

# Climbing the Dispute Pagoda: Grievances and Appeals to the Official Justice System in Rural China

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*In the wake of heightened scholarly and media attention to the growing volume of conflict in rural China, this article represents the first effort to use survey data to identify the causes both of popular grievances and of popular actions taken to resolve them in the Chinese countryside. An analysis of data collected in 2002 from almost 3,000 households across six provinces shows that the volume and character of grievances, as well as the volume of appeals to the official justice system, exhibited substantial variation both by macrolevel regional conditions and by microlevel family resources. With respect to regional variation, in contrast to classical theoretical expectations of a positive correlation between law and economic development, the data reveal that law was mobilized with greatest frequency in the most economically distressed parts of China where grievances were the most prevalent. Additional variation in the volume of legal mobilization between similarly aggrieved regions of similar economic character is explained by contextually-specific historical conditions. With respect to family resources, the survey evidence reveals that families with social connections to local government officials were relatively sheltered from grievances and relatively more likely to mobilize the official justice system when they did experience grievances.*

Scholarship and media reports on popular discontent in the Chinese countryside have proliferated in recent years.<sup>1</sup> This burgeoning

and poignant literature chronicles conflict—particularly conflict between villagers and local state agencies—and identifies popular strategies of contention, resistance, and redress. Using data collected in 2002 from the first survey of its kind on grievances and dispute-processing in rural China, I build on this literature, not only by establishing baseline descriptive information about grievances and popular efforts at their resolution in a rapidly transforming context, but also, and more importantly, by explaining variation both in the popular experience of grievances and in the popular pursuit of legal remedies. I attempt to address two sets of “frequency and variation” questions: the overall

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<sup>1</sup> This literature is already too large to cite in its entirety. Among the most influential statements are Yang (1996), Bernstein and Lü (2003), and O’Brien and Li (2006). For a review of other parts of the relevant literature, see O’Brien (2002).

incidence of and variation in the incidence of (1) *grievances* and (2) *legal mobilization* in response to grievances.

By adapting and applying the “dispute pyramid”—a heuristic device developed in the field of law and society—to the Chinese context, I attempt to identify conditions under which aggrieved villagers escalate their grievances to higher-level authorities, or “climb the dispute pagoda.” Whereas prior survey research elsewhere in the world explains dispute escalation in terms of the characteristics of the grievances at hand and of the individuals who experience them, the results of my analysis call for heightened attention to family-level and contextual factors. In China, grievances are not merely individual matters but are also family and regional matters. Likewise, strategies of redress are not merely individual strategies but are also family strategies shaped by contextual characteristics.

As Sandefur (2008) points out, sociologists, largely missing in action in the study of access to the official justice system, have much to offer methodologically and theoretically to this field of research. By highlighting the contextual determinants of both grievances and responses to grievances, I contribute to a growing sociological effort to privilege contextual explanations over individualistic explanations of personal plight and social responses to personal plight (Sampson, Morenoff, and Gannon-Rowley 2002). Regional variation in the volume of grievances explains much of the regional variation in the volume of legal mobilization. I also identify local historical conditions that gave rise to an extreme degree of contentiousness in southeastern Henan Province. Although macrolevel contextual factors are of greatest explanatory importance, we will also see that, net of contextual conditions, microlevel resources facilitated the ascension of the dispute pagoda. Family connections to local political officeholders helped shield villagers from grievances and facilitated access to higher-level solutions when grievances were experienced.

## THEORETICAL EXPECTATIONS DERIVED FROM PRIOR RESEARCH

### *THE DISPUTE PAGODA*

For almost three decades, the dispute pyramid has served as a conceptual and analytical device

for depicting and analyzing the relative prevalence of different actions taken in response to grievances (Felstiner, Abel, and Sarat 1980–81; Miller and Sarat 1980–81). (For a discussion, if not an empirical application, of the dispute pyramid in the Chinese context, see Diamant, Lubman, and O’Brien [2005].) The base of the dispute pyramid represents the sum total of grievances, and each layer above the base represents the proportion of grievances that escalate to bilateral claims, disputes, and legal action. The wider the tip of the pyramid, the greater the incidence of escalation to higher authorities. Only if every grievance escalated to litigation would it lose the shape of a pagoda, for the tip and the base would be equally wide. In this article I call them dispute *pagodas* rather than dispute *pyramids* for two reasons: First, they are constructed from Chinese data. Second, as we will see, they more closely resemble stupa than pyramids because, in contrast to the classical dispute pyramid (Miller and Sarat 1980–81), the successive layers of the pagoda are mutually exclusive and therefore do not necessarily progressively narrow. In contrast to the classical dispute pyramid, the dispute pagoda assumes nothing about the path grievances take to their final destinations. It does not assume a fixed, teleological road to court.<sup>2</sup>

Despite an ongoing effort to debunk culturally essentialist stereotypes of a Chinese aversion to litigation, both prior to the People’s Republic of China (Alford 1997; Huang 1996; Marsh 2000) and after it was established in 1949 (Diamant 2000a, 2000b), we should

<sup>2</sup> The classical dispute pyramid is simply a graphical representation of a cumulative frequency distribution of responses that follow a fixed, linear sequence culminating with court litigation. The classical dispute pyramid is a cumulative frequency distribution because each vertical step is predicated on all prior steps: a dispute involving the mobilization of a third party presumes a prior attempt to negotiate a claim bilaterally, and appearance in court presumes the prior mobilization of a lawyer (Miller and Sarat 1980–81). The Chinese dispute pagodas I present in this article, by contrast, are constructed from percentage distributions that treat responses to grievances as mutually exclusive (summing to 100 percent); each layer represents the final, most important, or most decisive response, rather than one step in a sequence of responses.

nonetheless expect a low incidence of litigation relative to other available options. Prior research shows that most people in most societies tend not to jump directly into court as a means of resolving their troubles. Indeed, stereotypes to the contrary notwithstanding, even Americans are averse to litigation and generally prefer to resolve their disputes on their own, turning to the formal legal system only as a last resort (Ellickson 1994; Engel 1984; Galanter 1983–84; Greenhouse 1986; Greenhouse, Yngvesson, and Engel 1994).<sup>3</sup> In a New Jersey survey, bilateral negotiation (“confronting the second party”) was by far the most popular response to grievances (Silbey, Ewick, and Schuster 1993: 59–61). In rural settings, where the social costs of “lumping it” (dispute avoidance or tolerance) are higher and access to courts more limited than in urban areas, bilateral negotiation is of particular popular salience (see Michelson [2007] for a review of the relevant literature).

*Hypothesis 1: Relative Importance of Bilateral Negotiation.* Relative both to “lumping it” and to formal law, bilateral negotiation is a more popular response to grievances.

Survey research on grievances and disputing outside of China has been critiqued for overlooking the importance of bureaucratic solutions outside the legal system (Emerson 1992; Kidder 1980–81; Marks 1976). Qualitative research on strategies of contention within China also highlights the relative salience of higher-level administrative solutions within the state bureaucracy (O’Brien and Li 2006). In China, direct appeals to administrative agencies for intervention and redress remain a mainstay *popular* strategy (Michelson 2007) with deep historical roots (Hung 2004; Li 1977). In addition to the official complaints system, known as the “letters and visits” (*xinfang*) system, many ordinary people make direct appeals to government agencies outside the complaints system. Both strategies fall under the general category of “visiting higher levels” (*shangfang*) in the pur-

suit of redress (Michelson 2007). At the same time, the expansion of administrative and legal channels of redress is also an increasingly salient *official* strategy for containing and managing popular contention (Cai 2004; Luehrmann 2003; Minzner 2006). In this article, therefore, “legal mobilization” and “access to the official justice system” are used interchangeably and include not only appeals to courts and lawyers, but also the advancement of rightful claims to government agencies.<sup>4</sup>

*Hypothesis 2: Relative Importance of Bureaucratic Channels.* Relative to appeals to the legal system, appeals to government administrative offices are a more popular response to grievances.

### CLIMBING THE DISPUTE PAGODA

The foregoing hypotheses concern the overall shape of the pagoda, the general pattern. I will now explore variation within the general pattern—the determinants of pursuing higher-level solutions, of climbing the pagoda. I hypothesize both *social barriers* (and social catalysts) and *contextual barriers* (and contextual catalysts) to the legal system and other parts of the state bureaucracy.

In light of decades of sociological research on the social embeddedness of institutions, as well as decades of law and society research that consistently identifies legal insiders as gatekeepers to the courts, the dearth of survey research on the effects of informal social connections on grievances and access to the legal system is somewhat puzzling. It is the general case that government officials facilitate access to the organs of government. In the special case of China, however, the fusion of the legal system to the rest of the state bureaucracy valorizes political connections above and beyond the general case. In an institutional context in which the legal system is embedded in and subordinated to the rest of the state bureaucracy (Cho 2003;

<sup>3</sup> According to surveys conducted in the United States in 1980 and 1989 and in England and Wales in 1996, the proportion of all grievances brought to the legal system was about 15 percent (Genn 1999:150; Miller and Sarat 1980–81:544; Silbey et al. 1993:61).

<sup>4</sup> Silbey and colleagues (1993) also include government agencies in their definition of the official justice system. Although I sometimes use the term mobilization, we will see that I analyze measures of instances of appealing to various third parties for help. I have no direct information on how these third parties responded to appeals for help.

Cohen 1997; Potter 1999; Woo 1999), political connections should offer exceptionally privileged access to some parts of the legal system. In the law and society tradition, legal institutions, like other social institutions, are socially embedded, and legal mobilization is facilitated by the mobilization of social resources. Qualitative research suggests that access to the law is enhanced by direct and indirect social connections to inside actors (Black 1976:45; Lomnitz and Salazar 2002; Nardulli 1986; Parikh and Garth 2005:297; Sarat and Felstiner 1995:101–02). In the legal process, know-who complements know-how (Dezalay and Garth 2002:49, 202). Legal success is facilitated by “people knowledge” (Kritzer 1998:16, 196). Research from China suggests that personal relationships continue to animate the legal process even after the “rationalization” of law (Appelbaum 1998; Potter 2002; Schramm and Taube 2003).

*Hypothesis 3: Legal Mobilization and Bureaucratic Know-Who.* Direct and indirect political connections enhance access to the official justice system.

On the basis of research from North America and the United Kingdom, we should also expect that individual and household socioeconomic resources, such as income and education (the latter being a proxy for procedural know-how, awareness of rights, and the cognitive capacity to “name” problems and to “blame” offenders), are important determinants of legal mobilization (Curran 1977; Genn 1999; Genn and Paterson 2001; Miller and Sarat 1980–81).

