

# Petitioning Beijing: The High Tide of 2003–2006\*

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## Abstract

What precipitated the 2003–06 “high tide” of petitioning Beijing and why did the tide wane? Interviews and archival sources suggest that a marked increase in petitioners coming to the capital was at least in part a response to encouraging signals that emerged when Hu Jintao and Wen Jiabao adopted a more populist leadership style. Because the presence of tens of thousands of petitioners helped expose policy failures of the previous leadership team, the Hu-Wen leadership appeared reasonably accommodating when petitioners arrived *en masse* in Beijing. Soon, however, the authorities shifted towards control and suppression, partly because frustrated petitioners employed disruptive tactics to draw attention from the Centre. In response to pressure from above, local authorities, especially county leaders, turned to coercion to contain assertive petitioners and used bribery to coax officials in the State Bureau of Letters and Visits to delete petition registrations. The high tide receded in late 2006 and was largely over by 2008. This article suggests that a high tide is more likely after a central leadership change, especially if a populist programme strikes a chord with the population and elite turnover augments confidence in the Centre and heightens expectations that it will be responsive to popular demands.

**Keywords:** petitioning; protest; repression; leadership change; social stability

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A “high tide” of petitioning Beijing commenced in summer 2003 and lasted three years. At its peak, thousands of petitioners arrived from all over the country every day, and many stayed in the capital for weeks or even months. It was estimated by police officials that for much of these three years about a quarter of a

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million petitioners were actively seeking audiences at “letters and visits” bureaus and other offices. To cope with the deluge, central authorities issued a new regulation on petitioning and stepped up pressure on local authorities, who in turn ratcheted up the level of repression against many petitioners. Owing to concerted effort by central and local authorities, the high tide began to recede in late 2006 and was largely over by late 2008.

Western journalists stationed in Beijing observed the growing number of petitioners coming to the capital.<sup>1</sup> Human rights watchers highlighted personal stories and the despair of many petitioners.<sup>2</sup> Chinese analysts attributed the upsurge to factors such as social injustice, corruption and an ineffective legal system.<sup>3</sup> Policy researchers debated whether the petition system should be restructured or merged into the people’s congress *xitong*.<sup>4</sup> Many questions about the “high tide,” however, remain to be addressed. Beyond deeply rooted sources of popular dissatisfaction, most of which were scarcely new, what precipitated a sudden increase in petitioning Beijing? How did petitioners pursue their claims in the capital? How did central and local authorities deal with and ultimately contain the high tide?

This article draws on interviews and archival sources to consider these issues.<sup>5</sup> It starts with a brief history of capital appeals. It then explores how leadership turnover in 2002–03 played a part in setting off the high tide and describes why and how petitioners moved from normal to “non-normal” (*feizhengchang* 非正常) tactics. Finally, it examines how central and local authorities worked together to contain the influx of aggrieved individuals, and how a continuing power struggle offered an opening and altered the usual rules of the game, however briefly. The analysis suggests that increased petitioning in the Chinese capital may be more likely after a central leadership change, especially if a populist programme strikes a chord with the population and elite turnover augments

- 1 Jim Yardley, “Chinese appeal to Beijing to resolve local complaints,” *New York Times*, 8 March 2004, p. A3; Edward Cody, “China’s land grabs raise specter of popular unrest,” *Washington Post Foreign Service*, 5 October 2004, p. A1.
- 2 Sara Davis, Christine C. Goettig and Mike Goettig, “We could disappear at any time: retaliation and abuses against Chinese petitioners,” *Human Rights Watch*, Vol. 17, No. 11 (New York: Human Rights Watch, 2005).
- 3 Xu Zhiyong, Yao Yao and Li Yingqiang, “Xianzheng shiye zhong de xinfang zhili” (“Petition management from the perspective of constitutionalism”), *Gansu lilun xuekan* (*Gansu Journal of Theory*), No. 3 (2005), p. 16.
- 4 Yu Jianrong, “Xinfang zhidu gaige yu xianzheng jianshe” (“The reform of the petition system and the construction of constitutionalism”), *Ershiyi shiji* (*The 21st Century*), No. 89 (2005), pp. 72–78; Zhao Shukai, “Xinfang gaige” (“Reforming the petition system”), *Gaige neican* (*Inside Information on Reform*), No. 22 (1 August 2009), pp. 23–26.
- 5 Altogether 101 petitioners were interviewed. Each interview had three parts. The first focused on petitioners’ life history. The second explored their experiences during and after making their first visit to the capital. The last examined their political attitudes. Most interviews were conducted in Beijing by the second author and his research assistants in 2007 and 2008 according to a detailed outline designed by the first author. Several particularly well-informed and articulate petitioners were interviewed a number of times. Most interviews were recorded and transcribed. See the Appendix for a list of quoted interviewees.

