

## NEITHER TRANSGRESSIVE NOR CONTAINED: BOUNDARY-SPANNING CONTENTION IN CHINA\*

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*In studies of popular politics a split exists. Some scholars focus on rather tame forms of participation while others become interested mainly when political action spills out onto the streets. This article considers acts located near the boundary between official, prescribed politics and politics by other means. It explores popular pressure that is arguably legal, permissible in some eyes but not in others. The episodes of boundary-spanning contention examined center on implementing elections in rural China. What is to be gained by investigating this form of contention? First, it promises a better understanding of causal processes insofar as it draws attention to state and movement trajectories. Second, it can help close the gap between analysts who study the dynamics of contention and those who are concerned with the consequences of contention. Third, it promises to bring the relationship between states and contentious politics into clearer focus. Finally, studying boundary-spanning acts can help locate a regime across a number of dimensions: what is institutionalized and what is not, what is participation and what is resistance, who is a challenger and who is a polity member, what citizenship entails and who enjoys it.*

In studies of popular politics a split exists. Some scholars focus on tame and predictable forms of political participation while others become interested mainly when political action spills out onto the streets. For one set of analysts, attention centers on questions related to voting, lobbying, party activity, and various forms of contacting: how, in other words, the popular classes make use of approved channels of influence. For the other group, how people act up when the authorities are unresponsive and frustration mounts with existing opportunities for expression is of greater concern. Although there are exceptions, inasmuch as some researchers examine a range of institutionalized and uninstitutionalized acts (Anderson 1994; Aminzade 1995; Singerman 1995; Shi 1997), the two literatures tend to travel along separate tracks: one spotlighting forms of inclusion and legal political behavior, the other, consequences of exclusion and actions that are closer to resistance than to conventional participation.

In their book *Dynamics of Contention*, McAdam, Tarrow and Tilly (2001: 4-7, 305) take a dim view of such divisions. They argue that many episodes of contention belong in a single definitional universe and that there is no need for wholly distinct literatures on topics such as revolution, social movements, elections, and interest group politics. For them, so long as popular action entails episodic collective interaction between makers of claims and their objects, and a government is involved, similar causal processes and mechanisms are at work.

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McAdam, Tarrow and Tilly (2001: 7) of course recognize differences between what they call transgressive and contained contention. These include whether all the parties are established political actors and whether innovative means of collective action are employed. But then, in short order, they return to the many links between the two sorts of politics, not the least because it is difficult to locate where the boundary between transgressive and contained contention lies, and because the two kinds of politics “interact incessantly.”

After this bout of provocative claims-making, “for the sake of clarity” in an analysis that already extends from the Mau Mau rebellion to the Montgomery bus boycott, McAdam, Tarrow and Tilly (2001: 8, 341) choose to concentrate on episodes involving transgressive contention. Although they note that many transgressive episodes grow out of contained contention, little more is heard about the relationship between transgressive acts and acts not on the transgressive side of the line. The reader is left with a stirring charge to breach the boundary between institutionalized and uninstitutionalized politics and to investigate connections that have often been obscured, neglected or misunderstood (McAdam et al. 2001: 4-7), but only a sketchy roadmap for doing so. The relationship of these two forms of contention deserves further study and this article suggests one way to explore it: namely, by focusing on acts that sit near the fuzzy boundary between official, prescribed politics and politics by other means.

#### **UNPACKING THE STATE AND MULTI-PARTY CONTENTION**

To examine the links between transgressive and contained contention by looking at episodes that are neither fish nor fowl, some preliminary ground clearing is called for. First, much can be gained by joining the growing corps of scholars who eschew the dichotomies of state-versus-society and us-against-them (Migdal, Kohli, and Shue 1994; Perry 1994). In particular, it is important to think about “them” much more systematically by disaggregating the state. This prescription, uncontroversial though it sounds, goes well beyond the familiar injunction to avoid reifying state power. More fundamentally, it involves recognizing that every regime has its own institutional structure and that agents of a government are not always principled agents. Particularly in far-flung, many-layered bureaucracies, officials at different places in the hierarchy often have diverging interests and are subject to different constraints and incentives. From the vantage point of people contemplating collective action, this means that states often present attractive, multi-dimensional targets (Tarrow 1994: 92). Whether a regime is a democracy or anything short of the most repressive dictatorship, the segmentation built into a complex system of power cannot help but produce cracks in the facade of unity. These openings appear not only because there are regime defectors, minority elites, or elites out of power who seize the role of tribune of the people (Tarrow 1996: 55-60). At a more basic level, a multi-layered structure disorganizes the powerful and can provide opportunities for the disgruntled “to make authorities work for them rather than against them” (Klandermans 1997: 194).