*Hypothesis 4: Legal Mobilization and Socioeconomic Advantage.* Socioeconomic resources facilitate legal mobilization.

Although individual characteristics such as income, age, education, gender, and race/ethnicity help explain variation in legal mobilization, the nature of the problem at hand consistently emerges as the most powerful predictor (Curran 1977; Genn 1999; Genn and Paterson 2001; Kritzer, Bogart, and Vidmar 1991; Mayhew and Reiss 1969; Miller and Sarat 1980–81; Silbey et al. 1993). Divorce, post-divorce, property grievances, and personal injury problems are associated with narrower pyramids with wider peaks (more legal mobilization), while labor grievances are associated

with flatter pyramids with sharper peaks (less legal mobilization) (Kritzer 1991; Miller and Sarat 1980–81; Silbey et al. 1993). Two theoretical explanations for problem-specific variation are (1) the stakes individuals attach to grievances and (2) formal laws and informal norms encouraging or demanding court adjudication (Miller and Sarat 1980–81).

*Hypothesis 5: Legal Mobilization and Problem-Specific Factors.* Grievance type is not only a significant predictor of legal mobilization, but, compared to socioeconomic resources, it is a better predictor of legal mobilization.

The relationship between development and legal mobilization is another issue surprisingly absent from previous survey research. Beyond microrelational determinants, there are also theoretical reasons to expect macrocontextual determinants of legal mobilization. According to classical sociological theory, economic development (shorthand for industrialization, urbanization, and the other transformative changes that preoccupied the founding fathers of sociology) is associated with legal development and the utilization of formal legal institutions. Although they disagreed about the direction of causality, Marx, Durkheim, and Weber all agreed on the positive correlation between economic change and legal change. According to Marx and Engels ([1848] 1978), state law, as an instrument of class domination, is an essential means of capitalist reproduction. Whereas Weber ([1927] 1950), too, theorized the development of capitalism, among other factors (Collins 1980), as a consequence of the rise of a rational-legal system, Durkheim ([1893] 1933, [1897] 1951) theorized the rise of state law as a consequence of the increasingly complex division of labor produced by economic development (Schwartz and Miller 1964). In more recently formulated theories with Durkheimian overtones, state law develops and is mobilized as a functional substitute for traditional modes of social control (Black 1976; Engel 1984). Regardless of whether law is theorized as a cause or as a consequence of economic development, this relationship remains a central proposition in sociological theory. (See Ginsburg [2000] for a review of research supporting and critiquing this theoretical tradition.)

*Hypothesis 6: Legal Mobilization and Economic Development.* Legal mobilization is more

common in more developed settings than in less developed settings.

It is both true and tautological that the presence of a grievance is a determinant of appealing to the official justice system. For this reason it is important to anticipate that different levels of analysis may yield different results. In a *grievance-level* analysis limited to households that reported grievances, we may find that, given the presence of a grievance, economic development *increased* the probability of mobilizing the law (in support of Hypothesis 6). However, if economic development reduced the probability of experiencing a grievance in the first place (as I hypothesize below), we should also find that, in a *household-level* analysis that includes households that did not report grievances, economic development *reduced* the probability of legal mobilization. The essential point here, which I will elaborate and illustrate throughout this article, is that to understand the prevalence and determinants of climbing the dispute pagoda, we must also understand the causes of grievances, the wellspring of appeals to the official justice system. Let us now travel upstream to grievances, the essential precondition for climbing the dispute pagoda.

## GRIEVANCES

Survey research in the United States has produced inconsistent findings on the determinants of grievances. In some surveys, people with higher socioeconomic status are found to have more “legal needs” (ABA 1994; Curran 1977:101–02). But according to other survey data, net of risk factors (such as home ownership), socioeconomic status has no effect on the probability of reporting a “perceived injustice” or “perceived injury” (Miller and Sarat 1980–81). In another survey there is no apparent variation of any kind in the incidence of “potentially legal problems” (Silbey et al. 1993). On the whole, statistical models have done a poor job predicting grievances. The relevant survey literature offers little in the way of theoretical or empirical guidance on the determinants of grievances. As with my hypotheses concerning the determinants of climbing the dispute pagoda, I hypothesize *relational determinants* and *contextual determinants* of grievances.

Just as political connections should facilitate the mobilization of higher authorities when grievances are experienced, so should they offer protection against grievances in the first place. Not only should households with political connections be better equipped to avoid various forms of unlawful rent-seeking, which is so prevalent in rural China (O’Brien and Li 2006), but they should also be relatively shielded from conflict with nonstate actors. Insofar as they are knowledgeable about the social resources of their potential or real adversaries, potential offenders (or actual victims) may shy away from conflict with politically connected villagers (or with villagers perceived to possess better political connections).

*Hypothesis 7: Grievance Prophylaxis.* Political connections reduce the probability of experiencing grievances.

With few exceptions (Kritzer 1991; Kritzer et al. 1991; Sandefur 2007), survey research on grievances outside of China largely overlooks contextual variation. Yet, in China, and undoubtedly elsewhere, too, context is an integral part of the story of grievances. In 2002, at the time the survey was conducted, taxation was an enormously salient source of conflict in rural China (Bernstein and Lü 2003; Johnson 2004; O’Brien and Li 2006). Official tax reforms launched in 2000 to 2001 (Yep 2004), culminating in 2005 with the nationwide abolishment of agricultural taxes (Kennedy 2007), reflect the intensity and ubiquity of popular grievances stemming from rural taxation. Prior to their abolishment, rural taxes and fees, known popularly as “peasants’ burdens” (*nongmin fudan*), were regressive and often unlawfully heavy, and they produced widespread popular discontent manifested in thousands of protests and riots involving hundreds of thousands if not millions of participants.

Peasants’ burdens were not distributed equally; their regional variation corresponded closely to regional variation in local levels of development. In the wake of fiscal decentralization, local governments were largely cut off from higher-level support and overwhelmingly dependent on local revenue (Wedeman 2000). Successful industrial enterprises formed a solid tax base for local government, obviating the need to bleed the peasants through taxation (Bernstein and Lü 2003:68) and “land grabs”

(Guo 2001; Pils 2005; Walker 2006; Yardley 2004). Research shows that peasants' burdens were highest in the less industrialized agricultural provinces of central China, including Henan and Hunan, and lowest in the more developed coastal provinces, including Jiangsu (Aubert and Li 2002:169–70; Bernstein and Lü 2003:62). According to one account, “a large majority of peasant petitions for relief from burdens came from the central region and protests and violence were concentrated here” (Bernstein and Lü 2003:71).

From the foregoing, we should expect a disproportionately high proportion of grievances with local state agencies to emerge *directly* from the enforcement of taxation. But we might also expect grievances to emerge *indirectly* from excessive taxation. Examples of such “collateral grievances” in a context of poverty aggravated by excessive and regressive taxation might include interpersonal debt disputes; disputes with neighbors over scarce resources such as land, water, and trees; and family disputes over property division. Moreover, insofar as taxation reflected the kind of predatory governance associated with less industrialized, poorer rural areas, it may have been as much a symptom as a cause of abrasive relations between villagers and local state agents.

*Hypothesis 8: Grievances and Economic Development.* Grievances are more numerous in less developed settings than in more developed settings.

## DATA AND MEASURES

### THE SAMPLE

I analyze data from the first survey project of its kind on social conflict and popular strategies for resolving disputes in rural China. In late January and early February of 2002, members of the Department of Sociology at Renmin University of China administered a survey of rural households in six provinces. They trained local schoolteachers living and working in the survey sites to conduct the survey interviews. The 2,902 households included in the analyses performed for this article are distributed across 37 villages in six provinces: 10 villages in Shandong, six villages each in Henan and Hunan, and five villages each in Shaanxi,

Jiangsu, and Chongqing.<sup>5</sup> The survey sites were selected not randomly but purposively. Because the six survey sites were selected with the goal of maximizing regional and economic variation, the households interviewed are not intended to be representative of rural China as a whole but only of the six counties from which they were sampled.<sup>6</sup> All indications, however, suggest that this is a representative sample. Age, education, income, and occupation distributions in the sample closely match official statistics and published findings from nationally representative samples. They set a goal of 100 interviews per village; information on refusals was not recorded. Because respondents, for the most part, reported household-level information on grievances, social resources, and socioeconomic status, individual respondents were not selected randomly within households. While households and their members were representative of rural China, the individual respondents who provided information about them were often “family heads”; they were older than average and more likely than average to be male.

### POLITICAL CONNECTIONS

Using detailed occupational information on each member of a family, I identify family members holding various kinds of political office. Village leaders are defined as family members falling into either of the following two categories: “village cadre (*cun ganbu*) or village Party committee member (*cun zhibu weiyuan*)”

<sup>5</sup> Until 1997, when it became a centrally administered metropolitan region, a status equal in rank to that of a province, Chongqing belonged to Sichuan Province.

<sup>6</sup> Throughout this article I refer to the six survey sites as counties even though, from an administrative standpoint, some are municipalities. Hunan Province's Yuanjiang was upgraded from a county to a city in 1988. Shandong's Jimo was upgraded from a county to a city in 1989. And Jiangsu's Taicang was upgraded from a county to a city in 1993. However, for the sake of presentational consistency, and because the survey samples within these municipalities are rural, I nonetheless call them counties. The remaining county survey sites are Henan's Ru'nan County, Shaanxi's Hengshan County, and Chongqing's Zhong County.

and “village head (*cunzhang*) or village Party secretary (*cun zhishu*).” Connections to village leaders include (1) political officeholders in the family but *living anywhere* and (2) political officeholders in the family *living with the respondent in the same household*. To capture as many political connections as possible, most analyses use the broader definition (family members). However, I replicated all analyses using the restrictive definition (household members) to ensure the findings reported in this article are robust to alternative measures. In the presentation of results, “household connections” refers to the restrictive definition of members living in the same home as the respondent (N = 10,293), and “family connections” refers to the broader definition of members living anywhere (N = 17,628). Using data from a 1996 nationally representative sample, Walder (2002:239) estimates that the proportion of households with village leaders was 3.8 percent, right in the middle of my 3.3 percent for the restrictive measure of household members and 4.7 percent for my broad measure of family members. Since only a tiny number of respondents reported more than one household or family tie to a political officeholder, rather than using count variables, I model political connections using dummy variables (e.g., “number village leaders in family  $\geq 1$  [yes = 1]”).

In addition to ties to family members, the questionnaire also contained a separate schedule for recording “relatives living outside the village with whom your family has close relations and frequent contact.” I use this additional information on “weak ties” to identify outside relatives in political office: “township cadres” (defined as cadres in the township government or in the township Party branch office) and “higher-level cadres” (defined as cadres in government agencies at the county level or higher).

