



Popular Protest in China: Playing by the Rules

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<ct>Popular Protest in China: Playing by the Rules</ct>
<ca>Elizabeth J. Perry</ca>

Among the many surprises of the post-Mao era has been the remarkable upsurge in popular protests that has accompanied the economic reforms. The Tiananmen Uprising of 1989 was the largest and most dramatic of these incidents, but it marked neither the beginning nor the end of widespread unrest in the reform period. In the first decade of reform, China experienced a steady stream of collective protests, culminating in the massive demonstrations in Tiananmen Square (and many other Chinese cities) in the spring of 1989.¹ Despite the brutal suppression of the Tiananmen Uprising, the frequency of protests has escalated in the years since June Fourth. According to official Chinese statistics, public disturbances in China increased tenfold during the period from 1993 to 2005, from 8,700 to 87,000.² Most observers believe that the actual figures are considerably higher than these official statistics—which the Chinese government ceased making public after 2005—would suggest.

More than a few China scholars, long accustomed to viewing collective action in the People's Republic of China (PRC) as a product of top-down state mobilization rather than an expression of bottom-up societal interests, have heralded the recent protest activity as a definitive break with the Maoist past that indicates a “rising rights consciousness” propelled by a newfound appreciation of “citizenship.” The consequence, they suggest, could be a threat to both the legitimacy and the longevity of the Communist system. Kevin O'Brien and Li Lianjiang write of the Chinese countryside: “The notion of being a citizen is seeping into popular discourse. . . . We should not underestimate the implications of rising rights consciousness and a growing fluency in ‘rights talk’ in a

nation where rights have traditionally been weakly protected,” on grounds that “today’s rightful resistance could . . . evolve into a much more far-reaching counterhegemonic project.”³ David Zweig also detects an emerging “rights conscious peasantry.”⁴ The observation is not restricted to rural villagers. Mary Gallagher sees the new labor law, and related urban legal institutions, as helping to generate “increased societal conflict and rising rights-consciousness among Chinese workers.”⁵ Pei Minxin notes a “rising rights consciousness” within Chinese society at large. Summing up the history of the reform era with an eye toward the future, Pei predicts that “China’s incipient opposition is likely to become more resilient, sophisticated and adept in challenging the regime as the conditions for democratic resistance further improve.”⁶ Similarly, Merle Goldman argues that “by the century’s end the sense of rights consciousness . . . had spread . . . beyond intellectual and elite circles . . . to the population at large. . . . The transition from comrade to citizen in the People’s Republic of China has begun.”⁷ In a booklet commissioned by the Association for Asian Studies as a teaching aid intended to summarize prevailing scholarly opinion on key issues, Goldman writes: “A growing consciousness of citizenship and organized efforts to assert political rights . . . signify the beginnings of a genuine change in the relationship between China’s population at large and the state at the beginning of the twenty-first century.”⁸

There is considerable justification for emphasizing the role of “rights talk” among Chinese protesters. An unmistakable discourse of “legal rights” (*hefa quanli*) permeates the manifestoes, petitions, and slogans put forth by protesters in both city and countryside. Moreover, the protests are sometimes instigated by newly established grassroots citizens’ organizations: environmental nongovernmental organizations

(NGOs), homeowners' associations, Internet networks, house churches, and the like. But the temptation to depict these features as indicative of an emergent "civil society" posing a growing challenge to the authority of the Chinese Communist state should probably be resisted.⁹

The tendency on the part of many analysts to frame the discussion of contemporary Chinese protest in terms of Western political concepts such as "rights consciousness" and "citizenship"—unless very carefully distinguished from their European and American counterparts—creates expectation of a fundamental transformation in Chinese state-society relations that appears unwarranted. When placed in historical perspective, the evidence that emerges from an examination of the past three decades of popular protest does not, in my view, offer grounds for an optimistic prognosis that state authoritarianism is eroding under the pressures of a newly awakened and assertive society animated by alien conceptions of universal human rights.

To be sure, the protests that roil the contemporary Chinese landscape present significant challenges to the central leadership. Although most of the protests are directed in the first instance against grassroots officials, protesters often take their petitions to higher levels—including all the way to Beijing—if a local resolution is not forthcoming. Moreover, the protests can be highly disruptive of government operations as well as economic and social life when vociferous demonstrators surround government offices, march through city streets, stage sit-ins in public places, and block traffic on busy highways and railways.¹⁰ Taking full advantage of international connections, media attention, and cyberspace contention to publicize their cause,¹¹ protesters have in time wrung some significant concessions from the state; for example, the historic abolition of

the agricultural tax in 2006, the property rights law the following year, and the current move to privatize collective land ownership.

Yet, however visible and vocal (and sometimes violent) these protests may be, participants usually go to great lengths to demonstrate their loyalty to central policies and leaders. The breathless enthusiasm with which many journalists and some scholars have greeted the protests of recent years notwithstanding, contentious politics in post-Mao China continues to be highly circumscribed in its targets and stated ambitions. In these respects, today's protests perpetuate certain core features of both Mao-era and pre-Mao-era protests. Among these features is a pronounced penchant on the part of protesters to advance their claims within the "legitimate" boundaries authorized by the central state. To be sure, these boundaries have shifted in significant ways over time—as a result of state initiative as well as societal innovation. But whether we are talking about the pre- or post-1989 reform-era period or for that matter about the Maoist era (or even the Republican or imperial periods) that preceded them, Chinese protesters have shown a consistent tendency to "play by the rules." Although the language of "revolution" articulated by "comrades" in Mao's day has been supplanted by a language of "rights" proclaimed by "citizens" today, it is not readily apparent that most protesters in the two periods differ fundamentally in either their mentality or their relationship to the authoritarian state. Rather than interpret protest in contemporary China as emblematic of a seditious "rights consciousness," in which a new generation of citizens assert their autonomous interests against the state, I see these protests as reflecting a seasoned "rules consciousness" that expressly acknowledges, and thereby serves to undergird more than to undermine, the authority of the state.