Given that states are commonly too fragmented to treat as unitary actors, it is wise to dispense with otherwise useful shorthands like “subordinates” and “superordinates” (Scott 1985: 290) and to remember that collective action often involves more than two parties. Contentious politics is not always a story of neatly divided antagonists, with representatives of the state on one side and members of the popular classes on the other side. Sometimes it depends on the discontented locating and exploiting divisions within the government. In these circumstances, setting up subordinates (in society) in opposition to superordinates (in the state) can obscure how people actually go about warding off appropriation and political control. Thinking in terms of challengers pitted against the state can be especially misleading in situations where the aggrieved use government commitments and established values to persuade receptive elites to support their claims. When concerned officials, for instance, champion popular

demands to execute laws and policies that have been ignored elsewhere in the hierarchy, unexpected alliances often emerge and simple us-versus-them distinctions break down. On these occasions, contentious politics operates partly within (yet in tension with) official, prescribed politics; it depends on a degree of accommodation with the structure of domination, the deft use of prevailing cultural conventions, and an affirmation—sometimes sincere, sometimes strategic—of existing channels of inclusion.

Once a state is unpacked into institutionally situated officials with their own interests and preferences, it becomes difficult to classify certain claims-making performances as prescribed, tolerated, or forbidden. It also becomes difficult to neatly separate “challengers” and “polity members.” (Koopmans and Statham 1999a: 208, 218; for these terms, see Tilly 1978). The boundary-spanning contention highlighted here is not prescribed or forbidden, but tolerated (even encouraged) by some officials, and not tolerated by others. It is a form of contention that goes on partly within the state and it hinges on the participation of state actors. It exists in a middle ground that is neither clearly transgressive nor clearly contained.

While examples of boundary-spanning contention can be found throughout history and around the globe, it is hardly surprising that contemporary China has been a particularly hospitable incubator. Unlike in many industrialized democracies, where the bounds of the permissible tend to be more settled, what is institutionalized and what is not is often hotly contested in newer regimes and those in the midst of rapid change. In contemporary China, contention over what is contentious reaches deep into the state. Lower and mid-level officials, for instance, are often remarkably hazy about precisely what forms of political expression are acceptable.<sup>1</sup> Much can be learned about the elusive, fluid boundary between unconventional and institutionalized behavior in China (and elsewhere) by exploring popular actions that are arguably legal, permissible in some eyes but not in others.

### **BOUNDARY-SPANNING CONTENTION IN CHINA**

In China of late, popular contention has been on the rise. Since the reforms began in 1978, there have been recurring waves of rural riots, violent urban demonstrations, organized religious protests, and occasional demands to end one-party rule (Perry and Selden 2000; Shambaugh 2000; O’Brien 2002). At the same time there has been even more contention that (1) operates near the boundary of authorized channels, (2) employs the rhetoric and commitments of the powerful to curb political or economic power, and (3) hinges on locating and exploiting divisions within officialdom. These latter episodes, though not as dramatic as efforts to attack the system of power head-on, occur daily and typically involve the innovative use of laws, policies and other officially-promoted values to defy “disloyal” political elites (Li and O’Brien 1996; Jennings 1997: 370; Howell 1998: 103-05; Bernstein and Lü 2000; Liu 2000; Zweig 2000). They are a form of partly-sanctioned, partly-institutionalized contention 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. The people who engage in this type of contention characteristically combine lawful tactics (e.g., collective petitions, seeking audiences with power holders) with disruptive but not quite unlawful action (e.g., silently parading with lit candles in broad daylight to symbolize the “dark rule” of local leaders) (Li and Yu 1993). They always behave in accord with prevailing statutes (or at least not clearly in violation of them) and they use the regime’s own policies and legitimating myths to justify their actions. Their “rightful resistance” (O’Brien 1996) is difficult to dismiss because it is based on ethical claims legitimated by official ideologies and because the demands proffered often involve nothing more than scrupulous enforcement of existing commitments.