### CONTEXTUAL INDICATORS

I calculate the gross tax rate as the annual sum of all taxes and fees (agricultural taxes, township and village levies, and miscellaneous fees) divided by the total gross annual household income. The average gross tax rate of 12 percent is comparable to other estimates (see Aubert and Li 2002:169; Bernstein and Lü 2003:52, 60–61). The county-level mean tax rate is simply the

average household-level gross tax rate. Other county-level development indicators include per capita gross domestic product (GDP) and the proportion of the rural labor force in nonfarm work reported by official government sources (and retrieved from <http://chinadataonline.com>).

Because they shouldered the heaviest tax burdens and are located in the interior, agricultural heartland of China, I call the Henan and Hunan the “high-tax inland” samples. Shouldering comparatively light tax burdens, but in comparably poor interior areas, I call the Shaanxi and Chongqing samples the “other inland” samples. Finally, because they are in relatively developed coastal areas, I call the Shandong and Jiangsu samples the “coastal” samples.

### GRIEVANCES

Each respondent was presented with a list of 16 problem types plus an open-ended “other dispute” category, totaling 17 problems or potential disputes, allowing a respondent to report a maximum of 17 and a minimum of zero grievances. Of all households surveyed, 55 percent reported at least one grievance, and the maximum number of grievances reported was 11 (by four households). With the exception of residential housing/land property grievances, which were not time-bound (owing to a design oversight), each grievance by definition occurred within the previous five years. With the exception of divorce, labor problems, dealings with government agencies, personal injury, and property theft/damage, the questions about the remaining 10 grievances were worded in terms of the entire household, not just the individual respondent. For the multivariate regression analyses in this article, I collapse the 17 grievance types into six grievance categories: (1) business-related; (2) farming-related; (3) personal injury; (4) problem with the acquisition of housing land or housing construction rights; (5) a dispute with a neighbor; or (6) a residual category of other dispute types. For detailed definitions of grievance categories, see the Online Supplement, Table S1, on the *ASR* Web site: <http://www2.asanet.org/journals/asr/2007/toc057.html>. For county-level descriptive information on both contextual indicators and griev-

ance indicators, see the Online Supplement, Tables S2 and S3.

### CLIMBING THE DISPUTE PAGODA

Each time a respondent reported a grievance from the fixed list of concrete grievances, she was then asked whether she (1) “lumped it” (literally “swallowed the loss”), (2) resolved the problem herself in consultation with her adversary (termed “bilateral negotiation” in this article), or (3) sought the help of a third party. If the respondent indicated seeking the help of a third party, she was asked, through an open-ended question, to describe the third party (“To whom or to which agency or unit did you or a family member seek help?”). The interviewers were instructed to record the respondent’s description of the third party (or third parties) verbatim on the questionnaire form. In contrast to fixed, closed-ended response categories, the open-ended questions captured real choices in the original voices of the people who made them. I classify each reported course of action (or nonaction) into one of the following categories: (1) lumped it, (2) negotiated bilaterally, (3) approached an informal relation, (4) approached a village leader, (5) approached a higher-level government office, (6) approached the police, or (7) approached the legal system.

“Approached the legal system” includes lawyers, courts, and judicial (*sifa*) offices. “Approached a government office above the village” includes government agencies at the township level or higher. This category includes general references to “township government” (*xiang zhengfu* or *zhen zhengfu*) or “county government” (*xian zhengfu*) as well as specific references to the Land Administration and the Housing Administration, for example. To be sure, there is some unavoidable overlap between these two categories. Because it includes government justice offices, the “legal system” category includes administrative solutions as well as courts. Together these two categories form the “official justice system.” Although I include all seven response categories in multinomial logistic regression models, I report relative odds ratios (*vis-à-vis* the category of “lumping it”) only for these two response categories to simplify the presentation of evidence.

Informal relations include family members, relatives, friends, neighbors, and acquaintanc-

es. Informal relations also include villagers without official authority but with great local esteem and unofficial authority—the very characteristics of people traditionally called upon to mediate disputes in rural China (Huang 1996:58–60; Rankin and Esherick 1990:323–24). Village leaders include village cadres, village heads, village party secretaries, production team leaders, villagers’ committee members (including village accountants), village Women’s Federation representatives, and so on. The category of police is self-explanatory, although it is so small that it merits little scrutiny.

### DISCONTENT WITH VILLAGE LEADERSHIP

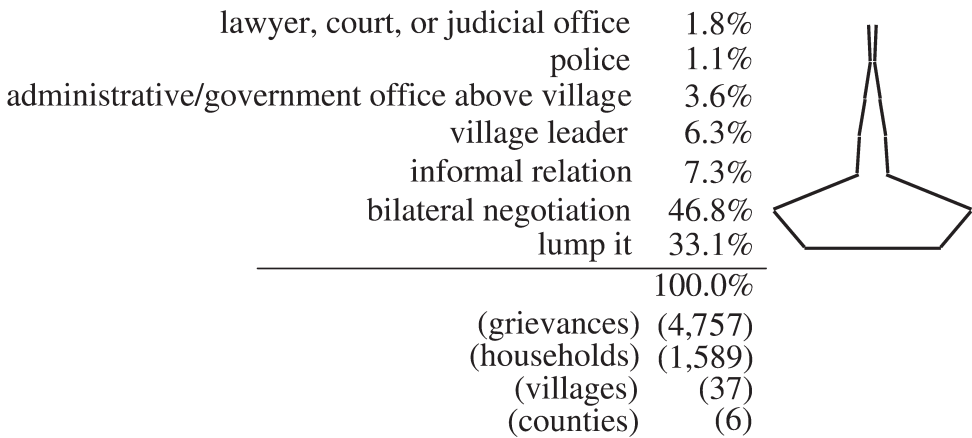
Discontent with village leadership is a supplementary measure of a grievance (or of grievances) stemming specifically from the local state. Dissatisfaction with the villagers’ committee (the village government, as distinct from the village Party branch office) is defined as an answer of either “somewhat dissatisfied” or “very dissatisfied” to the question, “Overall, are you satisfied with the villagers’ committee?”

## FINDINGS

### THE DISPUTE PAGODA

I begin with the two hypotheses concerning the overall shape of the dispute pagoda (Hypotheses 1 and 2). Of all 4,757 grievances reported by the 1,589 (or 55 percent of all) households that reported at least one grievance, 47 percent, the plurality, reportedly led to bilateral negotiation—the largest bulge in the dispute pagoda depicted in Figure 1. That is, in support of Hypothesis 1, almost half of all popular grievances were resolved bilaterally without the intervention of third parties. Lumping it, the second largest category, accounted for 33 percent of all grievances. This means only 20 percent of all grievances went to third parties.

The overwhelming majority of grievances—94 percent—never reached the official justice system. But of all grievances that did percolate up the pagoda above and beyond the village, most were pursued through administrative channels rather than through the legal system. In support of Hypothesis 2, the proportion of grievances that went to administrative channels (4



**Figure 1.** Baseline Dispute Pagoda, Rural China, 2002

percent) was precisely double the proportion of grievances that went to legal channels (2 percent). Moreover, the “legal system” category included many instances of approaching administrative offices: of all grievances in this category, 63 percent went to court, 31 percent went to an administrative “justice” (*sifa*) office, and 6 percent went to lawyers.

#### ***CLIMBING THE DISPUTE PAGODA: GRIEVANCE-LEVEL FINDINGS***

Having established the general shape of the dispute pagoda, I will now consider sources of variation to the general shape. Figure 2 permits a visual (bivariate) assessment of the extent to which political connections facilitated access to the official justice system. Consistent with the expectations of Hypothesis 3, the pagodas of politically connected households were far more top-heavy than average; they had narrower bases and wider tops. Compared to the grievances reported by households without political connections, the grievances reported by households connected to village leaders were more than three times more likely to go to the legal system (5.1 percent versus 1.6 percent) and more than two times more likely to go to a higher-level government office (6.8 percent versus 3.0 percent).<sup>7</sup> (Also see the Online Supplement, Table

S4.) Among households with even more political connections, the bulges above “village leader” are of considerably greater prominence. Of all grievances reported by households with both a village leader and a close relationship with an outside relative in higher political office, 38 percent percolated above and beyond the village, a rate of escalation almost seven times greater than that for grievances reported by households with no political connections.

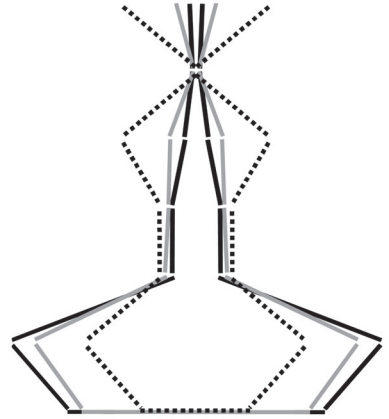
To test whether the foregoing descriptive findings are robust to controls, I calculate multinomial logistic regression models of responses to grievances (see Table 1). (Descriptive characteristics of all variables used in the multivariate analyses in Table 1 are presented in the Online Supplement, Table S6.) Before considering the effect of political connections (Hypothesis 3), let us first briefly assess the effects of other microlevel socioeconomic resources (Hypothesis 4). Education is not a statistically significant predictor of escalation to higher authorities in any model. In Table 1, Model 1, before contextual variables are introduced into the analysis, household income is strongly and positively associated with appeals to the official justice system. However, because household income was determined in large part

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reported instances of appealing to the official justice system (for 1 of 7 reported instances of mobilizing the legal system and for 1 of 11 instances of approaching other parts of the state bureaucracy above the village).

<sup>7</sup> The following is another way to describe this pattern: households connected to village leaders accounted for 1 out of 21 households but for 1 out of 9

	No Political Connections	Connection to Village Leader	Connections to Village Leader and Higher-Level Cadre
G.	1.6%	5.1%	19.1%
F.	1.0%	.9%	.0%
E.	3.0%	6.8%	19.1%
D.	6.2%	7.2%	9.5%
C.	6.3%	8.1%	9.5%
B.	47.9%	41.7%	28.6%
A.	34.1%	30.2%	14.3%
	100.1%	100.0%	100.1%
(grievances)	(3,994)	(235)	(21)
(households)	(1,357)	(72)	(6)
(villages)	(37)	(23)	(5)
(counties)	(6)	(6)	(4)



**LEGEND**

G. lawyer, court, or judicial office	—————	No Political Connections
F. police	—————	Connection to Village Leader
E. administrative/government office above village	.....	Connections to Village Leader and Higher-Level Cadre
D. village leader		
C. informal relation		
B. bilateral negotiation		
A. lump it		

**Figure 2.** Dispute Pagodas by Political Connections, Rural China, 2002

*Note:* Not all dispute pagodas total 100.0 percent owing to rounding error. “Connection to Village Leader” refers to families that contain a village leader. “Connections to Village Leader and Higher-Level Cadre” refers to families that contain a village leader and that maintain close relations with and frequent contact to an outside relative working as a higher-level cadre.

by contextual economic conditions, this effect disappears when county dummies are introduced in Model 2.