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## Petitioning Beijing

“Petitioning Beijing” (*jinjing shangfang* 进京上访) is an activity in which ordinary individuals, on their own or as the representative of others, come to the capital to seek redress of grievances derived from their dealings with local authorities. The practice has a long history in China.<sup>6</sup> Popularized in folk tales, operas and novels, “petitioning the emperor” (*gao yu zhuang* 告御状) is a deep-seated tradition. Legends and historical accounts of successful petitioners typically include three elements: innocent individuals suffer an injustice and cannot obtain redress from local authorities; they endure numerous ordeals and the indignities of the capital appeal process, often braving torture or death; they end up winning favourable intervention from a wise emperor or his loyal and upright underlings.<sup>7</sup>

The Chinese Communist Party (CCP) has inherited and built on this tradition of appealing to those at the top to clear up problems left unresolved by local authorities. The issuing of the “Resolution on Handling People’s Letters and Receiving Visitors” on 7 June 1951 was an early sign of the CCP’s adoption and transformation of the practice of allowing ordinary people to bypass local officials and contest decisions they found unjust.<sup>8</sup> Through what Kathleen Thelen calls “conversion of institutions,” the practice of making capital appeals evolved into the institution of petitioning the Centre.<sup>9</sup> The focus of complaints shifted from a distracted, distant ruler to a broadly defined “centre” (*zhong-yang* 中央), as petition offices (usually known as “letters and visits offices”) were set up by nearly all national-level authorities, including the Party Central Committee, the State Council, the National People’s Congress, the People’s Political Consultative Conference, the Supreme People’s Court and the Supreme People’s Procuratorate. At the same time, the system was extended downwards, as parallel offices were established at the provincial, prefectural and county levels. Institutional conversion was largely completed in the 1990s. The promulgation of the State Council’s “Regulation on Letters and Visits” (*xin-fang tiaoli* 信访条例) in 1995 turned the practice into a quasi-institutionalized channel of dispute resolution. The regularization of petitioning reached a new level in February 2000, when the Letters and Visits Office of the General

6 See Jonathan K. Ocko, “I’ll take it all the way to Beijing: capital appeals in the Qing,” *Journal of Asian Studies*, Vol. 47, No. 2 (1988), pp. 291–315; Qiang Fang, “Hot potatoes: Chinese complaint systems from early times to the Late Qing (1898),” *Journal of Asian Studies*, Vol. 68, No. 4 (2009), pp. 1105–35.

7 *Yang san jie gao zhuang* is probably the most well-known drama on petitioning the imperial court.

8 Diao Jiecheng, *Renmin xin-fang shi-lie* (*A Brief History of People’s Letters and Visits*) (Beijing: Beijing jingji xueyuan chubanshe, 1996), pp. 31–36. For the text of the Resolution, see pp. 349–50.

9 Kathleen Thelen, “Timing and temporality in the analysis of institutional evolution and change,” *Studies in American Political Development*, Vol. 14 (2000), pp. 102–09. For more analysis, see Xi Chen, “Collective petitioning and institutional conversion,” in Kevin J. O’Brien (ed.), *Popular Protest in China* (Cambridge, MA: Harvard University Press, 2008), pp. 54–70.

Office of the Central Committee and its counterpart in the State Council were merged into the State Bureau of Letters and Visits (SBLV) (Guojia xinfangju 国家信访局).<sup>10</sup>

In the course of building an infrastructure to handle complaints, the CCP also adjusted the meaning of capital appeals. Above all, now that petitioners are citizens of the People's Republic rather than subjects of an emperor, petitioning the Centre has been recognized, though vaguely, as a constitutional right (1975 Constitution, article 27; 1978 Constitution article 55; 1982 Constitution, article 41). Second, petitioning Beijing is arguably an expression of loyalty to the regime and an act undertaken by a good citizen, insofar as the current petition system was designed to help central leaders monitor local authorities as well as prevent and clean up forms of misconduct that damage regime legitimacy. Lastly, petitioning the Centre has gradually come to be seen by some as a fast-track to justice rather than a desperate last resort.<sup>11</sup> This has occurred in part because the Party's propaganda apparatus has regularly highlighted how much attention top leaders pay to letters and visits from the people.

This long history and political remaking of the petition system help explain why individuals have continued to lodge complaints at the Centre ever since 1949. An outpouring of petitions in a short span of time is, however, more difficult to explain. A telling fact is that on several occasions it has coincided with an opening up of the political system from the top. From 1949 to 1984, four "high tides" of petitioning Beijing occurred, during which the number of petitioners received by the Secretariat of the State Council grew ten-fold. Every one of these high tides was preceded by encouraging policy changes or leadership turnover. The high tide from 1955 to 1957 coincided with the Hundred Flowers campaign, during which Mao Zedong called for open-door rectification. The high tide from 1962 to 1966 occurred after the launching of the Four Clean-ups Campaign. The high tide from 1972 to 1975 took place after the Central Party Committee announced its decision to rehabilitate cadres purged by Lin Biao and his associates. Lastly, the high tide from 1978 to 1980 occurred in the midst of a power transition, during which Deng Xiaoping and his allies were trying to edge out Hua Guofeng and his supporters.<sup>12</sup>

10 On the origins and evolution of the post-1949 petition system, see Chen, "Collective petitioning and institutional conversion"; Laura M. Luehrmann, "Facing citizen complaints in China, 1951–1996," *Asian Survey*, Vol. 43, No. 5 (2003), pp. 845–66; Carl Minzner, "Xinfang: an alternative to the formal Chinese judicial system," *Stanford Journal of International Law*, Vol. 42, No. 1 (2006), pp. 103–79; Yongshun Cai, "Managed participation in China," *Political Science Quarterly*, Vol. 119, No. 3 (2004), pp. 425–51.

11 There are good reasons for this belief. In one study of 644 cases, "high-level petitioning" was 14 times more likely than petitioning without this tactic to obtain a "procedurally effective response." Xi Chen, "The power of 'troublemaking': protest tactics and their efficacy," *Comparative Politics*, Vol. 41, No. 4 (2009), p. 466.