It is of course extremely difficult, if not impossible, to gauge the genuine political sentiments of a populace living in an authoritarian system where expressions of antistate defiance carry substantial risk. Whether or not Chinese protesters, in their heart of hearts, accept the legitimacy of the Communist state, they generally behave as if they do. Even in the absence of a deeply rooted belief in state legitimacy, however, popular compliance may work to promote the stability of authoritarian regimes.¹² Moreover in China, where cultural norms have long valued “orthopraxy” (proper behavior) over “orthodoxy” (proper belief),¹³ overt expressions of deference to political authority would seem to play an especially powerful role in sustaining the system.

<a>Protest in Mao’s China

To evaluate the political implications of reform-era protest, it is instructive to revisit earlier eras. Looking back on Mao’s China (1949–1976) from the vantage point of today, there is a temptation to subsume that entire period under the rubric of totalitarianism and to interpret the repeated outbursts of popular contention that occurred in those years as state-sponsored mobilization rather than as socially generated protest. From the anti-American demonstrations of the Korean War through the Red Guard rampages of the Cultural Revolution, we are inclined to regard collective action under Mao as orchestrated by the central state, usually in the person of the Great Helmsman himself. But a closer examination of that era, with the aid of increasingly accessible archival sources, suggests that to discount the social power of collective action under Mao would be a serious misreading of the historical record. Crucial as state signals were in generating the mass movements of the Maoist era, the popular contention that erupted in

the course of those political campaigns anticipated the contemporary scene both ideologically and organizationally.

The laws passed by the new People's Republic of China invited ordinary citizens to invoke legal authority in demanding redress for longstanding grievances. The Marriage Law of 1950, publicized through a series of mass campaigns in the early 1950s, generated an extraordinary level of popular turmoil as millions of Chinese took their cases to the courts and other newly established government agencies in order to seek divorces, property rights, and settlement of other civil claims in the name of revolutionary liberation.¹⁴ But the tendency to play by the rules was visible not only in the initial years of the PRC, when the state explicitly encouraged its citizens to make use of new laws and legal channels. It could be seen throughout the Mao years.

Take the massive strike wave that rolled across urban China in 1956–1957.¹⁵ In March 1957, the Chinese Communist Party issued a directive that acknowledged that labor strikes, student boycotts, and mass petitions and demonstrations had increased dramatically in the previous six months. Party Central estimated that more than ten thousand labor strikes had erupted across the country during this half-year period. Although the walkouts by industrial workers were certainly stimulated by Mao's Hundred Flowers Campaign, and in particular his speech "On the Correct Handling of Contradictions Among the People," the protests evidenced notable spontaneity and presented real challenges for factory managers, trade union cadres, and local party officials alike. The urban protests of that period were a popular response to fundamental changes in the structure of the economy.¹⁶ Under the socialization of industry, private firms were replaced by so-called joint ownership enterprises. In Shanghai, of the more

than 1,300 strikes that occurred in the approximately one hundred days from March to early June 1957 (the highpoint of the strike wave), nearly 90 percent were centered in newly formed joint ownership enterprises.

Typically, the labor disputes of that period began by raising repeated suggestions and demands to the factory leadership. When these were not dealt with, written petitions were lodged with higher authorities. The workers set deadlines by which they expected a satisfactory response and often staged rowdy meetings to publicize their grievances. If the demands did not meet with a timely response, the protest would often evolve into a strike, slowdown, collective petition movement, or forcible surrounding of cadres—activities that were categorized (then and today) as *naoshi*, or outright “disturbances.”

Even at the height of the 1956–1957 strike wave, protesters demonstrated a preference for operating within the boundary of the law. Shanghai’s pedicab drivers, for example, sought legal counsel to ascertain that their requests were consistent with state regulations. Other measures were also taken to impress the authorities that protesters were playing by the state’s rules. With class status considered the litmus test of political propriety in Mao’s China, elections for workers’ representatives were held in which anyone from a “bad” class background (e.g., capitalist or landlord) was eliminated from the roster. Nevertheless, many of the protests grew larger and more ambitious over time—moving beyond requests for better welfare provisions or mild criticisms of local leadership attitudes to demands for the fulfillment of basic political and social claims.

The 1956–1957 strikes evinced a wide repertoire of protest behavior. Many workers put up big-character posters and wrote blackboard newspapers explaining their grievances; some went on hunger strike; some threatened suicide; some marched in large-

scale demonstrations—holding high their workplace banners as they paraded vociferously through city streets; some staged sit-ins and presented petitions (often on bended knee) to government authorities; some mustered “pickets”—armed with staves and other makeshift weapons—to enforce public order; some organized action committees and liaison offices to coordinate strikes in different factories and districts. In many cases, workers surrounded grassroots cadres, raising various demands and imposing a deadline for a satisfactory response, refusing to disband until their requests had been met.

While we tend to think of Mao’s China—in contrast to the post-Mao era—as a period of international isolation, the importance of foreign influences on the 1956–1957 strike wave was considerable. Just as the example of Poland’s Solidarity movement would inspire Chinese workers in the 1980s, so at this earlier juncture the Hungarian revolt was a powerful stimulus for labor unrest. A popular slogan in the protests of 1957 was “Let’s create another Hungarian Incident!” There was awareness—as would be the case in the Tiananmen Uprising of 1989—of China’s being part of an international socialist world. Another slogan in 1957 was “We’ll take this all the way from district to city to Party Central to Communist International.” Some workers, hearing that Khrushchev was about to visit Shanghai, planned to present their grievances directly to him. Although it turned out that the Soviet leader did not make his trip until the following year—well after the antirightist crackdown had dashed any hopes of a direct encounter with restive workers—the parallel with 1989, when protesters tried to share their grievances with Gorbachev, is noteworthy.

As would be true in the reform era, the earlier strike wave offered evidence of a growing sophistication in protest strategies over time. Moreover, the organizational infrastructure of the protests indicated far more independence from state control than a totalitarian image of Mao's China would suggest. Workers printed up their own handbills and manifestoes to publicize their demands, and formed autonomous unions (often termed *pingnan hui* or redress grievances societies) to press their claims. In one district of Shanghai, thousands of workers joined a "Democratic Party" (*minzhu dangpai*) organized by three local workers. In this and other instances, "united command headquarters" were established by the strikers to coordinate "battle plans."

