongzuo*, no. 9 (September 1992), 33; also interview with villager, 1994. Leveling charges concerning

"oppressing the masses" was discussed in a 1993 interview with a township official.

33. On rural collective violence before the mid-1980s, see David Zweig, "Struggling over Land in China: Peasant Resistance after Collectivization, 1966-1986," in Colburn (fn. 3); Elizabeth J. Perry, "Collective Violence in China, 1880-1980," *Theory and Society* 13 (May 1984); idem, "Rural Violence in Socialist China," *China Quarterly* 103 (September 1985).

34. On petitioning and remonstrating in dynastic China, see Mary Backus Rankin, "'Public Opinion' and Political Power: *Qingyi* in Late Nineteenth Century China," *Journal of Asian Studies* 41 (May 1982); Jonathan K. Ocko, "I'll Take It All the Way to Beijing: Capital Appeals in the Qing," *Journal of Asian Studies* 47 (May 1988). On precommunist petitions and their relation to repertoires of contention in post-Mao China, see Elizabeth J. Perry, "To Rebel Is Justified: Maoist Influences on Popular Protest in Contemporary China" (Paper presented at the colloquium series of the Program in Agrarian Studies, Yale University, November 1995). On post-Mao remonstrators and their relationship to the state, see Andrew J. Nathan, *Chinese Democracy* (Berkeley: University of California Press, 1985), 24-26; Kevin J. O'Brien, "Agents and Remonstrators: Role Accumulation by Chinese People's Congress Deputies," *China Quarterly* 138 (June 1994).

35. To see how contemporary resistance "bears the imprint of past practices" and how a "blurring" in protest repertoires of students, workers, and peasants that began during the Cultural Revolution is accelerating, see Perry (fn. 34). Perry, despite her focus on "continuations," agrees that recent unrest is partly a by-product of post-Mao reforms. On the adaptation of old repertoires to new concerns, see Sebastian Heilmann, "Grass-Roots Protest and the Counter-Cultural Revolution of the Seventies" (Manuscript, Hamburg, Germany, July 1995).

36. On the empowering effects of quiet changes in "resource arrays," see Kate Xiao Zhou and Lynn T. White III, "Quiet Politics and Rural Enterprise in Reform China," *Journal of Developing Areas* 29 (July 1995), 463-65.

37. The extent of villager dependence on village cadres before and after reform has been a subject of lively debate. For several perspectives, see Jean C. Oi, *State and Peasant in Contemporary China* (Berkeley: University of California Press, 1989); Victor Nee, "A Theory of Market Transition: From Redistribution to Markets in State Socialism," *American Sociological Review* 54 (October 1989); Jonathan Unger, "State and Peasant in Post-Revolution China," *Journal of Peasant Studies* 17 (October 1989), 133-35; Vivienne Shue, *The Reach of the State* (Stanford, Calif.: Stanford University Press, 1988); Andrew G. Walder, "Markets and Inequality in Transitional Economies: Toward Testable Theories," *American Journal of Sociology* 101 (January 1996). On the declining importance of administrative connections even in marketized areas with high labor-demand, see William L. Parish, Xiaoye Zhe, and Fang Li, "Nonfarm Work and Marketization of the Chinese Countryside," *China Quarterly* 143 (September 1995). Some research suggests that declining dependence may be most pronounced in poor agricultural villages. See Jean C. Oi, "Rational Choices and Attainment of Wealth and Power in the Countryside," in David S. G. Goodman and Beverly Hopper, eds., *China's Quiet Revolution: New Interactions between State and Society* (Melbourne: Longman Cheshire, 1994), 73; Kevin J. O'Brien, "Implementing Political Reform in China's Villages," *Australian Journal of Chinese Affairs* 32 (July 1994).

38. On farmer conflicts with the state, see Thomas P. Bernstein, "In Quest of Voice: China's Farmers and Prospects for Political Liberalization" (Paper presented at the

University Seminar on Modern China, Columbia University, February 10, 1994).