Boundary-spanning contention of this sort can appear in many settings. Other students of contentious politics have employed terms such as “in-between forms of

resistance” (Turton 1986), “reformist activism” (Anderson 1994: 16), and “reasonable radicalism” (McCann 1994: 276) to describe petition drives in Thailand, struggles to reclaim appropriated land in Latin America, and the use of anti-discrimination laws to agitate for equal pay in the United States. Boundary-spanning contention also harks back to Gramsci’s (1971) “war of position” and Fields’s (1976) “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.

It happens, however, that I am most familiar with boundary-spanning contention from research on China’s countryside. The next section presents evidence from interviews with Chinese grassroots cadres and officials at higher levels, as well as accounts drawn from government publications and field reports by Chinese researchers. The episodes considered center on clashes involving cadre accountability. Although many other disputes inspire boundary-spanning contention, including conflicts over unapproved fees, contract fulfillment, financial disclosure, land use, and cadre corruption, deploying official discourses and collective action to combat election chicanery has become particularly prominent since the late 1980s. One study (Jennings 1997: 366), for instance, reported that two-fifths of the occasions on which rural residents contacted officials concerned elections; another survey showed that as many as five per cent of villagers nationwide had lodged complaints over election fraud (Shi 1999a: 403-04).<sup>2</sup> Even in regions where grassroots elections have taken hold most deeply, boundary-spanning contention is climbing. Following the 1997 elections in Fujian, a provincial pacesetter, villagers sent more than 4000 letters of complaint about voting irregularities to government offices, ten times the number received after the 1993 balloting (Carter Center Report 2000). And this upward trend shows no signs of abating, most likely owing to a November 1998 revision of the *Organic Law of Villagers’ Committees* (1987), which expressly authorized villagers to combat dishonest elections (“threats, bribes, forged ballots and other improper methods”) by lodging reports with local governments, people’s congresses and other departments (e.g. civil affairs offices). In 1998, when the *Organic Law* only enjoyed trial status, 17% of all appeals and letters to the Ministry of Civil Affairs concerned elections; in the first half of 1999 this proportion rose to 31% (Liu 2000: 31).

In addition to their significance as everyday events, the following incidents were chosen mainly for their ability to shed light on the dynamics of boundary-spanning contention. For Sinologists who are taken aback by the proportion of happy endings, it should be noted that uncharacteristically successful cases were selected, not because they are typical, but because they are relatively complete and illustrate how an episode of boundary-spanning contention plays out in ideal circumstances.

### PRESSING FOR ACCOUNTABILITY

How to monitor local officials and curb cadre misconduct has become an urgent problem in rural China (Yang 1996: 202-12; O’Brien and Li 1999; Bernstein and Lü 2000; Cai 2000; Lü 2000; Edin, in press). One way that the central government has attempted to rein in arbitrary and self-serving grassroots leaders has been by rolling out an ambitious program of village elections. By making the lowest level cadres more accountable to the people they rule, Party leaders in Beijing hope to shore up the regime and to prevent wayward officials from “driving the people to rebellion” (*guanbi min fan*) (O’Brien 1994b; Kelliher 1997; Wang 1997; Howell 1998; Shi 1999a; O’Brien and Li 2000). But opposition to free and fair elections has, at times, been fierce. Many mid-level leaders feel that empowering villagers in any way will jeopardize public order and make it more difficult for cadres to complete the many tasks (e.g. birth control, revenue collection) that they are assigned. Some of these officials have acted on their misgivings by blocking or rigging elections, either openly or through subterfuge. Among other tactics, opponents of village self-government have refused to convene elections,

monopolized nominations, held snap elections, required that Party members vote for favored candidates, banned unapproved candidates from making campaign speeches, annulled results when the “wrong” candidates won, forced elected cadres from office, and insisted that voting be conducted by a show of hands (Ma 1994; Fan 1998; Li and O’Brien 1999; Liu 2000).

But when local functionaries frustrate efforts to make grassroots leaders more accountable, some villagers are far from quiescent; instead they confront those who dare to usurp their right to vote. They stand up for their right to rid themselves of corrupt, unfair, and incompetent cadres by engaging in various forms of protest, a number of which fall in the category of boundary-spanning contention.