12 For the number of petitioners visiting the Secretariat of the State Council during these four high tides, see Diao Jiecheng, *A Brief History*, pp. 54, 75, 118, 164–69, 212–13, 230, 260, 272.

In a similar way to several of its predecessors, the high tide of petitioning Beijing from 2003 to 2006 occurred at a time of opening and immediately following a leadership change at the top.

### The Recent High Tide and Central Leadership Turnover

Petition offices in Beijing were relatively quiet from 1985 to 1992. Although long-standing petitioners continued to pursue their claims, the number of first-time visitors did not increase markedly.<sup>13</sup> Starting in 1993, however, the number of petitioners coming to Beijing began to grow dramatically. At first, aggrieved villagers came to lodge appeals about excessive taxes and fees, cadre corruption, rigged village elections, and land expropriation.<sup>14</sup> Soon afterwards, groups of city-dwellers arrived to complain about losing jobs and welfare benefits, forced demolition of homes, and corruption and asset-stripping during the reform of state-owned enterprises.<sup>15</sup> About the same time, demobilized officers and soldiers joined workers and farmers in Beijing, arriving *en masse* to demand better resettlement packages and compensation for health problems caused by exposure to hazardous materials.

This increase of petitioners did not cause much concern until 1999, when it began to outpace the growth of petitioners going to provincial, city and county governments. Zhou Zhanshun, the director of the petition office at the State Council and the SBLV head from 2000 to 2005, warned that more and more petitioners would be likely to come to Beijing. According to Zhou, two decades of rapid, wide-ranging reform had generated a host of economic, social, legal and administrative “injustices” (*bu gong* 不公). Since local authorities were responsible for many of these problems, or were unwilling to address them, more and more aggrieved individuals had little choice but to bring their complaints to Beijing.<sup>16</sup>

Even Zhou Zhanshun, however, did not foresee a high tide. Most petitioners left Beijing from March to June 2003 during the SARS epidemic. But as soon as the public health crisis eased, a significantly larger contingent of petitioners made their way to the capital. The first signs of a surge appeared from late June until the end of September 2003, when the number of petitioners registered

13 *Ibid.* pp. 300–01.

14 See Kevin J. O’Brien and Lianjiang Li, “The politics of lodging complaints in Chinese villages,” *The China Quarterly*, No. 143 (1995), pp. 756–83; Thomas P. Bernstein and Xiaobo Lü, *Taxation without Representation in Contemporary Rural China* (New York: Cambridge University Press, 2003); William Hurst, Mingxing Liu, Yongdong Liu and Ran Tao, “Reassessing collective petitioning in rural China: civic engagement, extra-state violence, and regional variation,” unpublished paper.

15 See Feng Chen, “Subsistence crises, managerial corruption and labour protests in China,” *The China Journal*, No. 44 (2000), pp. 41–63; Yongshun Cai, “The resistance of laid-off workers in the reform period,” *The China Quarterly*, No. 170 (2002), pp. 327–44.

16 Zhou Zhanshun, “Qunzhong xinfang xin dongxiang” (“New trends in mass petitioning”), *Banyuetan* (neibuban) (*Fortnightly Chats*) (internal edition), No. 2 (1999), pp. 54–55. For a later statement by Zhou, see “Guanyu dangqian xinfang gongzuo qingkuang de tongbao” (“A briefing on current letters and visits work”), *Renmin xinfang* (*People’s Petitions*), No. 7 (2001), p. 15.

at the SBLV increased by 58 per cent compared to the same period the previous year.<sup>17</sup> The high tide maintained its momentum into 2004. In the first quarter of 2004, the number of petitioners increased by 95 per cent compared to the same period in 2003,<sup>18</sup> and in 2005 the growth continued, though at a slower rate. The number of petitioners visiting the SBLV did not decline until the last quarter of 2006.<sup>19</sup> This spike of petitioners arriving in Beijing contrasted sharply with the steady and moderate (about 10 per cent annually) increase of petitioners visiting provincial and city governments.<sup>20</sup>

Undoubtedly, structural problems such as widespread corruption, widening inequity and unfairness, and the failure of the judicial system were partly responsible for inducing petitioners to seek redress from central authorities.<sup>21</sup> These factors alone, however, are not sufficient. Social, economic and political injustice did not deepen materially before the upsurge began, nor is there reason to think that a critical “tipping point” was reached in 2003. Interviews with veteran petitioners who witnessed the rise and fall of the high tide suggest that another factor played a larger role in precipitating the flood of petitions: leadership turnover in 2002 and 2003. More precisely, it was the campaign to win the hearts and minds of those left behind by reform, initiated by Hu Jintao and Wen Jiabao when they assumed office, which set the high tide off.

Less than two months after he succeeded Jiang Zemin as Party general secretary in November 2002, Hu Jintao sought to distinguish himself from his predecessor by advocating that the CCP “serve the public and rule the country for the people.” Although he was careful not to disparage Jiang, Hu Jintao’s “new

17 Wang Yongqian, “Pojie qunzhong xinfang ba da redian” (“Cracking eight hot issues in petitions”), *Banyuetan* (neibuban), No. 11 (2003), p. 25.

18 Yu Jianrong, “Xinfang zhidu dongyao guojia zhili genji” (“The petition system shakes the country’s foundation of governance”), *Gaige neican*, No. 31 (20 October 2004), p. 30.