39. In a seven-year dispute over the illegal renaming of a township, hundreds of Shanxi villagers demonstrated in front of a county office building, demanding that the responsible officials come out. A group of the complainants marched carrying lit lanterns and candles (in broad daylight!) to prove that they could not "see" under the township's dark rule. Li Renhu and Yu Zhenhai, "Yangzhao xiang gengming fengbo" (The disturbance over changing the name of Yangzhao Township), *Banyuetan* (*Neibuban*), no. 6 (March 1993), 32-36. This case is a textbook example of rightful resistance because the villagers (1) based their claims on two state council regulations, (2) sought to locate allies in the county and provincial government, and (3) engaged in lawful collective action.

40. Yan (fn. 22), 235. For a similar report, see Yu Xin, "Luan tanpai' reng wei xiu" (Arbitrary apportionments still have not stopped), *Minzhu yu Fazhi*, no. 9 (September 1993), 26-27.

41. Interview with township official, 1993.

42. Interview with township official, 1993.

43. Zhang Chenggong, "Cunzhang si yu chunjie" (Village heads die at spring festival), *Landun*, no. 3 (March 1993), 26-27; Zeng Yesong, "Jingdong Zhongnanhai de shinian yuanan" (A ten-year-long unjust verdict that disturbs Zhongnanhai), *Zhongguo Nongmin*, no. 5 (May 1995), 34-37; Lu Fengjun, "Da eba Han Gang fufa ji" (Report on the execution of local bully Han Gang) (Paper by a county judicial official, Shandong Province, 1993).

44. Maintaining morale among village cadres is a top concern of township leaders, particularly in unstable, "semiparalyzed" villages where underpaid, overworked cadres often threaten to abandon their posts. Interview with a township official, 1993.

45. Interviews with villagers, 1994. Suppression sometimes fails. In one telling case several villagers tore up their ballots just as a village election began and denounced a township-promoted candidate as corrupt. Though township officials at first sought to prosecute them for "impeding an election," and the county procurator accepted the case, the provincial people's congress, after consulting with the National People's Congress, decided it was "not appropriate to regard their actions as illegal" because the original nominating process had been conducted improperly. *Zhongguo Jiceng Zhengquan Jianshe Yanjiuhui* (fn. 23), 107-8.

46. Interviews with villagers, 1994. In Hebi City, Henan, about 60 percent of the collective complaints lodged in 1993 demanded an audit of village financial records, sometimes up to ten years' worth. Fang Guomin (fn. 15), 36.

47. Jonathan Fox argues that opportunities to gain citizenship rights rarely arise so long as authoritarian elites remain united, but that divisions caused by declining legitimacy and threats to long-term political stability can increase "access to state entitlements," even without meaningful electoral competition. See Fox, "The Difficult Transition from Clientelism to Citizenship: Lessons from Mexico," *World Politics* 46 (January 1994), 155-56.

48. In one village I visited, farmers have raised a collection to hire a journalist (preferably a reporter from the Focus segment of the CCTV program *Dongfang*

Shikong) to investigate their charges. Interviews with villagers, 1994.

49. Hobsbawm (fn. 7), 15, writes: "It is as though the villages, always conscious of potential strength even within their subalternity, required only the assurance of goodwill or even mere toleration from the highest authorities to straighten their backs."

50. Interview with official of the Ministry of Civil Affairs, 1994; interviews with provincial civil affairs bureau officials, 1993 and 1994.

51. Fang Guomin (fn. 15), 36; interview with villager, 1994.

52. On "letters and visits work" and the use of mass petitions by leaders at higher levels to monitor cadre performance, see Yasheng Huang, "Administrative Monitoring in China," *China Quarterly* 143 (September 1995), 834-35; Ma Jinlin, "Jianchi qunzhong luxian, miqie dangqun guanxi" (Uphold the mass line, improve party-mass relations) (Paper by a county official, Hebei Province, 1992).

53. Cf. "In fact, given the highly personal nature of political ties in Morocco generally, it is very likely indeed that if any individual has a problem in his own locale he will seek a person who can help him from any place in the country, any position in the official hierarchy, and on the basis of any personal connection that best serves his particular purpose at the moment." Lawrence Rosen, "Social Identity and Points of Attachment: Approaches to Social Organization," in Clifford Geertz, Hildred Geertz, and Lawrence Rosen, *Meaning and Order in Moroccan Society* (Cambridge: Cambridge University Press, 1979), 53.