In one poor Hebei village, for example, a group of farmers lodged a series of complaints requesting the dismissal of several village cadres. After the township government rejected their appeals, the villagers stationed several rotating teams of petitioners in the township to press their case. One day, one of the villagers happened upon a copy of the *Organic Law of Villagers’ Committees* lying on a desk in a township office. He read it, immediately realized its import, and showed it to his fellow complainants. After they studied the Law, they decided to “lodge complaints against the township government for violating the *Organic Law* by not holding democratic elections.” The villagers then devised a plan to increase their leverage and to ensure that their demands would not be brushed aside. They divided themselves into three groups, two of which went to the township compound and the county civil affairs bureau, while a third composed of village Party members traveled to the county organization department. Facing a crowd of angry villagers demanding implementation of a law that had been casually ignored throughout the region, the township government caved in and agreed to hold elections. In the subsequent balloting, the man who had originally discovered the *Organic Law* was elected director of his villagers’ committee (Bao 1991).

And it is not just open contempt for the law that leads to boundary-spanning contention. Villagers also contest procedural irregularities that Chinese peasants are often thought to care little about (on rules-conscious peasants, see Pei 1997; Liebman 1998; Diamant 2000). Organized election boycotts, for instance, have occurred over relatively technical infractions of the *Organic Law*.<sup>3</sup> In one case, when residents of a Hunan village found themselves facing an illegal snap election, two young men organized their neighbors to plaster 74 posters around the village that called on voters to reject hand-picked candidates and “oppose dictatorial elections.” The village’s walls were literally covered with oversized characters, all written on white paper (a color that is associated with death and ill-fortune.) This threatening display drew the attention of county officials, who investigated the charges and ruled that the balloting should be rescheduled and nominations reopened. Although the two organizers were ultimately ordered to cover the posters with new ones written on red paper, their actions delayed an election that violated the *Organic Law* and other local regulations (Zhongguo Nongcun Cunmin Zizhi Zhidu Yanjiu Ketizu 1994: 119).

In yet another incident that turned on whether proper procedures were observed, a group of villagers from Hubei province stopped an election in which nominations were not lawfully handled. At the exact moment when the ballots were being distributed, one villager leapt to the platform where the election committee was presiding, grabbed a microphone, and shouted: “Xiong Dachao is a corrupt cadre. Don’t vote for him!” Immediately several of his confederates stood up and started shouting words of encouragement, seconding his charges. To further dramatize their dissent, the protesters then tore up their own ballots as well as those of other villagers who were milling about waiting to vote. The balloting was briefly halted, but later resumed. Though township officials first sought to prosecute the ringleaders for “impeding an election,” and the county procurator accepted the case, the provincial people’s congress, after consultation with the National People’s Congress, decided it was “not appropriate to regard their actions as illegal” since the original nominating process had been

conducted improperly. The interrupted election was declared null and void and the balloting was rescheduled (Zhongguo Nongcun Cunmin Zizhi Zhidu Yanjiu Ketizu 1994: 164-65).

To enhance their bargaining position, resourceful villagers sometimes “skip levels” (*yueji*) in the hope that higher-ranking officials will take their charges more seriously (Fang 1993; O’Brien and Li 1995; Bernstein and Lü, in press). When defying township leaders who fix elections, villagers often lodge complaints at the county or even higher levels. In one such incident, after a township in Liaoning prohibited several candidates from running for office and did not allow secret balloting, over a dozen villagers traveled at their own expense to the county town, then the provincial capital, and finally Beijing to file complaints. They knew the *Organic Law* by heart and recited it at every stop along the way while petitioning for a new election (Tian 1993).

Some persistent complainants do manage to locate “benefactors” (*enren*) who are willing to give them a sympathetic hearing and investigate their claims. In a notable 1996 case, a group of Hebei villagers went to Beijing to protest a fraudulent vote. When the Ministry of Civil Affairs official responsible for implementing self-government heard that they were in his outer office, he shouted “bravo!” (*tai haole*). Within a matter of days, the official had dispatched two staff members to look into the charges. In the course of a long investigation that ended with the election being annulled, Ministry officials appeared three times on China’s most popular television show devoted to investigative journalism. Immediately following the evening news, in front of a national audience, they openly supported the complainants and warned other local leaders to draw the appropriate lesson (O’Brien and Li 2000).<sup>4</sup>

Sometimes aggrieved villagers go so far as to contact the media themselves. In a 1998 incident in Shaanxi province, some incumbent cadres called an election without warning, dispatched roving ballot boxes to collect votes, and hovered over the boxes while prodding villagers to make a choice in their presence. When several voters challenged these tactics, the village leadership halted the balloting and announced that all the incumbents had been returned to office. Over 160 villagers then signed a petition protesting this misconduct and sent it to various news outlets. A reporter from *China Business Daily* received their appeal, traveled to the village, and published an account of what happened. Five days after his story appeared, agents of the local public security bureau broke into the home of one of the petitioners, brandishing knives and guns, and cursed the man for contacting the media and the government. After *China Business Daily* published a second story chronicling the latest turn of events, the city government conducted an investigation and its bureau of civil affairs declared the original election invalid (Liu 2000: 30-31).