Despite this remarkable display of social ferment, it would be wrong to characterize the strikes of 1956–1957 as an expression of a protodemocratic civil society rising up in opposition to the authoritarian state. For one thing, the involvement of grassroots cadres in many of the incidents cautions against drawing a clear line between state and society. For another thing, the protesters were asking for an opportunity to enjoy fully the socialist promises of the new regime, not clamoring for its overthrow.

As would be the case in the post-Mao period, economic cleavages and concerns were fundamental to the outpouring of unrest, but such matters were inextricably linked to state policies (collectivization of agriculture and socialization of industry in the 1950s, decollectivization and privatization in the reform era). Ordinary people were fully aware that responsibility for economic policy and management rested squarely with the state. While demands for higher income and improved welfare dominated their requests, much of the protesters' wrath was directed against government cadres. Even so, local officials often acted as facilitators—if not outright instigators—in many of the incidents. As

would be true more than thirty years later during the Tiananmen Uprising of 1989, union cadres saw in the disturbances an opportunity to shed their image as government patsies and forge a new closeness with the workers. A union report on the uprising at the Datong Oil Refinery in the spring of 1957 noted approvingly that when striking workers gathered at a teahouse, pounded their fists on the tables, and loudly cursed the cadres as “scabs,” union officials listened respectfully to the complaints.

In cases where the protesters failed to gain a satisfactory response at the local level, they did not shy away from taking their grievances to higher levels. On July 1, 1957, the All-China Federation of Trade Unions in Beijing issued a notice to provincial and municipal unions pointing out that it had been deluged with disgruntled petitioners from all over the country, and complaining that it often could not resolve the disputes for lack of full knowledge about the local situation. The central union called upon grassroots unions and officials to do a better job of settling grievances and defusing protests.

One might propose that the strike wave of 1956–1957 was merely an anomalous exception to the Maoist pattern of state-orchestrated mass campaigns were it not that we find very similar expressions of popular contention a decade later at the height of the Cultural Revolution—often regarded as the quintessential expression of totalitarian rule. The Cultural Revolution saw the unfolding of what political scientist Sidney Tarrow has termed a “cycle of protest.” Tarrow observes of these cycles that “in the presence of such general periods of turbulence, even the poor and disorganized can draw upon opportunities created by the ‘early risers’ who trigger the cycle.”¹⁷ In the winter of 1966–1967, months after the onset of Red Guard factionalism, a so-called wind of economism (*jingjizhuyi feng*) swept across China’s industrial workforce.¹⁸ The term referred to a

spate of protests animated by socioeconomic grievances and demands. As had been the case during the Hundred Flowers Movement, these protests were accompanied by an impressive display of spontaneous social organization. In Shanghai alone, we have records of 354 unofficial labor associations that were formed in this period. In most cases, their names—albeit parroting the state-approved “revolutionary” language of the day—indicated their relatively modest objectives: “Rebel Revolutionary Headquarters for Housing Difficulties,” which sought a resolution of housing complaints; “Rebel Headquarters for Revolutionary Bachelor Workers,” which called for transfer to Shanghai of workers’ families living in the countryside; “Revolutionary Rebel Headquarters for Permanent Residents with Temporary Household Registration,” which demanded resolution of residency problems; and so forth.

The grievances expressed by these various Cultural Revolution grassroots organizations were longstanding concerns that had been simmering below the surface for years. However, they erupted into the public arena only after the Workers’ General Headquarters (an initially unauthorized umbrella organization of rebel-worker outfits that had challenged their factory authorities) won a set of concessions from the Shanghai Party Committee in the so-called Anting Incident. The Anting Incident of November 1966 was the first disruption of rail traffic in the Cultural Revolution. It began when more than a thousand worker rebels, having staged an unsuccessful sit-in at the Shanghai Party Committee to demand recognition of their maverick union, decided to take their petition to Beijing. When Premier Zhou Enlai learned that the petitioners were Beijing-bound, he ordered that their train be grounded soon after it left Shanghai (at the Anting railway station) so that the dispute could be resolved locally. Lasting for over thirty hours, the

Anting Incident halted nearly 150 trains headed to or from the industrial capital of Shanghai, and created a serious transportation snarl that triggered further intervention by central party leaders. In the end, Beijing agreed to recognize the Workers' General Headquarters as a "revolutionary and legal organization," thereby unleashing a surge of extrastate organizational activity on the part of a broad array of aggrieved social actors who claimed revolutionary legitimacy for their demands.

As had been the case during the strike wave of 1956–1957, rebel workers in the Cultural Revolution were led by a diverse *mélange* of party and league members, ordinary workers, and officially designated "activists" and "backward elements." Yet this complex intermingling of state and society at the grassroots level did not prevent the protests from presenting serious challenges to government authorities. The outcome was often surprisingly favorable to the protesters. During Shanghai's "wind of economism," the pressure of worker demands led cadres at all levels to turn over huge sums of money as restitution. The city of Shanghai as a whole paid out some 35 to 40 million yuan in the single month of January 1967 in the form of higher wages, subsidies, welfare provisions, divisions of union accumulation funds, factory dividends, and the like as part of the economist wind. The 160,000 workers in Shanghai's Number 2 Commercial Bureau, for example, were granted more than 1 million yuan in wage hikes and subsidies as a result of their "revolutionary" participation in the protests. In the name of "rebellion," restive workers also forcibly seized and occupied much of the city's housing supply.

Although most of the organizations that had formed spontaneously during the wind of economism were soon suppressed, a number of the demands raised in that period later came to be accepted as official policy. As a direct response to the demands of

protesters, temporary workers who had entered Shanghai factories before 1966 were converted to permanent status and differences between union and nonunion members in medical and other welfare benefits were abolished by the Shanghai Labor Bureau.