54. For a discussion of "sandwich strategies" and triangular conflict between reformers, entrenched elites, and popular forces, see Jonathan Fox, *The Politics of Food in Mexico: State Power and Social Mobilization* (Ithaca, N.Y.: Cornell University Press, 1993), chaps. 6, 7. On "fragmented authoritarianism," see Kenneth G. Lieberthal and David M. Lampton, *Bureaucracy, Politics, and Decision Making in Post-Mao China* (Berkeley: University of California Press, 1992), chap. 1.

55. Wang Wanfu (fn. 32), 33. On concerns that angry villagers may one day attack grassroots leaders with their shoulder poles, see Peng Zhen (Speech to the fifth joint meeting of delegation leaders and members of the Law Committee of the Sixth National People's Congress, April 6, 1987).

56. Interviews with central officials, 1993 and 1994. On the role of the Organic Law of Villagers' Committees in reducing cadre-mass conflict, improving policy implementation, and strengthening cadre supervision, see Wang Zhenyao, "Woguo nongcun de lishixing biange yu cunmin zizhi de biran qushi" (Our country's historical reform and the inevitable trend of villagers' autonomy), in Minzhengbu Jiceng Zhengquan Jianshesi Nongcunchu, ed., *Cummin Zizhi Shifan Jiangxi Ban Shiyong Jiaocai* (Teaching materials for the study group on villagers' autonomy demonstration) (Laixi City, Shandong Province, November 1991), 44-45.

57. The subject of how to avoid abandoning categories prematurely when encompassing additional cases is discussed in David Collier and James E. Mahon, Jr., "Conceptual 'Stretching' Revisited: Adapting Categories in Comparative Analysis," *American Political Science Review* 87 (December 1993).

58. Clifford Geertz, "Thick Description: Toward an Interpretive Theory of Culture," in

Geertz, ed., *The Interpretation of Cultures* (New York: Basic Books, 1973), 27.

[59.](#) On "deep analogies," see Charles Tilly, *As Sociology Meets History* (New York: Academic Press, 1981), 8.

[60.](#) The quoted text and a strong defense of pursuing "narrative ordering of circumstantial detail" can be found in William H. Sewell, Jr., "Three Temporalities: Toward an Eventful Sociology" (Manuscript, University of Chicago, February 1992).

[61.](#) Arthur L. Stinchcombe, *Theoretical Methods in Social History* (New York: Academic Press, 1978), 15, 21.

[62.](#) Some relevant factors are which government commitments resisters invoke, which elite advocates are available, how political pressure is applied, and how willing authorities are to resort to ruining rightful resisters outside the law.

[63.](#) Mathiesen (fn. 19), 13, also 178, 187.

[64.](#) Richard L. Abel, *Politics by Other Means: Law in the Struggle against Apartheid, 1980-1994* (New York: Routledge, 1995), 23-65; material in the rest of the paragraph is drawn from pages 62, 534, 12, 3, 541, 13, 62, 28-43, 539, 61.

[65.](#) On "weapons of the weak," see Scott (fn. 9).

[66.](#) McCann (fn. 5), ix.

[67.](#) Gerald N. Rosenberg, *The Hollow Hope: Can Courts Bring about Social Change?* (Chicago: University of Chicago Press, 1991).

[68.](#) McCann (fn. 5), 290-93.

[69.](#) Ibid., 293-95.

[70.](#) For a critique of this view, see E. P. Thompson, *Whigs and Hunters: The Origins of the Black Act* (New York: Pantheon Books, 1975), 258-61.

[71.](#) McCann (fn. 5). Cites in the paragraph are drawn from pages ix, 12, 9.

[72.](#) On resistance that commences on "old ground," see Alan Hunt, "Rights and Social Movements: Counter-Hegemonic Strategies," *Journal of Law and Society* 17 (Autumn 1990), 313, 320, 324.

[73.](#) McCann (fn. 5), 49, 101, 245-58.

[74.](#) Ibid., 41, 48-50.

[75.](#) Ibid., 298-99, 185-86, 234.

[76.](#) For a discussion of this concept, see Sidney Tarrow, *Power in Movement* (New York: Cambridge University Press, 1994), 17-18, chap. 5.

[77.](#) McCann (fn. 5), chap. 4.

[78.](#) Ibid., 64, 74, 89.

[79.](#) Ibid., 276, 52, 123-29.

[80.](#) Ibid., 58, 53, 64, 85-86.

[81.](#) Ibid., chap. 5, 140, 143, 220, 285, 232, 281-82.