Unlike the effect of household income, the effect of political connections (Hypothesis 3) remains robust to controls. A connection to a village leader increased the relative odds of appealing to the legal system by a factor of 3.4 and doubled the relative odds of approaching a gov-

ernment office (Model 1). Relations with outside relatives in higher political office also facilitated access to the official justice system. A connection to an outside relative serving either as township cadre or as a cadre in a higher level of government doubled the relative odds of appealing to a government office; a connection to an outside relative in higher political office also more than doubled the relative odds of

**Table 1.** Determinants of Responses to Grievances, Selected Relative Odds Ratios Converted from Multinomial Logistic Regression Coefficients, Rural China, 2002

	Model 1			Model 2			Model 3		
	Government Office Versus Lump It	Legal System Versus Lump It		Government Office Versus Lump It	Legal System Versus Lump It		Government Office Versus Lump It	Legal System Versus Lump It	
Family Connections									
Number Village Leaders in Family ≥ 1 (yes = 1)	1.948 <sup>^^</sup>	3.386 <sup>^^^</sup>	2.052 <sup>^^</sup>	3.740 <sup>^^^</sup>	1.972 <sup>†</sup>	3.590 <sup>^^^</sup>	1.133	1.086	
Number Family Members Other Nonfarm Laborers	.989	1.038	1.155	1.124					
Outside Political Connections									
Any Outside Relatives Township Cadre (yes = 1)	1.984 <sup>**</sup>	.666	1.836 <sup>*</sup>	.676	1.748 <sup>*</sup>	.694	1.637 <sup>†</sup>	2.346 <sup>*</sup>	
Any Outside Relatives Higher-Level Cadre (yes = 1)	2.072 <sup>**</sup>	2.349 <sup>*</sup>	1.732 <sup>*</sup>	2.373 <sup>*</sup>					
Household Control Variables									
Mean Age of Household Members	1.004	1.026 <sup>*</sup>	1.012	1.033 <sup>**</sup>	1.017 <sup>†</sup>	1.032 <sup>**</sup>	1.083	1.040	
Household Mean Years of Education (if age > 14)	1.033	1.022	1.061	1.053	1.188	.603	1.188	.603	
Urban Household Registration (yes = 1)	1.434	.698	1.244	.568	1.383	1.296	1.176	1.161	
Entrepreneurship (yes = 1)	1.483	1.352	1.429	1.361					
Total Annual Household Income (log of Yuan)	1.364 <sup>***</sup>	1.688 <sup>**</sup>	1.202	1.262	1.064	.691	1.064	.691	
County Context									
Ru'nan County (Henan)	—	—	1.092	.678	.329 <sup>**</sup>	.202 <sup>**</sup>	.329 <sup>**</sup>	.202 <sup>**</sup>	
Yuanjiang County (Hunan)	—	—	.309 <sup>**</sup>	.222 <sup>*</sup>	.586	1.177	.586	1.177	
Taichang County (Jiangsu)	—	—	.586	.899	.628	1.270	.628	1.270	
Jimo County (Shandong)	—	—	.628	1.510	.719	.190 <sup>**</sup>	.719	.190 <sup>**</sup>	
Zhong County (Chongqing)	—	—	.719	.196 <sup>**</sup>	—	—	—	—	
Hengshan County (Shaanxi) (reference group)	—	—	—	—	—	—	—	—	
Reported Grievances									
Business-Related Problem (yes = 1)	—	—	—	—	4.621 <sup>**</sup>	2.300 <sup>*</sup>	4.621 <sup>**</sup>	2.300 <sup>*</sup>	
Farming-Related Problem (yes = 1)	—	—	—	—	2.597 <sup>†</sup>	.137 <sup>**</sup>	2.597 <sup>†</sup>	.137 <sup>**</sup>	
Personal Injury (yes = 1)	—	—	—	—	6.999 <sup>***</sup>	12.234 <sup>***</sup>	6.999 <sup>***</sup>	12.234 <sup>***</sup>	
Housing Land Property Rights Problem (yes = 1)	—	—	—	—	16.646 <sup>***</sup>	.642	16.646 <sup>***</sup>	.642	
Other Problem (yes = 1)	—	—	—	—	3.781 <sup>**</sup>	1.098	3.781 <sup>**</sup>	1.098	
Problem with Neighbor (reference group)	—	—	—	—	—	—	—	—	
Pseudo R <sup>2</sup>		.020		.051		.084		.084	

*Note:* N = 4,639 grievances reported by 1,554 households in 37 villages in six provinces. Significance tests are calculated from robust standard errors that correct for clustering within 37 villages. Although they were included in the analysis, to conserve space, this table omits four outcome categories: (1) bilateral negotiation, (2) informal relation, (3) village leader, and (4) police. Wald tests of whether the effect of an additional village leader is different from the effect of each additional “other” type of nonfarm worker (for example, a test of whether we can reject the null hypothesis that [“any family members village leader” = “# other family members nonfarm laborers”]) are indicated by carets (^) next to the cadre connection variables: ^  $p \leq .10$ ; ^^  $p \leq .05$ ; ^^  $p \leq .05$ ; \*\*\*  $p \leq .001$  (two-tailed test). †  $p \leq .05$  (one-tailed test).

approaching the legal system (Model 1).<sup>8</sup> Adding controls does not greatly diminish the strength or significance of these effects. Among seemingly identical households in seemingly identical regions (Model 2) with seemingly identical grievances (Model 3), political connections significantly boosted the relative odds of climbing the dispute pagoda into the official justice system.

Instead of interpreting the relative odds ratios in Table 1, an alternative method of assessing the effect of a given explanatory variable on a given outcome while controlling for other potentially confounding factors is to calculate predicted probabilities from regression coefficients (see Long and Freese 2003). Dispute pagodas constructed from predicted probabilities calculated from Model 3 show that the bivariate pagodas in Figure 2 are robust to controls. (See the Online Supplement, Figure S1.)

Regression results in Table 1 also confirm the importance of grievance-specific factors on the likelihood of climbing the dispute pagoda (Hypothesis 5).<sup>9</sup> In Model 3 we can see that, of all grievance types, personal injuries and busi-

ness-related grievances were respectively the most likely to escalate into the legal system. Housing land grievances, more than any other type of grievance, escalated to higher-level government offices. On the opposite end of the spectrum, farming-related grievances were the least likely to escalate to higher authorities.

Shifting our focus to contextual variation (Hypothesis 6), Model 3 also shows that, conditional on the presence of a grievance, respondents in the coastal counties were the most likely to climb the dispute pagoda into the legal system. That is, among similarly aggrieved households, those in the Shandong and Jiangsu samples were the most likely to appeal to the legal system (although the statistical significance of these differences is only modest).<sup>10</sup> In analyses conducted at the level of the grievance, which by definition exclude households without grievances, development appears to increase litigiousness. But in the following section, in which I take the household as the unit of analysis, and in which both aggrieved and nonaggrieved households are analyzed together, we will see that development appears to reduce litigiousness.

### *CLIMBING THE DISPUTE PAGODA: HOUSEHOLD-LEVEL FINDINGS*

Dispute pagodas are constructed with grievance-level data; the unit of analysis is the grievance. They are limited to the population at risk of climbing the dispute pagoda. Restricting the analysis to grievances permits tests of the factors associated with climbing the dispute pagoda among similarly aggrieved households. However, in a particularly aggrieved subsample (i.e., a subsample of households at elevated risk of experiencing grievances), the overall probability of appealing to the official justice system will be higher than average even if, as a proportion of all responses to grievances, the relative probability of appealing to the official justice system is lower than average. In other words, were we to rescale the sizes of dispute pagodas according to their respective grievance

<sup>8</sup> When the count of “other nonfarm laborers” is replaced with dummy variables corresponding to detailed occupational categories, the effect of a village leader remains larger than the effect of any other type of nonfarm laborer, both in models predicting grievances and in models predicting legal mobilization (details not presented).

<sup>9</sup> In their path-breaking article in which the dispute pyramid was first unveiled, Miller and Sarat (1980–81:544) construct pyramids to demonstrate the extent to which pyramid shapes vary by grievance type. In rural China, too, as expected from Hypothesis 5, there was an enormous degree of (bivariate) variation by grievance type. Among the six categories of grievances, farming-related grievances were the most likely to get lumped (42 percent) and the least likely to escalate to the legal system (.2 percent). Personal injuries were the least likely to get lumped (25 percent) and the most likely to escalate to the legal system (13 percent). Disputes with neighbors were the most likely to be brought to (or to attract the intervention of) village leaders (11 percent). Finally, grievances over housing land property rights were the most likely to be brought to administrative agencies (14 percent). Predicted probabilities confirm that these bivariate patterns are robust to controls (see the Online Supplement, Figures S2 and S3).

<sup>10</sup> Wald tests show that differences between the coastal dummies and the Hunan and Chongqing dummies are statistically significant in Table 1, Model 3 (for “legal system”).

volumes, we would find that the tip of a particularly aggrieved subsample's pagoda may rival or exceed the total size of a less aggrieved subsample's pagoda even if the smaller pagoda is more top-heavy than the larger pagoda. Because, by definition, they presume the presence of a grievance, dispute pagodas obscure variation in the total volume of grievances—a critical determinant of the aggregate volume of appeals to higher authorities. Thus, the issue of the shape of the dispute pagoda (among aggrieved households) is analytically distinct from the issue of the overall probability of appealing to the official justice system (among all households).

Regression results in Table 2 indicate that changing the unit of analysis from the grievance to the household does not change the effect of political connections on appealing to the official justice system (Hypothesis 3). (Descriptive characteristics of all variables used in the household-level analyses are presented in the Online Supplement, Table S7.) In household-level analyses, as in the grievance-level analyses, connections to relatives in higher-level political positions also facilitated access to the official justice system. Regardless of whether or not grievance volume is held constant, subsamples of households with political connections remain more likely than the subsample of households without political connections to climb the dispute pagoda into the official justice system. Among otherwise seemingly identical households in seemingly identical regions, households connected to village leaders were 1.8 times more likely than households without political connections to appeal to government offices (Model A1), 2.6 times more likely to climb the dispute pagoda up to the legal system (Model B1), and 1.9 times more likely than other households to appeal to any part of the official justice system (Model C1). The effect of connections to village leaders on appealing to the legal system remains robust to controls (Models B2 and B3). Thus, the effect of such connections on appealing to any part of the official justice system is likewise robust to controls (Models C2 and C3).