The upsurges of 1956–1957 and 1966–1967 are but two examples of a much broader phenomenon that is observable throughout the duration of the Maoist era. From the earliest days of the new Communist regime to the final months of Mao’s life, widespread popular protest was a continuing reality.¹⁹ Often (but not only) stimulated by state-sponsored mass campaigns such as the Hundred Flowers Movement and the Cultural Revolution, the protests invoked central state authority (including of course the incendiary utterances of Chairman Mao himself) to justify their claims. These were classic cases of what Kevin O’Brien and Li Lianjiang have recently dubbed “rightful resistance”; yet they pointed not toward an incipient awakening of social citizenship in opposition to state control—but rather to a persistent attempt (traceable back to the imperial era) by Chinese protesters to work an authoritarian political system to their own advantage.²⁰

[Rural Protest in the Reform Era](#)

The agricultural reforms of the early post-Mao period, which greatly reduced the power of the collectives in favor of returning control over farming to individual households, were accompanied by an upsurge in rural unrest. For the first several years of the reform period, rural contention primarily took the form of communal violence in which rival lineages and villages struggled for control over contracted land and other natural resources, often at the behest of local cadres.²¹ By the late 1980s, however, as township and village governments imposed higher taxes and surcharges to compensate for the lack

of revenue that followed in the wake of decollectivization, the target of rural unrest shifted from competing social units to grassroots agencies and officials. Tax riots blazed across the countryside in opposition to what farmers (taking their cue from central leaders) referred to as unfair and excessive “peasant burdens.” As Thomas Bernstein and Xiaobo Lu explain, “On the burden issue, because of their concern with stability, the central authorities sided with the peasants, leading to an implicit alliance between the Center and the peasantry, in which the latter explicitly invoked the authority of Center regulations when protesting against the levies imposed by local officials.”²²

Villagers were quick to seize upon the language of democracy and law, popularized by the post-Mao state, to press their grievances against grassroots cadres. As a young farmer complained in 1988, “Isn’t the state building democratic politics? We farmers also want to talk about democracy. . . . It is both reasonable and lawful to pay grain [taxes]. We farmers are not confused about this. But they just take money from us in some muddled way.”²³ By the 1990s, tax resistance had reached alarming proportions, with frequent reports of beatings, property destruction, arson, and other violence targeting local cadres; instances of peasants killing cadres (and sometimes being hailed as heroes by their fellow villagers for doing so) were openly reported in the Chinese press.²⁴

The public sympathy that such protests elicited derived in large part from the fact that they generally followed a series of recognized stages, in which villagers dutifully acknowledged the authority of the central state before devolving into localized violence. Most protests began with a collective petition, or letter of complaint, that chided grassroots officials for failing to abide by higher-level dictates. As O’Brien and Li write of rural petitioners,

<ext>Letters of complaint may concern any grievance, but in practice they usually target rural cadres who have violated a Party policy, a law, or a state regulation. Express reference to official documents (or sometimes leadership speeches) is useful inasmuch as it makes it difficult for local officials to ignore a complaint. . . . Typical complainants do not question the legitimacy of central laws and policies, not to mention the right of unaccountable leaders at higher levels to promulgate laws and policies. Complainants, by and large, seem to direct their attacks at over-eager or dishonest grassroots cadres who have harmed their interests—and then, mainly those cadres who are vulnerable because they have proven themselves unwilling (or unable) to comply with directives issued by higher levels or the “spirit of the Centre.”²⁵</ext>

Despite the frequency and scale of these protests, they were constrained by protesters’ pronounced willingness to play by the rules. As Bernstein and Lu note, “The peasants’ positive orientation toward the Center legitimated but also limited protests. . . . Villagers’ tactic of clothing protest in the authority of the Central Committee and State Council undoubtedly made it more difficult for local officials to assign negative political labels to such acts. But this limitation also meant that tax-and-fee collective actions did not turn into social movements.”²⁶

Despite its failure to “turn into a social movement,” the rampant tax resistance was regarded very seriously by the Chinese leadership. When the central authorities responded in 2006 by taking the extraordinary step of abolishing the national agricultural tax, the focus of rural protest shifted from tax riots to land disputes. The lucrative sale of

collective lands by corrupt village and township cadres who neglected to consult or adequately compensate their fellow villagers led to widespread—and often violent—protests. In the face of ambiguous government regulations that do not clearly specify the property rights of various agencies and actors, the latitude for confusion and conflict is great. As Peter Ho observes, “The local governments and courts walk a thin line between the protection of the state’s interests and meeting the collectives’ demands for social justice.”²⁷ The 2007 property rights laws and subsequent high-level deliberations over land privatization are efforts to come to grips with this unresolved dilemma.

<a>Urban Protest in the Reform Era

While the Chinese countryside has seethed with tax riots and land disputes in the post-Mao period, the cities have been no less immune to popular contention. The April Fifth Movement of 1976—which began in Tiananmen Square but quickly spread beyond Beijing to other cities—demonstrated the willingness of students and other urbanites to express (veiled) political criticism even before Chairman Mao had passed away.²⁸

Mourning for the late Premier Zhou Enlai turned into an opportunity for condemning the radical excesses of the Cultural Revolution. Shortly after Mao’s death, the Democracy Wall Movement of 1978–1979 saw an outpouring of big-character posters and impromptu street lectures calling for elections and other political reforms. Student protests—some directed against Japanese militarism and others against domestic police brutality—continued throughout the 1980s.²⁹

In the winter of 1986–1987, widespread student demonstrations (supported by sympathetic workers) swept across urban China. Although these incidents were swiftly suppressed when central leaders decided that they had outlived their political usefulness,

they prefigured the Tiananmen Uprising of 1989 in important respects. In January 1987, the general-secretary of the Communist Party, Hu Yaobang, was removed from power when other top leaders accused him of being too kindhearted toward the protesters. The same fate would befall his successor, Zhao Ziyang, two years later. More significant for our concerns, in both cases students clamoring for “democracy” took pains to play by the state’s rules.

A striking feature of the so-called democracy movement of 1989 (like the 1986–1987 demonstrations that preceded it) was the deference that students paid to state authority.³⁰ Aware that the state was particularly wary of worker-student connections, students scrupulously honored police cordons and even dispatched their own “pickets” (*jiucha dui*) to ensure that workers remained outside their inner circles. Student petitioners who attempted (unsuccessfully) to gain a hearing with the top leadership went so far as to drop to their knees and kowtow up the stairs of the Great Hall of the People in a time-honored ritual of humble subjects showing their respect for government authority. Although the students’ action could certainly be interpreted as an ironic critique of the Communist state (for resembling a “feudal” imperial regime that required such obsequious behavior of its people), the widely reported incident was presented by the Chinese (and foreign) press at the time as a clear indication of the students’ respect for authority.