19 The actual number of visits received by the SBLV is not available. For reports on the high tide, see Hu Kui and Jiang Shu, “Xinfang hongliu” (“A torrent of petitioners”), *Liaowang dongfang zhoukan* (*Oriental Outlook Weekly*), No. 4 (11 December 2003), pp. 30–35. Sun Zhan, “Jiefang zhanyi” nengfou huajie xinfang hongfeng” (“Can the ‘reception campaign’ mitigate the torrent of petitions”), *Zhongguo xinwen zhoukan* (*China Newsweek*), No. 19 (30 May 2005), pp. 30–31. The reports are corroborated by government sources, see e.g. Zhou Zhanshun, “Zai 17 sheng qu shi zhuying gongzuo zuozhang he youguan zhongyang guojia jiguan xinfang bumen fuze tongzhi huiyi shang de jianghua” (“Speech at a meeting with directors of liaison offices from 17 provinces, autonomous regions and municipalities and responsible leaders of letters and visits offices of relevant central and national authorities”), 1 September 2003, typescript, pp. 4–5; “Yanjiu bushu tuoshan chuli feizhengchang shangfang wenti de huiyi jiyao” (“Minutes of the meeting on studying and arranging proper handling of non-normal petitioning”), typescript, 2 May 2006, p. 2. On the first signs of a receding high tide, see Zhang Xijie, “Dang de qunzhong luxian yu xin xingshi xia de xinfang gongzuo” (“The Party’s mass line and letters and visits work in new circumstances”), *Lilun qianyan* (*Theory Frontiers*), No. 6 (15 March 2007), p. 11. For data on the number of petitions to the central government in selected years from 1961–2005, see Yongshun Cai, *Collective Resistance in China* (Stanford, CA: Stanford University Press, 2010), p. 23.

20 Yu Jianrong, “The petition system,” p. 30.

21 On worsening corruption, see Ting Gong, “Dangerous collusion: corruption as a collective venture in Contemporary China,” *Communist and Post-Communist Studies*, Vol. 35, No. 1 (2002), pp. 85–103; Melanie Manion, *Corruption by Design* (Cambridge, MA: Harvard University Press, 2004). On widening inequality, see Bjoern A. Gustafsson, Li Shi and Terry Sicular, *Inequality and Public Policy in China* (New York: Cambridge University Press, 2008); on problems with the legal system, see Neil J. Diamant, Stanley B. Lubman and Kevin J. O’Brien (eds.), *Engaging the Law in China: State, Society, and Possibilities for Justice* (Stanford, CA: Stanford University Press, 2005).

people's principles" sounded considerably more populist than Jiang Zemin's elitist "three represents."

Hu Jintao was joined at the top of the leadership hierarchy in March 2003 by Wen Jiabao, who succeeded Zhu Rongji as premier. Working together, Hu and Wen turned the campaign to combat the SARS epidemic into an impressive public relations display. For several weeks, Hu and Wen appeared daily on CCTV, holding meetings, dashing off for inspection tours, and visiting doctors and nurses. In sharp contrast, Jiang and his protégés fell silent and became virtually invisible. Although Jiang's followers sought to catch up later on, their initial vanishing act helped Hu and Wen establish a reputation for a "pro-people" (*qinmin* 亲民) leadership style.

As the SARS epidemic wound down, Hu and Wen turned the "Sun Zhigang incident" into an opportunity. Sun was a college graduate and migrant worker who was seeking a job in Guangzhou. But as a result of failing to carry his ID card, he was picked up, detained in a custody and repatriation centre, and subsequently beaten to death by his guards. After the circumstances of his death were reported nationwide, the State Council quickly repealed the Custody and Repatriation Regulation. The decision, undoubtedly approved by Hu and Wen, even surprised liberal intellectuals who had long called for the system's abolition.<sup>22</sup>

Whether they intended it or not, Hu and Wen's effort to outshine Jiang Zemin sent encouraging signals to those who had suffered from local abuses and had not been able to gain redress while Jiang was in power. Traditionally in China, the aggrieved have had high expectations of new leaders, partly because newly enthroned emperors often granted amnesties or general pardons. Hu and Wen's campaign to burnish their populist credentials reinforced and perhaps even heightened such expectations. More specifically, by suggesting that they were concerned with the forgotten, the displaced and those who had gained little from reform, the Hu-Wen leadership boosted popular confidence and expectations about the Centre's commitment to "serve the people" and right wrongs. As a petitioner from Shaanxi put it, "the SARS incident (*feidian shijian* 非典事件) made the masses feel that if only the Centre makes up its mind then it can accomplish anything."<sup>23</sup> Encouraged by this turn of events, experienced petitioners returned to Beijing in great numbers and many new petitioners began to arrive. With the repressive custody and repatriation system abolished, petitioners could stay in the capital more safely, without fear of summary detention or of being sent home. A high tide was in the making. As one long-term petitioner observed: "There are always many people who want to come to Beijing to petition. The number of people actually coming depends on the attitude of the central

22 For analysis of the Sun Zhigang incident and its aftermath, see Keith J. Hand, "Using law for a righteous purpose: the Sun Zhigang incident and evolving forms of citizen action in the People's Republic of China," *Columbia Journal of Transnational Law*, Vol. 45, No. 1 (2006), pp. 114-95.