Connections to outside relatives working as township cadres also increased the probability of appealing to government offices (Model A1) but had no effect on the probability of appealing to the legal system (Model B1). Connections

to outside relatives working as higher-level cadres increased the probability of appealing to both government offices (Model A1) and the legal system (Model B1). When county dummies are introduced in the second set of models, the effects of connections to outside relatives in political office remain robust. However, when grievance-type dummies are introduced in the third set of models, the effect of connections to outside relatives in township government diminishes below the threshold of statistical significance and the effect of connections to outside relatives in higher political office weakens but does not altogether lose statistical significance.

As in the grievance-level results, household-level results fail to support Hypothesis 4 on socioeconomic advantage. Neither income nor education is statistically significant in any model in Table 2.

As predicted by Hypothesis 5, grievances were by far the strongest determinants of legal mobilization. Consistent with the results of the grievance-level analysis, the third set of models in Table 2 indicates that business-related grievances and personal injuries were the most likely categories to escalate to the legal system and that housing land grievances were the most likely to escalate to government offices. But not all instances of encounters with higher authorities were bottom-up appeals. Rather, certain grievance types, such as criminal assault in the personal injury category, were undoubtedly associated with top-down state intervention. In other words, people often climbed the dispute pagoda; sometimes, however, they were yanked up the dispute pagoda. Surprisingly, in contrast to prevailing portraits of rural conflict and the popular pursuit of justice over agricultural tax grievances (Bernstein and Lü 2003; Johnson 2004), farming-related grievances had no effect on the probability of escalating grievances to the official justice system. Although agricultural taxes were strongly associated with the presence of grievances, the survey data show that such problems were among the least likely to escalate to higher authorities. This does not mean aggrieved villagers did nothing in response to peasants' burdens; it only means that popular resistance was manifested in other forms, including tax evasion. In both the Henan and Hunan samples, 1 out of 5 households reportedly refused to pay taxes at some point in the previous five years, a rate of tax resistance more

**Table 2.** Determinants of Appealing to Higher Authorities in Response to Grievance, Odds Ratios Converted from Logistic Regression Coefficients, Rural China, 2002

	Number of Times Appealed to Government Office ≥ 1			Number of Times Appealed to Legal System ≥ 1			Number of Times Appealed Either to Government Office or to Legal System ≥ 1		
	(A1)	(A2)	(A3)	(B1)	(B2)	(B3)	(C1)	(C2)	(C3)
<b>Family Connections</b>									
Number Village Leaders in Family ≥ 1 (yes = 1)	1.821	1.656	1.917	2.603 <sup>***</sup>	2.458 <sup>**</sup>	2.690 <sup>**</sup>	1.918 <sup>**</sup>	1.755 <sup>†</sup>	1.979 <sup>**</sup>
Number Family Members Other Nonfarm Laborers	1.005	1.114	1.134	.999	1.015	1.000	1.020	1.086	1.109
<b>Outside Political Connections</b>									
Any Outside Relatives Township Cadre (yes = 1)	2.370 <sup>***</sup>	1.605 <sup>*</sup>	1.395	.895	.688	.654	1.864 <sup>***</sup>	1.300	1.162
Any Outside Relatives Higher-Level Cadre (yes = 1)	2.593 <sup>***</sup>	1.701 <sup>**</sup>	1.460	2.862 <sup>**</sup>	2.179 <sup>*</sup>	2.008	2.660 <sup>***</sup>	1.837 <sup>**</sup>	1.725 <sup>*</sup>
<b>Household Control Variables</b>									
Mean Age of Household Members	.993	1.003	1.019 <sup>*</sup>	1.017 <sup>†</sup>	1.024 <sup>*</sup>	1.035 <sup>**</sup>	.997	1.007	1.021 <sup>**</sup>
Household Mean Years of Education (if age > 14)	1.010	1.026	1.075	1.005	1.027	1.031	.990	1.011	1.044
Urban Household Registration (yes = 1)	1.017	.963	1.075	.549	.540	.579	.844	.804	.869
Entrepreneurship (yes = 1)	1.827 <sup>†</sup>	1.571	1.429	1.835 <sup>*</sup>	1.618 <sup>†</sup>	1.489	1.925 <sup>**</sup>	1.670 <sup>†</sup>	1.540
Total Annual Household Income (log of Yuan)	.862	1.113	1.011	1.099	1.229	1.073	.923	1.138	1.024
Dissatisfied with Villagers' Committee	1.923 <sup>*</sup>	1.131	.976	3.114 <sup>**</sup>	2.253 <sup>*</sup>	2.263 <sup>*</sup>	2.184 <sup>**</sup>	1.380	1.249
<b>County Context</b>									
Ru'nan County (Henan)	—	3.719 <sup>**</sup>	1.495	—	1.694	.756	—	2.756 <sup>*</sup>	1.104
Yuanjiang County (Hunan)	—	1.660	.858	—	1.121	.432	—	1.389	.623
Taichang County (Jiangsu)	—	.384 <sup>*</sup>	.438 <sup>*</sup>	—	.654	1.182	—	.495	.632
Jimo County (Shandong)	—	.235 <sup>*</sup>	.343 <sup>*</sup>	—	.436	.591	—	.271 <sup>*</sup>	.382 <sup>†</sup>
Zhong County (Chongqing)	—	1.044	.666	—	.324	.242 <sup>*</sup>	—	.715	.459
Hengshan County (Shaanxi) (reference group)	—	—	—	—	—	—	—	—	—
<b>Reported Grievances</b>									
Business-Related Problem (yes = 1)	—	—	1.645 <sup>*</sup>	—	—	3.823 <sup>**</sup>	—	—	2.142 <sup>***</sup>
Farming-Related Problem (yes = 1)	—	—	1.383	—	—	.509 <sup>**</sup>	—	—	.985
Personal Injury (yes = 1)	—	—	3.314 <sup>*</sup>	—	—	9.591 <sup>***</sup>	—	—	5.559 <sup>***</sup>
Housing Land Property Rights Problem (yes = 1)	—	—	5.476 <sup>*</sup>	—	—	.888	—	—	3.793 <sup>***</sup>
Problem with Neighbor (yes = 1)	—	—	1.097	—	—	1.483	—	—	1.265
Other Problem (yes = 1)	—	—	2.149 <sup>*</sup>	—	—	1.800	—	—	2.232 <sup>**</sup>
Pseudo R <sup>2</sup>	.043	.092	.232	.057	.077	.219	.047	.086	.233

Note: N = 2,799. Significance tests are calculated from robust standard errors that correct for clustering within 37 villages. A dummy variable for missing information on "dissatisfaction with villagers' committee" is also included in the analysis but was not statistically significant in any model. Wald tests of whether the effect of an additional village leader is different from the effect of each additional "other" type of nonfarm worker (see note for Table 1) are indicated by carets (^) next to the cadre connection variables. ^ p ≤ .10; ^^ p ≤ .05; \* p ≤ .05; \*\* p ≤ .01; \*\*\* p ≤ .001 (two-tailed test). † p ≤ .05 (one-tailed test).

than three times higher than in the remaining four county samples (see Michelson 2006b).

Some circumstantial support for Hypothesis 6 on economic development comes from the finding that private business entrepreneurs were significantly more likely than average to mobilize the law (Table 2, Models A1, B1, and C1). Market-based private-sector commercial activity, and the disputes it spawned, generated some measure of legal activity. However, this effect is explained largely by entrepreneurs' greater risk of experiencing grievances.<sup>11</sup> Insofar as some of their grievances stemmed from obstruction, interference, and harassment at the hands of state agents (Gold 1990; Tsai 2002), entrepreneurs' greater tendency to appeal to higher authorities may say at least as much about the institutional logic of socialism as it does about the institutional logic of capitalism.

In contrast to the results of the grievance-level analysis, the bulk of the household-level evidence contradicts Hypothesis 6. Assuming the presence of a grievance, the coastal counties were the most litigious. However, if this assumption is suspended by including aggrieved and nonaggrieved households alike, the high-tax inland counties were the most litigious. Figure 3A depicts the dramatically unequal regional distribution of legal mobilization. Henan led all six counties in terms of the probability of appealing for help to higher levels of the state. Behind Henan followed Hunan, the other high-tax inland site, which led the other four survey sites. Almost 1 out of 7 households in the high-tax inland samples of Henan and Hunan reported approaching a government office or the legal system in response to a concrete grievance, a rate more than three times greater than the 1 out of every 23 households in the remaining samples. But the gap between the two high-tax inland sites was enormous. Instances of escalating grievances to higher authorities among Henan respondents (107) far outnumbered instances among their Hunan counterparts (53)

and approached the combined total number of instances in all the remaining five samples (152). Indeed, more than 1 out of 6 households in the Henan sample reported approaching a government office or the legal system in response to a concrete grievance, a rate almost double the 1 out of 11 households in the Hunan sample.