Paralleling the well-publicized “democracy” movements of the late 1970s and 1980s, Chinese cities witnessed an upsurge in labor protest. Like the student movements, worker unrest also predated Mao Zedong’s death. The April Fifth Movement of 1976 included substantial participation by young workers in the mass demonstrations and riots

that broke out in more than forty cities that spring. Under Deng Xiaoping, labor unrest continued apace. The example of Solidarity in Poland stimulated a Chinese strike wave in the fall of 1980, with dozens of strikes breaking out in Wuhan and Taiyuan, followed by disruptive work stoppages in Shanghai, Tianjin, Kunming, Manchuria, and cities in Hubei and Shanxi. Still strongly influenced by the discourse of the Cultural Revolution, workers' demands were often framed in Maoist class terms. The local press described strikers at a Taiyuan steel mill as "labeling themselves 'the poorest workers in the world,' call[ing] for 'breaking down the rusted doors of socialism,' the right to decide their own fate, the end to dictatorship and the overthrow of the system of political bureaucracy."³¹

The pace of labor unrest accelerated in the years leading up to the Tiananmen Uprising. Official Chinese statistics reported ninety-seven strikes in 1987 and over one hundred the following year.³² Although we usually think of the 1989 Uprising as a student movement, proletarian participation was substantial. As had been true in the April Fifth movement a decade earlier, large contingents of workers took to the streets, marching behind banners emblazoned with the names of their factories. The official trade unions made substantial monetary donations to the student hunger strikers, and even threatened the possibility of a general strike. The specter of a worker-student alliance, along the lines of Solidarity, surely figured importantly in Deng Xiaoping's decision to call in the People's Liberation Army to crush the movement.

One might have expected urban protest to subside after the brutal suppression of June Fourth. Yet the opposite occurred. Worker unrest grew in both frequency and scale, often spilling outside the factory doors into public spaces. As Ching Kwan Lee observes, "Labour protests in the post-Tiananmen decade witnessed a heightened tendency for

workers to go beyond the confines of their workplace.”³³ Protest marches down major city thoroughfares, sit-ins at government offices, barriers erected at key intersections, and other disruptive displays of discontent were common features of urban life in the 1990s. In 1995 alone, official statistics reported 1,620 large-scale demonstrations in more than thirty Chinese cities.³⁴

Chen Xi has recently argued that these pervasive urban protests “trigger a bargaining process” with government authorities. Through a series of standard and well-recognized “troublemaking” tactics, protesters enhance their leverage by engaging in familiar performative acts, attempting to engage higher-level officials or the public. As Chen explains, although the Letters and Visits (*xinfang*) system through which many of these protests channel their initial activity dates back to the Maoist era, it has been updated in response to contemporary challenges: “When collective petitioning became more frequent and more disruptive, party leaders adjusted the system to cope with popular mobilization.”³⁵ Despite the state’s expectation that reforms to sharpen the powers and streamline the procedures of the *xinfang* system would work to defuse popular protest, they appear to have had the reverse result. Protest has grown apace, often overstepping the bounds stipulated by the Letters and Visits system. Chen’s analysis makes clear, however, that although Chinese petitioners may choose to disregard certain inconvenient laws and regulations, they observe an unwritten set of conventions that is tacitly acknowledged by protesters and officials alike.

Playing by the rules involves adopting official language to signal that one’s protest does not question the legitimacy of the central state. Even in the unusual case of Falun gong, where confrontation between the spiritual sect and state authorities escalated

into an exceptionally bitter and protracted struggle, the protest began with submissive petitions seeking government recognition and registration. In today's China, where the government trumpets "rule by law" and where bookstores and television and radio broadcasts are replete with government-supplied legal information, protesters routinely invoke laws and regulations to justify their demands. Ching Kwan Lee describes a protest by laid-off textile workers in Liaoning, who marched behind banners and presented a petition that made clear their "legal-mindedness and restraint." Their petition read in part,

<ext>Here are the discrepancies between the Bankruptcy Law and the situations of our enterprise. First, the procedure of bankruptcy was illegal. According to Instructions on Bankruptcy of State-Owned Enterprises passed by the Liaoning People's Government Office . . . there must be approval by the Workers' Congress and the superior department of the enterprise. . . . None of this is true in our case. . . . Second, workers received absolutely no livelihood allowance and this is a violation of Clause Four in the Bankruptcy Law.³⁶ </ext>

The invocation of legal rights is a prominent feature of popular protest in contemporary China. But whether this points to a newfound rights consciousness, rather than a familiar practice of presenting one's demands in terms acceptable to the state in order to receive a sympathetic hearing, is debatable. When Ching Kwan Lee asked workers in Liaoning whether they were fighting for citizens' legal rights, she was greeted with scorn. One worker representative explained to her, "Because you are talking to the government, you have to talk about laws and regulations. Otherwise, they can ignore you."³⁷ Just as "comrades" in Mao's China spoke the language of "revolution" to gain the

ear of the ruling authorities, so today's "citizens" present their grievances as a matter of "legal rights."

<a>Rules Consciousness in Historical Perspective

Contemporary Chinese protesters (like generations before them) play by the rules of a widely understood—albeit ever-evolving—game whose operating procedures are shaped by interaction with (and testing of) government authorities. The rules certainly vary over time in tandem with changes in state ideology and policies, and they also vary markedly according to the social composition and location of the challengers, but in the main Chinese protesters go to considerable lengths to demonstrate that their actions are intended to support and strengthen—rather than to subvert—the authority of the state. This they do through the self-conscious use of the state's own rhetoric, presenting their claims in terms authorized by the laws, policies, and statements of the central government and its leadership. This strategy is basically what O'Brien and Li refer to as "rightful resistance," a useful conceptualization with which I would have no quarrel were it not for the suggestion of (1) the novelty of this type of protest in the post-Mao era; and (2) its connection to a rising rights consciousness on the part a citizenry poised to mount a counterhegemonic project.