23 Interviewee 32. Similar observations were made by other petitioners, including 1, 2, 3, 5, 6, 7, 8, 11, 14, 16, 20, 25, 26 and 31.

government. That's why many people who had been watching and waiting came to Beijing [in 2003] and generated the high tide."<sup>24</sup>

### Accommodating, Controlling and Suppressing Petitioners

The Hu-Wen leadership was reasonably accommodating when the high tide first appeared, probably because the presence of a mass of petitioners in the capital placed the previous administration in an unflattering light. Beijing police authorities were ordered to refrain from using excessive force against petitioners. In early 2004, the central government even asked Beijing to subsidize transport companies, so that buses departing from the South Railway Station (near the "petitioners' village") could offer free rides when petitioners went to various ministries. The leadership also sought to streamline the resolution of cases. At Hu Jintao's urging, the "Central Joint Committee on Handling Prominent Issues Regarding Petitioning and Mass Incidents" (Zhongyang chuli xinfang tuchu wenti ji quntixing shijian lianxi huiyi 中央处理信访突出问题及群体性事件联席会议, Central Joint Committee) was established in 2004 to improve inter-ministry coordination of complicated cases. Headed by a deputy secretary of the Central Political-Legal Committee, the Central Joint Committee was empowered to place petition cases under the "supervision" (*duban* 督办) of a ministry or a Party department (such as the Public Security Ministry or the Central Political-Legal Committee). It could also dispatch "supervisory groups" (*ducha zu* 督察组) to oversee how local authorities dealt with especially difficult cases.

The honeymoon between petitioners and the Hu-Wen administration did not last long. As more and more frustrated petitioners turned to disruptive activities that the authorities labelled "non-normal petitioning" or "abnormal petitioning" (*yichang shangfang* 异常上访), the new leadership quickly moved from accommodation to control and suppression.

According to prevailing rules, petitioning Beijing entailed registering at a petition office in the capital, starting with the SBLV. The entries on the one-page registration form used by the SBLV included name, sex, age, vocation, household registration location or current address, number of co-petitioners, identification card number, petition starting date, case jurisdiction, original unit petitioned, name of person petitioned, identity of government authority petitioned, and primary grievance and claims. After a form was filled out, staff members of the SBLV were to conduct a brief interview with the petitioner and then issue a "referral" (*zhuan ban dan* 转办单).<sup>25</sup> The referral usually directed the petitioner to a local government office. If the reception staff concluded that a case should be brought to the attention of national-level authorities (such as a ministry, a

24 Interviewee 6. A number of other "old hand" petitioners made similar comments, including interviewees 1, 8, 11, 14, 16, 31, 32, 33, 34 and 35. Three officials in Beijing (interviewees 36, 37 and 38) also affirmed this point.

25 In the past, receptionists issued a receipt, but the SBLV stopped doing so after a computerized registration system was introduced in 2004.

Party department or the Supreme People's Court), the petitioner would be referred to another petition office in the capital. That was why some petitioners called SBLV referrals "travel permits" (*lutiao* 路条).<sup>26</sup>

The prescribed method of petitioning, however, was costly, ineffective and often counterproductive. Petitioners typically had to wait several days to obtain a registration form, because only a limited number of forms were distributed daily. More frustrating, referrals issued by the SBLV often led nowhere. Some petitioners were bounced from one ministry to the next without receiving serious attention or anything approaching a meaningful response. Even more to the point, referrals issued by the SBLV were sometimes dismissed by local authorities as "waste paper, less useful than toilet paper."<sup>27</sup> Worst of all, referrals were often transmitted by petition offices to the targets of the original appeal, which often resulted in retaliation against petitioners.

As they always have, many disappointed petitioners simply gave up.<sup>28</sup> But some persistent "petitioners' representatives" (*shangfang daibiao* 上访代表) went home and turned to direct action. Instead of seeking favourable intervention from the Centre, they challenged local authorities face-to-face.<sup>29</sup> In September 2004, for instance, four petitioners from Hanyuan county, Sichuan spent nearly two weeks in Beijing pressing a complaint about compensation for relocation expenses incurred as a consequence of dam construction. They visited 23 ministries but received only one formal response from the Ministry of Water Resources, which declared that their grievance fell outside its jurisdiction. Disillusioned and angry, the four men returned to Hanyuan and launched a large, sustained and ultimately violent protest that shook Sichuan for weeks.<sup>30</sup> Some disappointed petitioners resorted to violence. One man from Gansu, for instance, returned home and destroyed the county court building with a home-made explosive device.<sup>31</sup>

Unwilling to quit or to go as far as direct action or violence, some persistent petitioners turned to historically familiar "trouble-making" actions to gain the attention of an unresponsive Centre.<sup>32</sup> Like their predecessors,<sup>33</sup> these petitioners

26 Interviewees 3, 9, 12, 14 and 27.

27 Interviewee 10; also interviewees 3, 5, 8 and 9.

28 See Lianjiang Li, "Political trust in rural China," *Modern China*, Vol. 30, No. 2 (2004), pp. 228–58.

29 On tactical escalation, see Kevin J. O'Brien and Lianjiang Li, *Rightful Resistance in Rural China* (New York: Cambridge University Press 2006), ch. 4.

30 Personal communication with a researcher at the Chinese Academy of Social Sciences, 11 July 2009. On the Hanyuan protest, see Jae Ho Chung, Hongyi Lai and Ming Xia, "Mounting challenges to governance in China: surveying collective protestors, religious sects and criminal organizations," *The China Journal*, No. 56 (2006), pp. 1–31.