Boundary-spanning contention can also undermine elected cadres who have engaged in objectionable behavior while in office. In 1996, a township Party secretary outside Harbin barred voters from proposing their own nominees for village director and instead preselected a single candidate. A villager who was familiar with the *Organic Law* put up a poster denouncing this phony “election” and demanded a new round of balloting. The township government promptly detained the poster writer for twenty-four days and nothing came of his complaint.

Over the next few years, the village director enriched himself through land sales that he hid from the public. In late 1998, the real estate sales were exposed, under pressure from villagers who cited regulations that promised financial transparency. This also happened to be around the time that the revised *Organic Law* was enacted. When some villagers saw a television program trumpeting the Law and learned of their right to recall elected cadres, they contacted the original poster-writer, went to the township, and purchased two copies of the Law and other relevant regulations. The villagers then held ten sessions to review the documents, after which they decided to launch a recall drive. In short order, they gathered 746 signatures (more than twice as many as required) calling for the director’s removal. After the village

leadership rebuffed their petition, they again proceeded to the township and found a new Party secretary who sent a team of investigators to verify the signatures and organize a recall meeting. In the ensuing vote, the village director was ousted by nearly a 2:1 margin. Officials from the National People's Congress and the Party secretary of Harbin (the provincial capital) praised the outcome as evidence of increasing democratic awareness in the countryside and effective use of the *Organic Law* to supervise grassroots cadres and protect villagers' rights (Liu 2000: 32-33).

These episodes suggest that boundary-spanning contention is not merely an example of clever but futile claims-making, of using the language of power deftly but to no avail. Some rural residents have learned how to locate allies within officialdom and to make power holders prisoners of their own rhetoric by advancing claims in a particularly effective way. By casting their demands in the language of loyal intentions, these villagers are sometimes able to ferret out supporters in various bureaucracies who have a stake in seeing their appeals addressed and in upholding the policies they invoke. They skillfully "venue shop" (Rochon 1998: 237) and take advantage of the limited institutionalization of Chinese politics to press their claims wherever they have the best chance of success. In one place it might be a civil affairs bureau; in another it might be a people's congress complaints office; in a third it could be a procurator or a discipline inspection committee. These expert faultfinders have recognized that state power is both fragmented and divided against itself, and they know that if they search diligently, they can often locate pressure points where elite unity crumbles.

Of course the odds are stacked against even the most adept complainants, since their targets can almost always point to conflicting norms that make them appear unreasonable and justify obstructing an election (O'Brien 1996; Guo 2001). Censorious villagers, for example, may cite clauses in the *Organic Law* or speak of their right to "reflect problems and expose bad cadres," but their targets can often trump them by invoking "democratic centralism" and the need to maintain "stability above all" (Interviews, Hebei province, 1993). Many grassroots leaders are proficient at casting all forms of 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. The specter of populist cadres who ignore state quotas and other assignments can often be used to delegitimize even well grounded boundary-spanning contention. Township and county leaders, in particular, tend to be receptive to pleas that it is impossible to conduct democratic elections while ensuring that village cadres attend to birth control, grain procurement, and revenue collection (Li and O'Brien 1999; Liu 2000). Some provincial leaders, too, have been slow to throw their support behind village-level balloting. Elections in large parts of the provinces of Guangdong, Yunnan, Guangxi, and Hainan, for example, only began in the late 1990s, a decade or more after the original *Organic Law* was passed (Chan 1998; Unger 2000).