China lays claim to one of the oldest and most robust traditions of protest of any country in the world. Passed down through such media as folk stories, legends, and local operas, familiar repertoires of popular resistance were for centuries a major means of alerting an authoritarian political system to the grievances of ordinary people. Under certain unusual conditions, endemic protest could escalate into the large-scale rebellions for which Chinese history is famous.³⁸ But it took the catalytic combination of

charismatic rebel leadership, heterodox ideology, widespread economic crisis, foreign threat, and an unresponsive and incompetent central state to generate a serious threat to dynastic rule. And such a combination was rare. As an American observer wrote in 1895, “The Chinese people have in numberless instances risen in opposition to their local rulers, but it has been an uprising against abuses of the system of government, never against the system itself. They have been known to deal with a local magistrate . . . in a most democratic and unceremonious manner . . . but it was not because of the exercise on his part of lawful authority, but because he had exceeded it.”³⁹

Today scholars often portray contemporary China as distinguished by the advent of a legal consciousness unknown in earlier eras, but it is remarkable how many instances of collective protest during the imperial and Republican periods were connected with the filing of lawsuits. Nineteenth-century local gazetteers confirm that, even in the poorest regions of the country, court cases were routinely initiated by all sectors of rural society. As the 1882 gazetteer of Fengtai county in northern Anhui put it, “The people are frugal, wear rough clothing, and eat coarse food. However, they frequently gamble and file lawsuits. Households may easily be bankrupted in this way. Those who are able to take their complaints to the higher courts are regarded as local heroes. Relatives and friends think it normal to give money to support these ventures, which are pursued in hopes of profit.”⁴⁰ Legal channels were a well-recognized means for villagers to advance collective interests. When such efforts failed to bring about the desired outcome, protest often ensued.⁴¹

The willingness of Chinese protesters to play by the rules is clear in an eyewitness account by another American writer in 1896, who describes nineteenth-century

complainants as turning to (limited) “trouble-making” tactics only when their initial petition effort failed to produce the desired result:

<ext>I once saw a procession of country people visit the yamens of the city mandarins. . . . Shops were shut and perfect stillness reigned as, twenty thousand strong, they wended their way through the streets, with banners flying. . . . “What is the meaning of this demonstration?” I inquired. “We are going to reduce the taxes,” was the laconic answer. Petitions had been tried in vain and now, driven to desperation, they were staking everything on a last appeal. . . . The conflict was with the mandarins only; the rioters were under strict discipline, and still professed loyalty to the supreme government. . . . Entering the yamen . . . to watch the proceedings, I noticed a company of rioters guarding a portion of the building while their comrades were eviscerating the rest. Inquiring why they were mounting guard instead of joining the looting, they answered simply, “This is the treasury, and no man shall touch the emperor’s money.” Their grievance was not taxation, but excessive charges made by local officers.⁴²</ext>

As this example suggests, imperial-era protests—like protests today—frequently began with the presentation of petitions, usually written in boilerplate language that referred to the authority and benevolence of the central state in order to condemn the illegal and venal behavior of local officials. If the petitions did not elicit a sympathetic response from the yamen, they might evolve into riots that would either be crushed by military force or resolved by some sort of compromise with higher-level authorities. So

standard and predictable were the manifestation of these protests that the historian Hsiao Kung-ch'uan refers to them as “model riots.”⁴³

In Republican-era China, when the new Nationalist state called upon its people to act as modern citizens rather than as feudal subjects, this protest tradition was updated—but not uprooted. In place of scribe-brushed petitions citing imperial edicts and the Qing legal code to justify their actions, protesters in the Republican period produced printed manifestoes that invoked rights enshrined in Sun Yat-sen's *Three Principles of the People*. Rebecca Nedostup and Liang Hong-ming, drawing upon a large number of Nanjing-decade petitions culled from the Kuomintang Archives in Taipei, describe one protest in which a group calling itself the Shanghai Association of Blind Gentlemen submitted a petition to the Executive Yuan:

<ext>Not only was their petition typeset and printed, rather than the standard handwritten communication, it was accompanied by an appeal they called, in the manner of Nationalist Party congresses, a “proclamation” (*xuanyan*). Furthermore, by writing under the name of something called a “public association” (*gonghui*), a term usually used for commercial groups, the blind diviners rhetorically linked themselves to all the other professional associations and unions in the city. . . .

The language of the petition and proclamation reveals a fairly thorough absorption of the ideology of the Nationalist Party and the concept of tutelary government, mixed as it was with leftover conventions of the imperial state. Lacing the language of the humble memorials to the Emperor with the vocabulary of modern politics, the diviners wrote “on

bended knee we beg the sages of the party-state, and the good people of society, to permit some help for our benighted and dark lives.”⁴⁴

Of course not all Chinese protests were (or are) as orderly or obedient as these particular incidents might suggest. Like that of other nations, China’s history is replete with indiscriminate mob violence and bloodletting; and, as is also true elsewhere across the globe, such rampages still erupt today.⁴⁵ Yet China differs from many other countries in that its dominant modes of unrest have for centuries taken the form of highly scripted protest repertoires intended not only to register indignation, but also to signal an interest in negotiation with an authoritarian state that takes such deferential expressions of popular discontent extremely seriously.⁴⁶

Conclusion

The argument here is definitely *not* that China has not changed since imperial or Republican days. It has of course been transformed, politically as well as economically and socially, in amazing and almost unimaginable ways over the last three decades—let alone the last three hundred years. My point is simply that widespread popular protest targeting lower-levels of the government and framed in the language of the central state (even as that language has fluctuated to reflect major changes in official ideology and policy) is more likely an indication of politics-as-usual than a harbinger of some tectonic shift in state-society relations. Under an authoritarian system in which the ballot box has never been an effective means of conveying popular concerns to the political leadership, protest has often served that purpose instead. As Peter Lorentzen points out, “Authoritarian governments have limited sources of information about either the actions of the bureaucrats at their lower levels or the discontent of their citizens. Permitting

protests provides information about both, helping to limit corruption and to bring discontented groups of citizens out in the open rather than driving them underground.”⁴⁷

So long as the central state responds sympathetically yet shrewdly to the grievances expressed in widespread protest, the political system is strengthened rather than weakened by its occurrence.