31 Interviewee 42.

32 Chen, "Collective petitioning and institutional conversion."

33 See Xu Zhiyong *et al.*, "Petition management," p. 16. Also see Zhonggong zhongyang bangongting guowuyuan mishuting (The General Office of the Central Party Committee and the Secretariat of the State Council), "Guanyu renmin laixin laifang gongzuo de qingkuang he gaijin yijian de baogao" ("A report about the work on people's letters and visits and its improvement"), 15 August 1963; Wang Dongxing, "Zai shiyi sheng shi qu xinfang gongzuo huiyi shang de jianghua" ("Speech at the conference on letters and visits work in eleven provinces, cities and administrative regions"), 16 June 1978; Beijing shi renmin

employed disturbing symbols and mounted dramatic displays to shame the central government into acknowledging their appeals. To protest against unresponsiveness, for example, they wore shirts emblazoned with the over-sized character “wronged” (*yuan* 冤), spread leaflets in front of Mao’s portrait at the north end of Tiananmen Square, climbed lamp posts in the Square, wrote graffiti on walls surrounding government compounds, intercepted cars transporting national leaders to deliver petitions, and even set themselves on fire. The authorities commonly decried such activities as “wilfully making trouble” (*wuli qu nao* 无理取闹) or “non-normal”; petitioners, on the other hand, called them “forceful” (*youli du* 有力度) and necessary.<sup>34</sup>

To maximize their impact, petitioners often combined appeals with collective action. Some appeared suddenly in Tiananmen Square and knelt down at the Monument to the People’s Heroes, Mao’s Mausoleum or the Great Hall of the People. Others flocked to the Central Party School when top leaders gave speeches in the hope of making their voices heard. Perhaps the most popular form of collective action during the high tide was symbolic “gate-crashing” (*chuang men* 闯门), in which petitioners showed up at a government site and acted as if they wanted to make a forced entry. To attract more attention, gate-crashers often wore shirts with the character “wronged” or other provocative labels such as “anti-corruption beggar” (*fan fu qigai* 反腐乞丐), shouted slogans about lack of justice, or waved banners demanding redress for their grievances.<sup>35</sup> Common sites for mock gate-crashing included the Xinhua Gate at the Zhongnanhai leadership compound, the Supreme People’s Court and the Supreme People’s Procuratorate. Favourite times for rushing locked gates were the annual meetings of the People’s Political Consultative Conference and the National People’s Congress in March, as well as other important anniversaries, including National Day (1 October). The Central Television Station complex was also a popular place to threaten entry, especially on 4 December, National Legal Education Day.<sup>36</sup>

Particularly assertive petitioners also sought international attention. They gave interviews to foreign journalists and staged mock gate-crashings at foreign embassies and UN agencies, for example. Some even mounted blitz assaults on

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*footnote continued*

zhengfu bangongting xinfangchu (The letters and visits division of the General Office of the People’s Government of Beijing city), “Beijing shi dui laijing shangfang qunzhong zhong wuli qunao deng renyuan de guanjiao banfa yu jianyi” (“Beijing city government’s management methods and suggestions about how to handle the people who come to Beijing to lodge complaints and wilfully make trouble”), typescript, 1982. For a recent study of how sent-down youth resorted to disruptive tactics when they came to Beijing to petition, see Bin Yang, “‘We want to go home!’ the great petition of the Zhiqing, Xishuangbanna, Yunnan, 1978–1979,” *The China Quarterly*, No. 198 (2009), p. 409.

34 Interviewees 3, 8, 11 and 12.

35 For more on “troublemaking tactics,” including placing the character “wronged” on white cloth and creating a commotion or blocking gates at government offices, see Xi Chen, “The power of ‘troublemaking,’” pp. 456–62.

36 Interviewees 3, 4, 12.

government buildings specifically for the Western press. Just before these events, organizers would tip off foreign news outlets, such as the Associated Press, the *New York Times* or the *Washington Post*. At the appointed time, a group of petitioners would appear at the designated location, hold up banners and disseminate leaflets, all for the benefit of the assembled international press corps.<sup>37</sup> The authorities typically denounced such activities as “petitioning foreigners” (*gao yang zhuang* 告洋状). Petitioners, however, commented that “human rights have no national boundary” and vehemently denied they were humiliating China in foreign eyes.<sup>38</sup>

As “non-normal” activities spread and became more disruptive, central authorities quickly shifted from accommodation to control. A two-pronged approach was adopted. On the one hand, the Beijing police force was ordered to tighten monitoring in the capital. Additional surveillance cameras were installed in “sensitive areas” (*mingan diqu* 敏感地区) such as Tiananmen Square and Xinhua Gate, and plain-clothes police were dispatched to patrol them 24 hours a day. To ensure that no “non-normal” petitioning occurred in Tiananmen Square, at least one plain-clothes officer was stationed on every bus that passed along the Square. The police demanded that landlords and hostel owners in the main “petitioners’ village” report all suspicious activities. During “sensitive times” (*mingan shiqi* 敏感时期), including the “two meetings” (两会) in March, petitioners deemed “gravely discontented elements” (*yanzhong buman fenzi* 严重不满份子) were put under round-the-clock surveillance and their cell phones were monitored.<sup>39</sup>

In response to this pressure, the Beijing police and the security arm of the SBLV made special efforts to end disruptive protests, such as gate-crashings and mass demonstrations in sensitive locations. Starting in 2004, the police significantly hiked their investment in recruiting informants to spy on activists who might organize popular action. Cooperative individuals were offered inducements for helpful tips, such as a free cell phone, a monthly stipend and a bonus. This worked well. Many collective incidents were headed off when plans were revealed and organizers exposed. Moreover, awareness that spies (called *dianzi* 点子 or *xianren* 线人 by petitioners) were in their midst bred distrust and fear, making it exceedingly difficult to mount large-scale, collective action.<sup>40</sup>

Beyond ordering the Beijing police to step up monitoring, the Centre also placed growing pressure on local authorities to put a halt to all “non-normal”

37 Petitioners have even attempted to appeal directly to visiting dignitaries. On 25 May 2009, hundreds of petitioners gathered at the gate of the Press Bureau of the State Council, displaying a banner that read: “Welcome Pelosi to visit China and to take care of human rights in China SOS.” See Shan Guangnai, “2009 nian shang ban nian quntixing shijian de taishi he tedian” (“Situation and characteristics of mass incidents in the first half of 2009”), *Lingdao canyue* (*Leadership Reference*), No. 28 (5 October 2009), p. 12.