The media is also unlikely to intervene unless villagers "try something dramatic or when the tension spirals out of control and attracts the attention of provincial or national leaders" (Liu 2000: 31). Daring newspapers or television stations that report misconduct by local officials can come under pressure or be subject to editorial reshuffles. Some investigative journalists have been detained, or even roughed up, for championing popular complaints (Zhu 1993; Lu 1993; Chan 2002: 20). When all is said and done, officials often dispatch the police to suppress protesters who disrupt a rigged election or lodge a complaint, or they convince judicial authorities to conduct perfunctory investigations or spend years taking testimony. In today's China, a strong legal case and the use of compelling normative language is merely the ante that gives villagers a seat at the table; in the "politics of signification" (della Porta 1999: 69, 92) cadres have many more resources than ordinary people to see to it that their understanding of legitimate ways to protest and control protest come out on top.

Still, boundary-spanning 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 popular unrest while improving policy implementation and cadre oversight. When resourceful villagers cite patently illegal and “undemocratic behavior” or obvious evasion of central intent, their boundary-spanning contention can generate considerable pressure on rural cadres and make it difficult to justify suppressing them as if they were run-of-the-mill protesters.

### PAYOFFS

What is to be gained by working at the boundary between official, prescribed politics and politics by other means? What can be learned by looking at actions that are simultaneously normative and non-normative, in the eyes of some regime members rule-conforming, in the eyes of others rule-violating?

First, exploring such acts promises a better understanding of the dynamics of contention because it gets away from the static quality of much research on contentious politics (McAdam et al. 2001: 18, 43, 73) and draws attention to state and movement trajectories. Perhaps most important in this regard, investigating incidents near the contained/transgressive border can offer insights into how the very meaning of contained and transgressive shifts over time. Zeroing in on acts that share some of the advantages of transgression (surprise, uncertainty, and novelty) and some of the benefits of contained contention (accepted, familiar, and easy to employ) (McAdam et al. 2001: 41), can cast light on those critical moments in the evolution of a repertoire of contention when what is forbidden one year, is tolerated the next, and is readily accepted the third. Such research may also help clarify why these junctures are sometimes sudden tipping points and sometimes the product of gradual, incremental experimentation (Sewell 1990; Tilly 1993).

Moreover, while it is true that at the extreme contained contention tends to reproduce a regime (McAdam et al. 2001: 8), closer to the blurry boundary ambiguity itself can be an engine of change. In systems where the rules themselves are contested, and precious few forms of contained contention exist,<sup>5</sup> scrutinizing boundary-spanning acts can provide leverage over questions such as how challengers become polity members and how claims for inclusion come to fruition or not.

In China, for example, people who have become polity members in the eyes of central officials (at least as regards village elections) are fighting to be seen as something more than subjects or challengers by local officials. Certain community members have come to appreciate that unrealized state commitments can be a source of inclusion, and they are busy exploiting the gap between rights promised and rights delivered. To protect themselves and improve their odds of success, these exacting critics tender impeccably reasonable demands and profess little more than a desire to make the system live up to what it is supposed to be. Their claims are usually mindful and circumscribed, local and parochial rather than national and autonomous (Tilly 1986: 391-93). The regime has promised them a place in the polity and they expect the system to do justice to its billing.

When villagers come to view state commitments as a source of entitlement, they are acting like citizens before they are citizens (O’Brien 2001). Certain citizenship practices, in other words, are preceding the appearance of citizenship as a secure, universally recognized status. In fact, practice may be creating status, as local struggles perched on the contained/transgressive border start in enclaves of tolerance, spread where conditions are auspicious, and possibly evolve into inclusion in the broader polity. This renegotiating the terms of citizenship, this finding out what the rules of the game are by probing the limits of the permissible, becomes particularly visible when boundary-spanning acts are examined. For this border is a key frontier where concessions are extracted, and it is here that it becomes clear whether still-contested claims for inclusion are making headway and citizenship is becoming less piecemeal and incomplete.

Paying attention to boundary-spanning acts can also help close the gap between the many analysts who study the dynamics of contention and the growing number who are concerned with the consequences of contention (e.g. does it lead to policy, procedural, cultural, or personal change?). It has frequently been pointed out that determining how popular action reshapes a polity's institutional structure has been a characteristic weakness of the social movement literature (McAdam 1996: 36; for exceptions, see Gamson 1990; Tarrow 1994; Jenkins and Klandermans 1995). Comparatively little is also known about the biographical consequences of contention; in particular, how it affects the values of activists (but see McCann 1994; Banaszak 1996; McAdam 1999). Many scholars agree that future research should pay more attention to the outcomes of contentious politics (Burstein, Einwohner, and Hollander 1995: 276, 293; Kriesi, Koopmans, Duyvendak, and Giugni 1995: 207; Giugni 1998: 373; Andrews 2001: 71). Perhaps by examining boundary-spanning acts a better understanding of the impact of interesting hybrids, like "mildly transgressive" and "proactive contained" contention, could be obtained.<sup>6</sup>