Chinese political theory—from Confucian notions of the Mandate of Heaven to Mao’s injunction that “it is right to rebel”—recognizes popular revolt as an expected expression of social grievances. The successful management of disturbances was the sine qua non of long-lived dynasties. As the astute observer of Chinese popular protest, Thomas Taylor Meadows, wrote in 1856: “In China it is precisely the right to rebel . . . that has been a chief element of a national stability, unparalleled in the world’s history.”⁴⁸ This is not to say that Chinese authorities (with the notable exception of Chairman Mao) encouraged popular protest. Riots and revolts were ruthlessly repressed by imperial rulers, who feared such expressions of discontent as a cosmic sign that their grip on the Mandate of Heaven might be slipping. A similarly hostile attitude prevails today. Nevertheless, central leaders’ willingness and capacity to respond sensitively to protesters’ demands (by such actions as dismissing unpopular local officials, providing disaster relief, and other concrete remedial measures) has been a key determinant of their political longevity.

Of course Meadows reached his conclusion on the sources of systemic stability just as the Taiping rebels were mounting a fundamental challenge to the Chinese imperial order. Under the charismatic leadership of Hong Xiuquan (who claimed to be the younger brother of Jesus Christ), the quasi-Christian message of the Taipings helped to mobilize a

rebellion unprecedented in scale that unleashed a century of revolutionary upheaval in China. In the twentieth century, both the Nationalists (inspired by Sun Yat-sen's *Three Principles of the People*) and the Communists (led by Marxist-Leninist Mao Zedong) drew heavily upon foreign inspiration to forge new state systems that departed dramatically from Confucian precedents and principles.

The fact that alien religious and political ideas have fueled revolutionary change in twentieth-century China underscores what is at stake in the contemporary debate over "rights consciousness." Over the past 150 years, Western ideologies of Christianity, nationalism, and Marxism-Leninism have played a key role in facilitating the efforts of disaffected Chinese to launch revolutionary challenges against a succession of authoritarian states. In the eyes of some analysts, the contemporary discourse of universal human rights harbors a similar potential. But these days, when the authoritarian Chinese state is itself largely responsible for publicizing and propagandizing the importance of "legal rights" among its "citizens," the invocation of such rights in protest movements would seem to carry conservative, rather than radical, political implications. There is little evidence at present of any of the elements whose explosive combination would portend a serious threat to political stability: a counterhegemonic ideology, a charismatic oppositional leader, a widespread economic crisis, a foreign military threat, and an unresponsive state.

To propose, as many observers do, that Chinese protesters are articulating a new understanding of state-society relations, in which Western conceptions of citizenship and legal rights are infusing and thereby altering popular consciousness so as to undermine state legitimacy, is to point toward the likelihood of bottom-up political transformation.

An escalation in the number of protests is often equated with a rising civil society believed to be approaching some tipping point after which political liberalization, democratization (or in some scenarios regime collapse or revolution) becomes unavoidable. To suggest, as I have tried to do in this chapter, that what we are seeing in China today reflects a much older “rules consciousness,” in which savvy protesters frame their grievances against grassroots cadres in officially approved terms in order to negotiate a better bargain with the authoritarian state, leads us to a less dramatic—but perhaps more realistic—expectation.

<notes>

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¹ For discussions of these early reform period protests in the countryside, see Elizabeth J. Perry, “Rural Violence in Socialist China,” *China Quarterly* (September 1985).

² http://english.peopledaily.com.cn/200603/01/eng20060301_247056.html

³ Kevin O’Brien and Lianjiang Li, *Rightful Resistance in Rural China* (Cambridge: Cambridge University Press, 2006), 119, 127.

⁴ David Zweig, “To the Courts or to the Barricades: Can New Political Institutions Manage Rural Conflict?” in Elizabeth J. Perry and Mark Selden, eds., *Chinese Society: Change, Conflict and Resistance* (New York: Routledge, 2000), 132.

⁵ Mary Elizabeth Gallagher, *Contagious Capitalism: Globalization and the Politics of Labor in China* (Princeton: Princeton University Press, 2005), 121, 158.

⁶ Pei Minxin, “Rights and Resistance: The Changing Contexts of the Dissident Movement,” in Perry and Selden, *Chinese Society*, 40–43; see also Pei Minxin, “Citizens v. Mandarins: Administrative Litigation in China,” *China Quarterly* 152 (December 1997): 832–62.

⁷ Merle Goldman, *From Comrade to Citizen: The Struggle for Political Rights in China* (Cambridge, MA: Harvard University Press, 2005), 222–23.

⁸ Merle Goldman, *Political Rights in Post-Mao China* (Ann Arbor: Association for Asian Studies, 2007), 74.

⁹ Goldman (2007, 14) writes, “The beginnings of civil society facilitated the organization of groups and networks that took political initiatives without state approval.”

¹⁰ Yongshun Cai, “Disruptive Collective Action in the Reform Era,” in Kevin J. O’Brien, ed., *Popular Protest in China* (Cambridge, MA: Harvard University Press, 2008), chap. 8.

¹¹ Guobin Yang, “Contention in Cyberspace,” in O’Brien, ed., *Popular Protest*, chap. 6.

¹² For a discussion of the contribution of “as if” politics to regime stability in another authoritarian setting, see Lisa Wedeen, *Ambiguities of Domination: Politics, Rhetoric and Symbols in Contemporary Syria* (Chicago: University of Chicago Press, 1999).

¹³ James L. Watson, “Structure of Chinese Funerary Rites: Elementary Forms, Ritual Sequence and the Primacy of Performance,” in James L. Watson and Evelyn S. Rawski, eds., *Death Ritual in Late Imperial and Modern China* (Berkeley: University of California Press, 1988), 3–19.

¹⁴ Neil J. Diamant, *Revolutionizing the Family: Politics, Love and Divorce in Urban and Rural China, 1949–1968* (Berkeley: University of California Press, 2000).