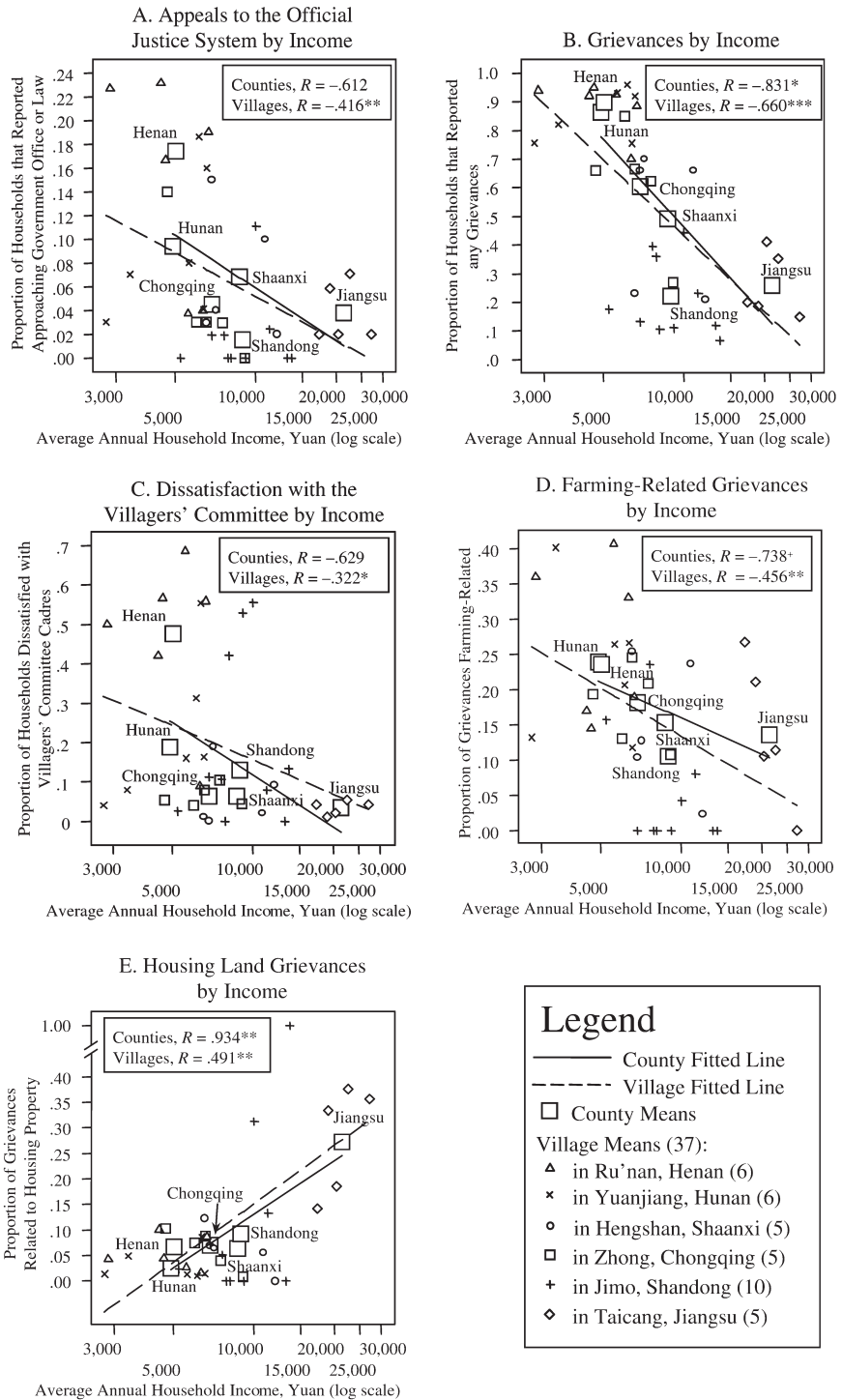
According to regression results, regional differences depicted in Figure 3A are robust to controls. Results of the second set of models in Table 2 indicate that respondents in Henan were the most litigious.<sup>12</sup> They also indicate that regional differences in appealing to higher authorities correspond closely to regional differences in dissatisfaction with village government. When county dummies are introduced in the second set of models, the effect of discontent with village leadership dramatically shrinks. Similarly, regional differences in appeals to the official justice system correspond closely to regional differences in grievances. Indeed, regional differences in popular contention are accounted for largely by grievances. In Table 2, after grievances are added to the models, the effect of the Henan dummy dramatically shrinks.<sup>13</sup> A comparison of Models B2 and B3 reveals that, before controlling for grievances, the probability of legal mobilization was greatest in the Henan sample; after controlling for grievances, the probability of legal mobilization was greatest in the Jiangsu sample.<sup>14</sup> Regional

<sup>12</sup> Wald tests show that differences between the Henan and Hunan dummies are statistically significant at  $p = .08$  and  $p = .07$  in Models A2 and C2 respectively.

<sup>13</sup> Wald tests show that differences between the Henan dummy and the coastal dummies are statistically significant in Model A3. Differences between the Henan dummy and the Shandong and Hunan dummies are statistically significant in Model C3.

<sup>14</sup> All findings presented in this section are robust to an alternative measure of legal mobilization based on questions asked in the abstract, without reference to concrete grievances. (See the Online Supplement, Tables S8, S9, and S10 for the operational definition and bivariate and multivariate determinants of this alternative measure.) Moreover, using multilevel modeling techniques, I find no evidence of significant between-village variance components among the variables of central theoretical interest. Even when intercepts and slopes are allowed to vary ran-

<sup>11</sup> We see this not only in Table 2 (introducing grievances weakens the effect of entrepreneurship), but also in Table 3 (net of all controls, entrepreneurship increases the probability of experiencing a grievance). Because the analysis in Table 1 is limited to households that experienced grievances, entrepreneurship is not statistically significant in any model.



**Figure 3.** Contextual Variation in Selected Variables, Rural China, 2002

Note:  $+p \leq .10$ ;  $*p \leq .05$ ;  $**p \leq .01$ ;  $***p \leq .001$ . “Appealing to government or law” in Figure A includes “administrative/government office above village” and “lawyer, court, or judicial office.” In Figure E, the Shandong outlier in which 100 percent of respondents reported housing land grievances is the smallest village sample with only  $N = 15$  households. In Figure E, best-fit lines were calculated before breaking the y-axis.

variation in grievances is firmly at the center of the story of regional differences in litigiousness.

We have seen that grievance type is a critical determinant of appealing to higher authorities for help. Much of the story of legal mobilization is the story of problem-specific variation. Grievances are highly variable in their likelihood of escalating to the official justice system. But this is not the whole story. The story of legal mobilization is also the story of the genesis of problems in the first place.<sup>15</sup> To understand who climbs the dispute pagoda, we also need to know something about who is at risk of experiencing grievances. Grievances are at the center of the story of legal mobilization; understanding the determinants of appeals to the official justice system demands an understanding of the determinants of grievances.

### GRIEVANCES

The data reveal tremendous contextual variation in the prevalence of grievances. As Figure 3B shows, the high-tax inland sites, Henan and Hunan, were the most aggrieved, with 90 percent and 85 percent respectively of the surveyed households reporting at least one grievance. At the other end of the spectrum, the two coastal sites, Shandong and Jiangsu, were the least aggrieved, with 22 percent and 26 percent respectively of the surveyed households reporting at least one grievance. Regional differences in the probability of reporting grievances (and in the number of grievances reported) are highly correlated to differences in contextual conditions. Contextual conditions are an essential part of any effort to explain grievances. In support of Hypothesis 8, the least aggrieved samples belonged to counties with the highest per capita GDP levels and the highest nonfarm

employment rates (see the Online Supplement, Table S2). Local economic conditions are even better predictors when official statistics on per capita GDP and nonfarm employment are replaced with sample information on household income (Figure 3B).<sup>16</sup>

By overlaying Figure 3B on 3A we can see that, not surprisingly, the average probability of appealing to the official justice system is strongly correlated to the average probability of reporting a grievance. Within this general pattern, however, lies a prominent outlier: by overlaying these two figures we can easily discern that the Henan and Hunan samples responded very differently to similar quantities of grievances. Although they were similarly aggrieved and were characterized by similar economic conditions, the Henan sample reacted far more vociferously than did the Hunan sample.

The same anomalous pattern emerges with my alternative measure of grievances: discontent with village leadership. Discontent with village leadership is positively correlated in general with concrete grievances and in particular with concrete grievances caused by activities subject to local state control, and hence by the (perceived) abuse of local political power.<sup>17</sup> As before, the Henan sample, in which 48 percent of respondents expressed dissatisfaction with village leadership, a level of dissatisfaction more than 2.5 times greater than the next-most dissatisfied sample, is a clear exception to the general rule (Figure 3C). Because Henan is an outlier in both scatterplots, overlaying Figures 3A and 3C shows a tight fit between discontent with village leadership and appeals to the official justice system ( $R = .913$ ,  $p = .011$  at the county level), precisely what we found in the household-level analysis of determinants of appealing to higher authorities (Table 2, Models A1, B1, and C1). Despite nearly identical eco-

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domly across villages, the robustness of the results indicates that the relationships between bureaucratic know-who and legal mobilization persisted across a variety of contexts (details not presented).

<sup>15</sup> Note that most of the grievance dummies in Table 2 are positive. While their relative sizes reflect grievance-specific variation in legal mobilization, the presence of almost any type of grievance increases the probability of appealing to the official justice system.

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<sup>16</sup> Figure 3B is replicated when the average proportion of households reporting any grievances is replaced with the average number of grievances reported per household.

<sup>17</sup> The 15 percent of respondents who expressed dissatisfaction with the villagers' committee accounted for 27 percent of all grievances, 40 percent of grievances over agricultural burdens, and 46 percent of all grievances produced by dealings with administrative agencies.

conomic conditions and nearly identical volumes of grievances, the Henan and Hunan samples exhibit vast differences in their levels of discontent with local leadership and in their propensities to appeal to higher levels of the state for help remedying their sources of discontent.<sup>18</sup> After presenting quantitative findings from the survey data, I will qualitatively explore the unique historical experiences of the part of Henan in which the survey was conducted in an effort to explain why it is such an extreme hotbed of discontent and grievance escalation.

Not only did the *volume* of grievances vary significantly by region, but the *composition* of grievances, too, varied significantly by contextual characteristics. Compared to villagers in the other survey sites, villagers in the high-tax inland sites were at particular risk of experiencing grievances over taxation, dealings with government agencies, property damage or loss, collecting wages (from local township and village enterprises or from urban construction companies), and contracting land or an enterprise from the township government. In the high-tax inland sites, the probability of reporting at least one of these five grievance types (63 percent) was more than double the overall average probability (31 percent) and almost ten times more than the probability in the coastal sites (7 percent). In the high-tax counties, 32 percent of all reported grievances belong to these five grievance categories, compared to only 17 percent in the remaining survey sites. Meanwhile, relative to their place in the distribution of grievances in the high-tax inland sites, housing land property rights and consumer grievances were more prominent in the other sites (even though the probability of reporting either of these grievances remained higher in the

high-tax inland sites) (see the Online Supplement, Table S5).

Owing to the regressive character of taxation in rural China, tax burdens correlated very closely to levels of economic development. Tax burdens were exceedingly heavy in the Henan and Hunan sites (the two most heavily taxed samples in the survey), averaging 19 percent, more than double the 8 percent in the remaining samples. In these two samples, not surprisingly, 36 percent of households reported an agricultural tax grievance (the two most aggrieved samples in the survey), six times greater than the 6 percent of households in the remaining samples. Consistent with expectations about “collateral grievances,” or a more general syndrome of local governance failures, excessive taxation was not the only type of grievance reported with disproportionately high frequency in the Henan and Hunan samples. Rather, villagers in these samples complained more vehemently than did villagers in any other sample about almost everything. With an average tax rate of only 6 percent, tax burdens were the lightest in the Jiangsu sample, where less than 3 percent of the sample reported an agricultural tax grievance.