In China, villagers may be struggling to persuade their antagonists that they are engaged in entirely sanctioned behavior but that is mainly evidence of their tactical good sense (Bianco 1999: 6). In reality, they are editing and creatively reworking official rights talk (O'Brien 1996; Howell 1998: 104), while trying to transcend the strict constructionism that usually constrains them. Consider the practice of dressing up genuinely transgressive claims in contained clothes. This occurs, for example, when community members use vague clauses in the Party constitution or the people's congress election law to demand election of village Party secretaries—even though the clauses do not strictly apply (Interviews, Hebei, 1993, 1994). Or villagers who use out-dated norms, such as the Cultural Revolution-era "four freedoms" to justify putting up big-character posters that expose cadre corruption (interviews, Hebei, 1993). Or even more relevant for transforming contested claims into enforceable rights, what might be called lateral claims-making. When villagers cite people's congresses as a model for turning village representative assemblies into policy-making bodies (interviews, Hebei, 1993), or claim that the principle of mass line democracy entitles them to vote in Party primaries (Li 1999), or quote ambiguous clauses stipulating direct election to demand open nominating procedures, their contention is both loyal and proactive (Li and O'Brien 1996). It is both a way to further their interests within existing limits and a way to assert new rights and pry open clogged channels of participation.

And should these villagers succeed in mounting an effective "critique within the hegemony" (Scott 1990: 90-107), their actions can alter outcomes. Illegal levies are sometimes rescinded, rigged elections are overturned, and predatory cadres are reined in. Piercing the hegemony at its weakest point can change life in the village and it can also affect activists themselves. Protesters undergo a learning experience, become aware of new possibilities, and often end up more inclined to take part in other popular action (Zolberg 1972: 206; McAdam 1988; McCann 1994). (The recent emergence of "peasant heroes" (Tan 2000) testifies to a heightened willingness to take risks, a sense of empowerment, and other spillover effects on the life course and political consciousness of activists).

Larger-scale structural consequences may be possible, too. How mildly transgressive or contained proactive episodes pan out nationwide may have a bearing on where Chinese politics is heading, at least if there is a bottom-up element to the ongoing transition and not everything originates in the Party leadership compound in Beijing. Among other issues, how boundary-spanning episodes are resolved may offer clues to how pliable the political system is and how likely it is to crumble when faced with future challenges. Analysts would then be better placed to address questions such as: do reform and the "quiet revolution" still have some way to go, or is the motive force for change becoming conventional forms of transgressive contention, like riots, illegal protests, and ultimately revolution?

Studying boundary-spanning acts also promises to bring the relationship between states and popular contention into clearer focus. Commentators have frequently complained that students of social movements overlook the inner workings of government (Zald 1992: 339). McAdam, Tarrow, and Tilly (2001: 74) go so far as to claim that the literature as a whole has been “movement-centered”: that “to the extent that it enters at all, the state generally acts as a *diabolus ex machina*, producing opportunities, awaiting mobilization, landing heavily on some actors and facilitating others, but not participating directly in contention.” Examining boundary-spanning acts addresses this objection by placing the state at center stage and redirecting our gaze away from those contesting power to their relationships with the powerful. By observing how people work the territory between different levels of government, for example, we can learn why certain sectors of the government accept claims to citizenship while others deny them. Exploring boundary-spanning contention, in other words, requires unpacking the state and at the same time unpacks the state further.

In China what emerges is a multi-layered state that has grand aspirations but formidable principal-agent problems (O’Brien and Li 1999; Edin, in press). The Center has structured the implementation environment deftly for some policies, but for others current methods of cadre monitoring are not working as well as they might. China’s street-level bureaucrats have many “resources for resistance” (Lipsky 1980: 23-25) and on some policies (e.g. increased accountability) they see little reason to accede to central plans. Viewing the state from this perspective, it is easy to understand why, when I was traveling with a ministry bureau chief in a Fujian village, and we encountered a village cadre who refused to release some election results, the ministry official said: “I’m your bosses’ bosses’ bosses’ boss, so turn over the results.” And the lowly village leader responded, “because you’re my bosses’ bosses’ bosses’ boss, go to hell (*jian gui qu ba*).”