¹⁵ The discussion of the 1956–1957 strikes is taken from Elizabeth J. Perry, “Shanghai’s Strike Wave of 1957,” *China Quarterly* (March 1994).

¹⁶ In the same period, numerous rural protests also erupted. Taking advantage of the relative freedom of expression encouraged by the Hundred Flowers Campaign, many of these protests espoused religious beliefs. But they were often also a reaction against the collectivization of agriculture that was taking place at this time. See Elizabeth J. Perry, “Rural Violence in Socialist China,” *China Quarterly* (September 1985).

¹⁷ Sidney Tarrow, *Power in Movement: Social Movements, Collective Action and Politics* (Cambridge: Cambridge University Press, 1994), 7.

¹⁸ Information on the wind of economism is drawn from chapter 4 of Elizabeth J. Perry and Li Xun, *Proletarian Power: Shanghai in the Cultural Revolution* (Boulder, CO: Westview Press, 1997).

¹⁹ On early protests, see Elizabeth J. Perry, “Masters of the Country? Shanghai Workers in the Early People’s Republic,” in Jeremy Brown and Paul G. Pickowicz, eds., *Dilemmas of Victory: The Early Years of the People’s Republic of China* (Cambridge, MA: Harvard University Press, 2007), 59–79; on those of 1976 see Sebastian Heilmann, “The Social Context of Mobilization in China: Factions, Work Units and Activists During the 1976 April Fifth Movement,” *China Information* 8, no. 3 (Winter 1993–1994): 1–19.

²⁰ In “rightful resistance,” according to O’Brien and Li (*Rightful Resistance*, 5) “villagers frame their claims around Communist Party policies, state laws and official values; solicit assistance from influential allies; and combine legal tactics with collective action to define their ‘lawful rights and interests.’” Rules consciousness encompasses these

features, but is not limited either to contemporary villagers or to a discourse of “citizens’ rights.” At various points in Chinese history, including the pre-Communist era, rules-conscious protesters have included urbanites as well as villagers who have framed their claims in terms of community, nationalism, revolution, class struggle, and other state-authorized values.

²¹ Perry, “Rural Violence.”

²² Thomas Bernstein and Xiaobo Lu, *Taxation without Representation in Contemporary Rural China*, (Cambridge: Cambridge University Press, 2003), 13.

²³ Bernstein and Lu, *Taxation without Representation*, 13.

²⁴ Bernstein and Lu, *Taxation without Representation*, 120–37.

²⁵ Kevin J. O’Brien and Lianjiang Li, “The Politics of Lodging Complaints in Rural China,” *China Quarterly*, no. 143 (September 1995): 759–60.

²⁶ Bernstein and Lu, *Taxation without Representation*, 141.

²⁷ Peter Ho, “Contesting Rural Spaces: Land Disputes, Customary Tenure and the State,” in Perry and Selden, *Chinese Society*, 109.

²⁸ Heilmann, “Social Context of Mobilization.”

²⁹ Andrew J. Nathan, *Chinese Democracy* (Berkeley: University of California Press, 1986).

³⁰ For a much more extended development of this argument, see Elizabeth J. Perry, “Casting a Chinese ‘Democracy’ Movement: The Roles of Students, Workers, Peasants and Entrepreneurs,” in Jeffrey N. Wasserstrom and Elizabeth J. Perry, eds., *Popular Protest and Political Culture in Modern China* (Boulder, CO: Westview Press, 1994).

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- ³¹ Ching Kwan Lee, “Pathways of Labour Insurgency,” in Perry and Selden, *Chinese Society*, 77.
- ³² Lee, “Pathways,” 77.
- ³³ Lee, “Pathways,” 80.
- ³⁴ Lee, “Pathways,” 80.
- ³⁵ Chen Xi, “Collective Petitioning and Institutional Conversion,” in Kevin J. O’Brien, ed., *Popular Protest in China* (Cambridge, MA: Harvard University Press, 2008), 67.
- ³⁶ Ching Kwan Lee, *Against the Law: Labor Protest’s in China’s Rustbelt and Sunbelt* (Berkeley: University of California Press, 2007), 96.
- ³⁷ Lee, *Against the Law*, 116.
- ³⁸ Elizabeth J. Perry, *Rebels and Revolutionaries in North China, 1845–1945* (Stanford: Stanford University Press, 1980).
- ³⁹ Chester Holcombe, *The Real Chinaman* (New York: Dodd, Mead and Company, 1895), 33.
- ⁴⁰ Zhang Yiguan, ed., *Fengtai xianzhi* [Gazeteer of Fengtai County] (1882), chap. 4, part 5.
- ⁴¹ Perry, *Rebels and Revolutionaries*, 78–79.
- ⁴² William Alexander Parsons Martin, *A Cycle of Cathay* (New York and Chicago: F.H. Revell and Co., 1900), 91–92.
- ⁴³ Hsiao Kung-ch’uan, *Rural China: Imperial Control in the Nineteenth Century* (Seattle: University of Washington Press, 1960), 441.

⁴⁴ Rebecca Nedostup and Liang Hong-ming, “‘Begging the Sages of the Party-State’: Citizenship and Government in Transition in Nationalist China, 1927–1937,” *International Review of Social History*, no. 46 (2001): 202.

⁴⁵ Joseph Fewsmith, “An ‘Anger-Venting’ Mass Incident Catches the Attention of China’s Leadership” *China Leadership Monitor*, no. 26 (Fall 2008), available at http://www.hoover.org/publications/clm/issues/China_Leadership_Monitor_No_26.html

⁴⁶ For elaboration of this point, see Elizabeth J. Perry, *Challenging the Mandate of Heaven: Social Protest and State Power in China* (Armonk, NY: M.E. Sharpe, 2002), introduction.

⁴⁷ Peter L. Lorentzen, “Regularized Rioting: The Strategic Toleration of Public Protest in China,” *Social Science Research Network Working Paper Series* (June 2008): 31. Available at SSRN: ssrn.com/abstract=995330.

⁴⁸ Thomas Taylor Meadows, *The Chinese and Their Rebellions* (London: Smith, Elder, 1856), 27.