These patterns emerge with particular clarity in Figures 3D and 3E. As one would expect, farming-related problems were particularly acute in the high-tax inland counties. Land property rights grievances appear to be byproducts of economic development more than of poverty (also see O’Brien [2002:143] for this observation). Although its respondents reported very few grievances, about one quarter (27 percent) of the grievances that were reported in the Jiangsu sample concern housing land property rights. The particular salience of this problem in the Jiangsu sample could also be a function of its close proximity to Shanghai (Taicang County is an adjacent suburb). A collusive relationship between local cadres who control the distribution of rural land and urban real-estate developers trying to cash in on China’s booming urban real-estate market has developed. Local cadres have been known to seize, or to purchase at below-market prices, land from villagers and then sell it to housing developers at enormous profit (Pils 2005; Walker 2006; Yardley 2004).

Multivariate regression models confirm the foregoing bivariate patterns. But before testing

<sup>18</sup> In Tables 1 and 2, the differences between the Henan and Hunan samples persist net of all controls. Wald tests show that differences between the Henan and Hunan dummies are statistically significant both in Table 1, Model 3 ( $p = .003$  for “government office” and  $p = .006$  for “legal system”) and in Table 2, Model C3 ( $p = .061$ ). In regression models of the determinants of discontent with village leadership (not presented), the gap between the Henan and Hunan samples is statistically significant net of controls.

contextual effects (Hypothesis 8), let us first consider microrelational effects (Hypothesis 7). Table 3 shows that the effect of a household-level connection to a village leader is large and statistically significant, and that it persists net of household controls (Model 1).<sup>19</sup> That is, in support of Hypothesis 7, among otherwise seemingly identical households, those with a village leader were significantly less likely to report grievances. Political connections to outside relatives in higher office unexpectedly increased the probability of reporting a grievance (Model 1). However, this positive effect loses statistical significance after controlling for contextual characteristics (Models 2–6). By contrast, the negative effect of household connections to village leaders persists net of county-level variables (all models). Wald tests of equality confirm that the difference between the effect of each additional village leader and the effect of each additional nonfarm laborer is statistically significant in each model.<sup>20</sup>

Before controlling for contextual characteristics, household-level socioeconomic indicators, namely income and education, reduced the probability of experiencing grievances (Table 3, Models 1 and 2). However, once county-level controls are added (Models 4–6), the effect of socioeconomic status disappears. In rural China, net of community characteristics, household characteristics were weak and insignificant predictors of grievances. The analytical danger of overlooking contextual fac-

tors should be clear: because contextual factors were obvious determinants of household socioeconomic status, had we omitted community characteristics from this analysis, we might have fallaciously attributed community effects to households. This point serves as a natural segue to findings on contextual variation.

It is clear that Table 3 strengthens the support for Hypothesis 8 that we already observed at the bivariate level in Figure 3B with respect to regional variation in the probability of reporting grievances. Models 3 and 4 in Table 3 show that the probability of reporting a grievance increased with the local magnitude of “peasants’ burdens” and decreased with both greater per capita GDP and greater nonfarm labor force participation. Because nonfarm employment rates and per capita GDP are correlated at  $R = .874$ , multicollinearity prohibits their simultaneous inclusion in the same model. But these contextual characteristics on local economic, labor force, and tax conditions are all faithfully captured by county dummy variables. When dummies for the county-type clusters are added (Models 4 and 5), the effects of “peasants’ burdens,” per capita GDP, and nonfarm labor force participation disappear. As we have seen, households in the high-tax inland sites were far more aggrieved than average, while households in the more prosperous coastal sites were far less aggrieved than average. Among otherwise seemingly identical households, those in high-tax inland counties were between 6 and 11 times more likely than households in other inland counties to report a grievance and between 54 and 60 times more likely than households in coastal areas to report a grievance ( $6.336/.118 = 53.7$  and  $10.845/.181 = 59.9$ ). In Model 6 we can see that, all else being equal, the Henan sample is the most aggrieved and the Shandong sample is the least aggrieved.<sup>21</sup>

<sup>19</sup> This is the only analysis showing that household ties were more valuable than family ties. While both narrow household ties and broader family ties to village leaders offered protection against grievances, the prophylactic effect of household ties was stronger. There is no discernable pattern with respect to the specific kinds of grievances to which households without political connections were at greater risk of experiencing relative to households with political connections.

<sup>20</sup> All models in Table 3 are replicated when the dependent variable (whether or not at least one grievance is reported) is replaced with the number of grievances reported (in negative binomial or Poisson regression models; detailed results not reported). Moreover, the effects in Table 3 do not appear to vary a great deal by grievance type. That is, different types of grievances appear to have similar causes.

<sup>21</sup> While the probability of reporting grievances varied enormously by context, the effects of political connections on the probability of reporting grievances show no significant contextual variation. Multilevel models with random intercepts and random-effects confirm that the grievance prophylaxis hypothesis is supported across villages of different economic character (detailed findings not presented). I am grateful to Joshua Klugman for his technical assistance with HLM.

**Table 3.** Determinants of Reporting any Grievance, Odds Ratios Converted from Logistic Regression Coefficients, Rural China, 2002

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
<b>Household Connections</b>						
Number Village Leaders in Household $\geq 1$ (yes = 1)	.602 <sup>^^</sup>	.458 <sup>^^^</sup>	.459 <sup>^^^</sup>	.419 <sup>^^^</sup>	.423 <sup>^^^</sup>	.421 <sup>^^^</sup>
Number Household Members Other Nonfarm Laborers	.959	1.197 <sup>†</sup>	1.127	.952	.978	.970
<b>Outside Political Connections</b>						
Any Outside Relatives Township Cadre (yes = 1)	2.491 <sup>***</sup>	1.869 <sup>*</sup>	1.638 <sup>*</sup>	1.342	1.381	1.384
Any Outside Relatives Higher-Level Cadre (yes = 1)	1.813 <sup>*</sup>	1.242	1.117	1.023	1.050	1.055
<b>Household Control Variables</b>						
Mean Age of Household Members	.975 <sup>***</sup>	.987 <sup>*</sup>	.989 <sup>†</sup>	.983 <sup>**</sup>	.982 <sup>**</sup>	.982 <sup>**</sup>
Household Mean Years of Education (if age > 14)	.935 <sup>†</sup>	.918 <sup>**</sup>	.945 <sup>†</sup>	.983	.970	.972
Urban Household Registration (yes = 1)	1.039	1.017	.998	.828	.830	.828
Entrepreneurship (yes = 1)	1.814 <sup>***</sup>	1.443 <sup>**</sup>	1.397 <sup>*</sup>	1.392 <sup>*</sup>	1.410 <sup>**</sup>	1.411 <sup>**</sup>
Total Annual Household Income (log of Yuan)	.529 <sup>***</sup>	.782 <sup>*</sup>	.744 <sup>*</sup>	.860	.890	.888
<b>County Context</b>						
Average Gross Tax Rate	—	1.118 <sup>***</sup>	1.084 <sup>**</sup>	.964	.951	—
Per Capita GDP (logged)	—	.585 <sup>**</sup>	—	1.562	—	—
Percent Rural Labor Force in Nonfarm Work	—	—	.970 <sup>**</sup>	—	1.018	—
High-Tax Inland County (Henan and Hunan)	—	—	—	6.336 <sup>**</sup>	10.845 <sup>***</sup>	—
Coastal County (Shangdong and Jiangsu)	—	—	—	.118 <sup>*</sup>	.181 <sup>*</sup>	—
<b>Other Inland County (reference group)</b>						
Ru'nan County (Henan)	—	—	—	—	—	8.426 <sup>***</sup>
Yuanjiang County (Hunan)	—	—	—	—	—	6.519 <sup>***</sup>
Taicaing County (Jiangsu)	—	—	—	—	—	.520
Jimo County (Shandong)	—	—	—	—	—	.326 <sup>*</sup>
Zhong County (Chongqing)	—	—	—	—	—	1.747
Hengshan County (Shaanxi) (reference group)	—	—	—	—	—	—
Pseudo $R^2$	.086	.159	.165	.224	.222	.224

*Note:*  $N = 2,796$ . Significance tests are calculated from robust standard errors that correct for clustering within 37 villages. "Other inland" counties include Hengshan (Shaanxi) and Zhong (Chongqing). Wald tests of whether the effect of an additional village leader is different from the effect of each additional "other" type of nonfarm worker (see note for Table 1) are indicated by carets (<sup>†</sup>) next to the cadre connection variables; <sup>^</sup>  $p \leq .10$ ; <sup>^^</sup>  $p \leq .01$ ; <sup>^^^</sup>  $p \leq .001$ ; <sup>\*</sup>  $p \leq .05$ ; <sup>\*\*</sup>  $p \leq .01$ ; <sup>\*\*\*</sup>  $p \leq .001$  (two-tailed test), <sup>†</sup>  $p \leq .05$  (one-tailed test).

## CONTEXTUALLY-SPECIFIC HISTORICAL FACTORS

Regional variation in the volume and character of grievances explains a great deal of regional variation in the probability of climbing the dispute pagoda. But we have also seen anomalous variation that cannot be “explained away” by other information in the survey data. In particular, we have seen that the Henan sample is an extreme outlier, even net of controls, both in terms of discontent with local leadership and in terms of appeals to higher authorities (see Figures 3A and 3C). Although respondents in the Henan and Hunan samples reported similar numbers of grievances and had comparable economic conditions, and although the average tax rate in the Henan sample was about 9 percentage points lower than the average tax rate in the Hunan sample, households in Henan were nonetheless dramatically more discontent with village leadership and more likely to climb the dispute pagoda. Although it was neither the poorest survey site nor the most heavily taxed, the Henan sample was by far the most intense hotbed of conflict and contention. In this section we will see that additional variation between these similarly aggrieved regions is explained by contextually-specific *historical* conditions. In Ru’nan County, the site of the Henan sample, villagers learned from historical experience to distrust local government officials. Their vehement responses to local trouble become more understandable in historical light. Ru’nan County was impacted horrifically by a series of disasters attributable to the failings and misdeeds of local government leaders: the Great Leap Famine (1959 to 1960), the Zhumadian flood (1975), and the HIV/AIDS epidemic (mid-1990s to present). Villagers in this part of China have learned to associate local political leadership with the harm and death of people they know and remember.

### ***THE GREAT LEAP FAMINE OF 1959 TO 1960***

Between 1958 and 1961 a series of urban and rural policies, known collectively as the Great Leap Forward (GLF), were implemented with the aim of catapulting China “forward” to the status of a modern industrial nation in one fell swoop. At the time of the GLF, Henan Province’s Ru’nan County belonged to Xinyang Prefecture.