[82.](#) See Thompson (fn. 70), 263.

[83.](#) McCann (fn. 5), 297-98.

[84.](#) Thompson (fn. 70), 263. Hunt (fn. 72), 311, has also noted, in discussing Gramsci's understanding of the relationship of law to social change, that "for a hegemonic project to be dominant it must address and incorporate, if only partially, some aspects of the aspirations, interests, and ideology of subordinate groups."

[85.](#) For this point in a different context, see Paul E. Willis, *Learning to Labour: How Working Class Kids Get Working Class Jobs* (Westmead, England: Saxon House, 1977), 26-27.

[86.](#) Douglas Hay, "Property, Authority and the Criminal Law," in Douglas Hay et al., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975). Although Hay allows for resistance based on law (p. 34), he focuses on the persuasiveness of law as ideology and its contribution to legitimacy. "Mind-forged manacles" are discussed on p. 49.

[87.](#) McCann (fn. 5), 230, 276, 232, 269.

[88.](#) On the growing importance of contracts even in remote rural areas, see Lester Ross, "The Changing Profile of Dispute Resolution in Rural China: The Case of Zouping County," *Stanford Journal of International Law* 26 (Fall 1989), 63.

[89.](#) This language is borrowed from McCann (fn. 5), 232. In China many villagers have shown themselves to be remarkably attentive to cadre misconduct related to birth control implementation. This is probably not because they desire conscientious enforcement of family planning but rather because any violation of a "national policy" can be used to weaken a cadre and secure high-level support. Interview with villager, 1994; interview with village cadre, 1994.

[90.](#) On "cognitive liberation," see McAdam (fn. 11), 34.

[91.](#) McCann (fn. 5), 281, 271, 282, 269, 264-69.

[92.](#) Li Kang, "Jiceng zhengquan yu jiceng shequ" (Grassroots government and grassroots community), in Li Xueju, Wang Zhenyao and Tang Jinsu, eds., *Zhongguo Xiangzhen Zhengquan de Xianzhuang yu Gaige* (Current situation and reform of Chinese township government) (Beijing: Zhongguo Shehui Chubanshe, 1994), 267.

[93.](#) For Scott's reversal of Gramsci, see Scott (fn. 4), 90-91. Scott's position is complex,

and some of the evidence he considers in his discussion suggests less constraint in action than his turning of Gramsci upside down implies (pp. 94-107).

[94.](#) Interview with village party secretary, 1993; interview with deputy village party secretary, 1993.

[95.](#) Li Jingyi, "Nongcun 'zhiluan' qishi lu" (Reflections on overcoming disorder in the countryside) (Paper by a county party secretary in Hebei Province, 1992). A shortened version of this article appeared in *Hebei Nongcun Gongzuo*, no. 8 (August 1992), 14-15.

[96.](#) On proactive claims in rural China, see, respectively, Perry (fn. 33, 34); and Lianjiang Li and Kevin J. O'Brien, "Villagers and Popular Resistance in Contemporary China," *Modern China* 23 (January 1996). On competitive, reactive, and proactive claims in rural Europe, see Charles Tilly, "Rural Collective Action in Modern Europe," in Joseph Spielberg and Scott Whiteford, eds., *Forging Nations: A Comparative View of Rural Ferment and Revolt* (East Lansing: Michigan State University Press, 1976). More recently, Tilly has preferred to speak of repertoires of contention, but others continue to find value in his trichotomy. See William H. Sewell, Jr., "Collective Violence and Collective Loyalties in France: Why the French Revolution Made a Difference," *Politics and Society* 18 (December 1990), 529.

[97.](#) On the advantages of insulation from hegemonic discourses, see James Scott, "Hegemony and the Peasantry," *Politics and Society* 7, no. 3 (1977), 267-96. My treatment of engaging the hegemony is closer to that developed in Scott (fn. 4), 94-107; and Susan F. Hirsch and Mindie Lazarus-Black, "Performance and Paradox: Exploring Law's Role in Hegemony and Resistance," in Mindie Lazarus-Black and Susan F. Hirsch, eds., *Contested States: Law, Hegemony and Resistance* (New York: Routledge, 1994).

[Muse](#)

[Search](#)

[Journals](#)

[This Journal](#)

[Contents](#)

[Top](#)