Peering under the hood of the state also clarifies why central officials might promote village elections and tolerate boundary-spanning contention. In particular, it suggests that empowering ordinary people to serve as watchdogs can make sense even to dyed-in-the-wool Leninists who, like trucking companies that print 800 numbers on the back of their rigs, need on-the-ground sources of information if they are to uncover and stop misconduct by their local agents. Seen in this light, initiating elections and allowing (or even encouraging) boundary-spanning contention are first and foremost solutions to a principal-agent problem: they have less to do with liberal ideology or any newfound affection for pluralism and more to do with preventing local officials from thwarting measures designed to reign them in. Why the Center has risked drawing ordinary people into policy implementation becomes evident only when we steer clear of a society-centered approach to contention and spend time discovering why officials at different points in the hierarchy act as they do.

To do this, an “anthropology of the state” (Migdal 2001) is needed. This means studying the state from its lowest administrative legs up to its mid-section and its head; it also entails examining relations between different levels of government, and identifying a constellation of state-society interactions that occur in the regions as well as at the Center (Diamant 2001: 453, 473). In the rural Chinese case this approach leads us to probe various dyads—villagers and village cadres, village cadres and township cadres, township cadres and county officials, villagers and officials at higher levels—to determine why on certain issues central officials tend to be good listeners, counties are sometimes “paper tigers,” and townships are predictably unsympathetic. Like many other states, the Chinese state is less a monolith than a hodgepodge of disparate actors, many of whom have conflicting interests and multiple identities. The same central state that discriminates against villagers when they wish to move to urban areas can be a benefactor that acts on their election complaints. The same village cadres who at times protect villagers from overbearing higher-ups can be antagonists when people lodge complaints about rigged elections. Disaggregating the state and inspecting dyads illuminates the cross-pressures under which officials live, and makes sense of behavior that

otherwise seems inexplicable; it also enables us to see how strategies of contention adapt to the contours of a regime as the popular classes discover which openings can be exploited and where their best opportunities lie.

This research strategy has implications beyond China. Boundary-spanning contention probably occurs everywhere, and examining it across time and territory could enhance our understanding of what is transgressive and contained, and what it means for an act to be transgressive or contained. Although homing in on this form of contention might complicate efforts to construct airtight categories, it would also provide an opportunity to triangulate between various intra-state and popular perspectives on what is contained and what is transgressive to produce a nuanced, on-the-ground view of the political and discursive opportunity structures (for this latter term, see Koopmans and Statham 1999b: 228). Much might be learned by examining actions that are normative, non-normative, or something in between, depending on whose perspective one adopts. Such research could, for a start, help locate a polity across a number of dimensions: what is institutionalized and what is not, what is participation and what is resistance, who is a challenger and who is a polity member, what citizenship entails and who enjoys it.

#### ENDNOTES

<sup>1</sup> In one Hebei village I visited, a former Party secretary set up a legal advisory office to help cadres who were regularly being tripped up by villagers who knew more about the law than they did. Interviews, August 1998.

<sup>2</sup> Five percent seems high. In 1994, the Fujian provincial bureau of civil affairs received 562 election-related complaints and deemed 24 elections invalid. (International Republican Institute 1997: 27)

<sup>3</sup> Whether Chinese with a stronger democratic orientation and a keener sense of internal efficacy are more likely to vote is a matter of some dispute (Shi 1999b; Chen and Zhong 2002). What is not in dispute is that turnout rates are lower than those reported by the government.

<sup>4</sup> However, a 1997 documentary about villagers petitioning for their electoral rights was abruptly cancelled because of fears it would raise unrealistic expectations (Kaye, 1997).

<sup>5</sup> Some examples of contained contention in China include: petitions to people's congress deputies (O'Brien 1994a; Shi 1997), lobbying by women's and environmental groups (Zheng 2000; Jing 2000), collective visits to protest official misconduct under the 1995 *Regulation on Letters and Visits* (Luehrmann 2000), class-action lawsuits (Liebman 1998); collective appeals and lawsuits under the 1991 *Administrative Litigation Law* and various regulations on administrative review (Pei 1997).

<sup>6</sup> On "mildly challenging" and "duplicitously oppositional" activities in Leninist states, see Johnston and Mueller 2001: 358, 362.

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