Only in 1965, when Xinyang was split into two prefectures, did jurisdiction over Ru’nan shift to Zhumadian. There is no disagreement that Henan’s Xinyang Prefecture was one of the worst, if not the worst, epicenter of starvation following the failure of the rural policies (Becker 1996:112–29; Chang and Wen 1997:5; Yang 1996:75), accounting for between 1 and 4 million deaths (Becker 1996:128). In 1960, Xinyang was one of about 160 prefecture-level administrative units nationwide and one of six prefecture-level units in Henan Province. But this single prefecture, which accounted for about one-fifth of Henan’s population, accounted for over half of Henan’s excess deaths (Becker 1996:128; Wemheuer 2006). With just over 1 percent of the national population in 1957, this single prefecture probably accounted for at least 6 percent of all excess deaths nationwide.<sup>22</sup> Between 10 and 30 percent of the population in this prefecture starved to death. Ru’nan County was squarely at ground zero of the GLF disaster. The mortality rate in Ru’nan County in 1960 was 98.7 per thousand, almost four times the provincial average. In at least one village in Ru’nan, half the population starved to death (Wemheuer 2006).<sup>23</sup>

More than anything else, excessive taxation based on exaggerated reports of agricultural production killed villagers (Bernstein 1984). In 1959, 37 percent of Henan’s grain harvest was levied (Ding 2001:75).<sup>24</sup> In Xinyang, half the grain harvest was reportedly levied in the same year (Ding 2001:76). As tax burdens increased in the 1990s, villagers, perceiving practices bearing a striking similarity to those behind the GLF’s grain levies, the deadliest agricultural taxes in human history, reacted vehemently. By deliberately exaggerating average household

<sup>22</sup> The total number of deaths attributed to the GLF ranges from about 18 million (Chang and Wen 1997) to about 30 million. See Yang (1996:37–38) and Becker (1996:266–74) for ranges of estimates.

<sup>23</sup> According to estimates reported by Yang (1996:38), the 1960 provincial mortality rate in Henan was 39.6 per thousand. However, since, to the best of my knowledge, no other estimate of mortality in Ru’nan exists aside from Wemheuer’s (2006), for comparability purposes I use his provincial estimate of 25.6 per thousand.

<sup>24</sup> 1 catty (jin) = 500 grams or 1.102 pounds. 1 metric ton = 2,000 catties.

income levels, local officials extracted higher levies and fees from villagers (Bernstein and Lü 2003:95). From the villagers' standpoint, "peasants' burdens" in the post-Mao reform era resembled the Mao-era GLF pattern of tricky accounting and misleading statistical reporting that they had learned to associate with the deaths of their children, parents, grandparents, and neighbors. Villagers in Ru'nan remember the famine and remain resentful of local officeholders (Wemheuer 2006). Their memories are direct and personal (individual) as well as indirect and vicarious (collective) (see Olick 1999). In areas less deeply affected by the GLF, this association would surely be weaker and therefore less likely to produce contentious reactions.

Owing to a widely perceived association between its extraordinary history of popular suffering and the deceit, deception, and willful negligence of local state cadres, southeastern Henan is precisely where we find a high concentration of *diaomin*, "shrewd and unyielding people" (Li and O'Brien 1996:40), China's most vigilant and assertive defenders of their interests. Their local history and collective memory have taught them to treat local cadre performance as a matter of life and death, to be sensitive to and to resist the sorts of cadre practices to which they attribute the widespread loss of life and limb. By the same token, there is good reason to believe that villagers in this part of Henan are more likely than villagers in similarly aggrieved parts of rural China to appeal to higher authorities for help because they have learned through historical experience to distrust local government officials and to trust the Center. In 1961, reportedly under direct orders from Mao, 30,000 members of the People's Liberation Army (PLA) descended upon Xinyang to redistribute the levied grain that had been sitting in storehouses while villagers starved, to arrest local political leaders, to repair homes, and to open emergency shelters (Becker 1996:126–27). Villagers' perception that local leaders are their enemies and that the Center is their benefactor (O'Brien and Li 1995:778) has been *learned*.

### **THE FLOOD OF 1975**

Trust in local government further eroded with a gargantuan flood in 1975 in the heart of Zhumadian Prefecture, bringing suffering on a

massive scale to the very part of Henan that had belonged to Xinyang Prefecture during the GLF. In early August 1975, a freak typhoon producing torrential rains of historically unprecedented proportions strained local dams and reservoirs that had been shoddily constructed and poorly maintained under neglectful government supervision. Shortly after the Shimantan Dam broke, the much larger Banqiao Dam 30 kilometers to the south burst open, unleashing a torrent of 600 million cubic meters of water. A "wall of water six meters high and 12 kilometers wide" rushed into the Ru River (a tributary of the Huai River) and directly into the heart of Ru'nan County. These breaches triggered a domino effect of dam failures. Within three days 62 dams and water reservoirs had collapsed. The result was a "300- by 150-kilometer lake" in the middle of Zhumadian Prefecture (Yi 1998:26). The villages in the Henan survey site are a mere four to six kilometers from the Ru River. Many of the respondents in this survey sample were undoubtedly part of the population of hundreds of thousands of people stranded on rooftops and in trees without food (Yi 1998:34–35). Altogether, an estimated 230,000 people died during the flood and in its aftermath (McCully 2001:115; Yi 1998:28), an additional 11 million people were affected by disease and famine, and almost 60,000 buildings collapsed (Qian 2005).

The response of the Center, consistent with the GLF pattern, helped renew an enduring popular faith, both in the goodness of the Center and that higher authorities will intervene on their behalf in times of local crisis. During the 1975 Zhumadian flood, the PLA again came to the rescue (Qian 2005). Central authorities also ordered the military to blast with explosives the remaining dams blocking the drainage of water (Yi 1998:35–36).

### **THE HIV/AIDS CRISIS OF THE MID-1990S TO THE PRESENT**

Henan's HIV/AIDS epidemic reinforced the popularly perceived association between the malfeasance and nonfeasance of government officials and the avoidable deaths of ordinary villagers. So-called "AIDS villages" are concentrated in the counties of Zhumadian Prefecture that formerly belonged to Xinyang Prefecture during the GLF. No different from the

“Xinyang Incident” of the GLF or the Zhumadian flood of 1975, local government officials were at the root of the HIV/AIDS outbreak in Henan. The epidemic of HIV infection in Henan was caused by plasma-collection stations operating under the auspices of local government officials and state hospitals (Kaufman and Meyers 2006:50; Pan 2003), leading AIDS activist Wan Yanhai to call Henan’s HIV/AIDS crisis the “Great Leap Forward of blood donation” (Wan 2001).

One of the most widely covered “AIDS villages,” Wenlou Village, is only about 30 kilometers from the Ru’nan survey site. According to local lore, the HIV/AIDS epidemic in Henan originated from Ru’nan County because this is where blood-selling activities started earliest (Wan 2001). A so-called “disaster zone of blood-selling” spans the southwestern portion of Shangcai County and the northeastern portion of Ru’nan County that includes the survey site. Villages in the nearby townships surrounding Shangcai’s county seat are known as “ground-zero for China’s HIV/AIDS epidemic” (Cui 2006:6). Referring to villagers infected in the mid- to late-1990s, Yip (2006:179) writes, “This cohort of infected rural farmers, with greatest concentration in the southern part of Henan Province, started to manifest clinical AIDS and die in 2000 to 2001, resulting in many villages suffering an intense impact.”

As in past crises, the central government eventually intervened in the HIV/AIDS crisis. In 2005, as part of a national campaign launched in 2004 to fight the spread of HIV/AIDS, promote HIV/AIDS awareness, and crack down on blood-collectors and complicit and neglectful local government officials, Premier Wen Jiabao and Vice Premier Wu Yi visited and shook hands with victims in Shangcai County’s Wenlou Village.<sup>25</sup> As part of this campaign, 76 government officials in Henan were dispatched to some of the worst-affected rural areas in the province, including Shangcai, to live with and serve victims (Yuan 2004).

## CONCLUSIONS

Climbing the dispute pagoda in rural China is less a story about the legal needs of a new class of entrepreneurs in a context of dynamic economic growth and more a story about popular discontent fomented in a context of economic distress. The mobilization of rural China’s official justice system springs less from the needs of market-based commercial activity or capitalist economic development, and more from profoundly aggrieved villagers utilizing all institutional means at their disposal, including climbing the dispute pagoda, in the pursuit of remedies to their everyday grievances. This article does not represent the first effort to debunk the generalizability and universality of a theorized positive correlation between law and economic development (Ginsburg 2000). Previous efforts have centered on social networks as functional substitutes for legal mechanisms of enforcing economic obligations and property rights (Appelbaum 1998; Chung and Hamilton 2001; Peng 2004; Zhou et al. 2003). In rural China, however, the explanation for a weak or negative relationship between legal mobilization and economic development centers on popular grievances. Grievances and responses to grievances in rural China cannot be understood without careful attention to contextual variation. Appeals to the official justice system were greatest where grievances were most numerous and most acute.

Beyond macrolevel contextual effects, microlevel effects were also important. The story of legal mobilization is also the story of political connections. Political connections in rural China were important in at least two ways: social networks not only facilitated conflict avoidance but also facilitated privileged access to law when conflict was unavoidable. They reduced the probability of experiencing grievances and they increased the probability of climbing the dispute pagoda to the official justice system when grievances were experienced. Political connections offered harbor from harassment; they sheltered actors from the sorts of trouble afflicting many villagers. Political connections also extended privileged access to important state institutions, including the legal system.

One of the official goals of legal reform is to contain and manage conflict before it spills over to the streets (or dirt roads) in spontaneous,

<sup>25</sup> President Hu Jintao and Premier Wen Jiabao had already publicly shaken hands with AIDS patients elsewhere in 2004.

unofficial expression. One of the Chinese state's strategies for managing conflict has been to channel discontent into the official justice system. However, I have shown that access to the official justice system is not only limited but highly unequal. The local government officials who are popularly perceived to be the cause of many everyday grievances are the very actors who enjoy and facilitate privileged access to official solutions. If access to the official justice system for the have-nots is not improved, and, more importantly, if this inequality becomes widely perceived by the have-nots as a sign that the official justice system serves the interests of the local political elite and their relatives, an unintended and paradoxical consequence of legal reform may be popular disillusionment with higher authorities, the aggravation of rural discontent, and the encouragement of its popular expression outside the official justice system.

By bringing into high relief the value of political connections in gaining access to the law, my findings are consistent with other studies that underscore the enduring limitations of both popular access to the legal system and the legal system's ability to resolve the problems of some of the most aggrieved members of Chinese society (Gallagher 2006; Michelson 2006a, 2007). But beyond gaining an understanding of who knocks on the door of the official justice system, we also need to gain a better understanding of who gets in the door and of what happens inside—in short, of how popular complaints are actually processed.

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