38 Interviewees 5, 9. Some petitioners disapproved of “petitioning foreigners,” arguing that petitioning was strictly a domestic affair or a “family dispute.” Interviewees 12, 20.

39 Interviewees 36, 37 and 38.

40 Interviewees 36, 37 and 38; also interviewees 3, 5, 6, 7, 9, 14, 16 and 18.

petitioning. First, they demanded that localities retrieve disruptive petitioners from their jurisdiction. Towards that end, the “Majialou Distribution Centre” (Majialou fen liu zhongxin 马家楼分流中心) was set up in September 2004, replacing a custody and repatriation facility in Changping 昌平 county. Located in suburban Fengtai 丰台 District, Majialou consists of three huge, walled courtyards and a number of low-rise buildings, which house offices, cafeterias and spartan living quarters. Petitioners who were caught taking part in “non-normal” activities were bused to Majialou, where they had their photograph taken and were required to fill out a special registration form acknowledging they had engaged in “non-normal petitioning.” Local authorities were then notified to come and pick up petitioners who hailed from their area. The local cadres who came to “retrieve” (*jiefang* 接访) petitioners were also required to sign a responsibility contract with Majialou and representatives from relevant ministries that promised they would make the retrieved person stop petitioning.<sup>41</sup>

When it first opened, some local cadres did not regard Majialou as a power to be reckoned with. They ignored instructions to pick up petitioners, released petitioners immediately after leaving Majialou, or even dismissively handed the contracts they had signed to the petitioners for whom they were responsible. Very quickly, however, local authorities found that they could ill-afford to ignore Majialou, insofar as the Central Joint Committee began to issue monthly circulars in late 2004 that ranked all provinces according to the number of non-normal petition cases registered at Majialou. This “petition ranking system” (*xinfang paiming zhidu* 信访排名制度) proved effective in inducing local authorities to retrieve petitioners. For provincial leaders, although a petition ranking had little immediate impact on performance evaluation for their current position, a poor ranking could become a liability when they sought promotion. To minimize career hazards, provincial joint committees in nearly every province, headed by a deputy secretary of the provincial political-legal committee, followed the lead of the Central Joint Committee and ranked prefectures according to the number of registered petitions in Beijing, paying special attention to “non-normal” petitions. Through this mechanism, pressure was transmitted from Beijing all the way down to county leaders.<sup>42</sup>

In addition to spurring local authorities into action, the Centre also used its lawmaking authority to contain petitioning and other “non-normal” activities. The revised “State Council Regulation on Letters and Visits” (2005) reiterated that petitioners should proceed level by level and must not send more than five representatives to visit a government office (articles 16, 18). Even more disheartening, the Regulation established a principle of “territorial jurisdiction” (*shudi yuanze* 属地原则) (articles 4, 21), which in effect constituted a disavowal of the

41 Interviewees 37, 36 and 38; also interviewees 3, 5, 6, 9, 14, 16, 18, 19 and 23. Local authorities also had to pay for meals and sometimes lodging for petitioners, reportedly at a high rate. One petitioner was told that local authorities paid 50 yuan for one steamed bun.

42 For more on petition ranking, see Cai, “Managed participation,” p. 438.

Centre's responsibility to handle petition cases that targeted local authorities. Under the new regulation, petitioners were required to secure solutions in their home province, even though many cases involved provincial authorities. One immediate consequence of the new regulation was a *de facto* authorization for a police crackdown on petitioning. In May 2005, the month when the revised regulation took effect, Zhou Yongkang, the minister of Public Security, launched a three-month campaign, in which local police chiefs were ordered to talk to petitioners who had visited Beijing about issues related to law enforcement and litigation.<sup>43</sup> This initiative seemed to signal a commitment to handle petitions better, but in fact led local public security bureaus to round up petitioners on charges of engaging in "unreasonable petitioning" (*wuli fang* 无理访) or "pestering petitioning" (*chan fang* 缠访).<sup>44</sup>

The central leadership further intensified pressure on local authorities in 2006. A series of directives threatened local leaders with a wide range of sanctions. These documents made controlling "non-normal petitioning" in Beijing a "hard target" (*ying zhibiao* 硬指标) in the effort to maintain political stability and warned local authorities that they would face disciplinary action if they failed to contain petitioning. Penalties ranged from bonus and salary reductions to criticism by name in government circulars, mandatory self-criticism, expulsion from the Party, dismissal from office and criminal prosecution.<sup>45</sup>

As they were transmitted down the bureaucratic hierarchy, demands to deal harshly with petitioners often intensified. The pressure on county leaders, for instance, was especially high when immediate superiors sought promotion. In Henan, a prefectural Party secretary hoped to become a member of the provincial Party standing committee. Said to be worried that the prefecture's poor petition ranking might be exploited by his rivals, the secretary applied enormous pressure on county leaders to reduce the number of petitioners registered in Beijing. As one county official later explained:

In consideration of the complicated causes of the petition problem and hard work by responsible units, we have previously adopted the "loud thunder with few rain drops" approach to assigning responsibility to leading cadres who failed to honour petition responsibility contracts. Even when higher levels demanded we be vigorous, we only issued circulars of criticism and demanded written self-criticisms from responsible persons. From now on, such perfunctory measures definitely will not work. For one, the level of attention and the rigour of demands from higher level Party committees and governments and especially from the municipal Party secretary have become unprecedented.<sup>46</sup>

43 See Sun Zhan, "Can the 'reception campaign' mitigate the tidal wave of petitions?" Before the 2008 Beijing Olympics, another nationwide campaign was launched in which all county secretaries were instructed to personally deal with petitioners who had visited Beijing.

44 Interviewees 36, 37 and 38.

45 See Yu Jianrong, "The reform of the petition system"; The Central Political-Legal Committee, "Shefa shesu xinfang zeren zhuijiu guiding" ("Regulation on responsibilities regarding petition cases relating to law and litigation"), No. 10 (2006), typescript, p. 2; "Minutes of the meeting" (2 May 2006), p. 4.

46 Chang Wenguang, "Zai chongfu shangfang zhuanxiang zhili gongzuo huiyi shang de jianghua" ("Speech at the meeting on special handing of repeat petitioning"), typescript, 17 October 2006, p. 6. On the effects of responsibility contracts on petition work, see Minzner, "Xinfang," pp. 151–58.

Faced with these high-powered incentives, local leaders in many places “contracted” (*bao an* 包案) trouble-making petitioners to individual cadres. Bound by a signed contract, the designated official was responsible for retrieving petitioners from Beijing, educating them, keeping them from returning to Beijing, ending their petitioning by solving their problems according to law, and helping them overcome “practical difficulties.” In some places, preventing petitioners from reaching Beijing was made a hard target that carried “veto power” (*yi piao foujue* 一票否决) in performance appraisals of county leaders.<sup>47</sup> Although few local leaders were “vetoed,” at least two county Party secretaries were demoted for failing to prevent petitioners from going to Beijing.<sup>48</sup> More commonly, county leaders were sanctioned for not fulfilling contracted responsibilities. In one work report, for instance, the Hebei Provincial Joint Committee reprimanded six county officials for failing to travel to the provincial capital to report on petitioners whom they were contracted to handle.<sup>49</sup> In neighbouring Henan province, the Pingdingshan 平顶山 City Joint Committee also criticized county officials who did not appear to explain why their contracted petitioners made it to Beijing.<sup>50</sup> Even some petitioners noticed that local authorities were subject to unrelenting pressure to prevent them from reaching Beijing. A Jiangsu petitioner, for instance, recalled that local officials who came to retrieve her from Majialou “hated me so much that they looked like they wanted to eat me alive.”<sup>51</sup>

### Containing the High Tide: Local Strategies

Top-down pressure does not always generate the desired effect. Bureaucrats subject to tight controls may work harder, but they may also avoid difficult tasks or even sabotage a programme.<sup>52</sup> All three strategies were evident in the effort to contain petitioners. In response to demands from higher-up leadership, some local authorities worked diligently to bring cases to an acceptable conclusion. To resolve grievances in which petitioners demanded compensation, many

47 On the cadre responsibility system, see Maria Edin, “State capacity and local agent control in China: CCP cadre management from a township perspective,” *The China Quarterly*, No. 173 (2003), pp. 35–52; Susan H. Whiting, “The cadre evaluation system at the grass roots: the paradox of party rule,” in Barry J. Naughton and Dali L. Yang (eds.), *Holding China Together: Diversity and National Integration in the Post-Deng Era* (New York: Cambridge University Press, 2004), pp. 101–19; Carl F. Minzner, “Riots and coverups: counterproductive control of local agents in China,” *University of Pennsylvania Journal of International Law*, Vol. 31, No. 1 (2009), pp. 53–124; Kevin J. O’Brien and Lianjiang Li, “Selective policy implementation in rural China,” *Comparative Politics*, Vol. 31, No. 2 (1999), pp. 167–86.

48 Personal communication with a deputy county head in Guizhou, May 2010.

49 Hebei Provincial Joint Committee, “Gongzuo tongbao” (“Work briefing”), typescript, No. 7 (6 November 2006).

50 “Pingdingshan shi chuli xinfang tuchu wenti ji quntixing shijian lianxi huiyi wenjian” (“Document of the Pingdingshan City Joint Committee on handling prominent issues in petitioning and mass incidents”), No. 6 (9 October 2006) and No. 12 (18 October 2006).

51 Interviewee 24. Similar observations were also made by interviewees 3, 6 and 25.

52 See John Brehm and Scott Gates, *Working, Shirking, and Sabotage* (Ann Arbor: University of Michigan Press, 1997).

local officials used both sticks and carrots. More often than not, they first employed or threatened coercion, and then later offered a little money in the name of poverty relief, on the condition that petitioners halt petitioning for good.<sup>53</sup> Local authorities also scapegoated subordinates to appease petitioners. In Hebei, for instance, a county Party secretary called a meeting with a group of farmers who had travelled to Beijing. To address concerns about embezzlement of public funds by village and higher level cadres, he ordered the village Party secretary to read his resignation letter at the beginning of the meeting. He also ordered the secretary to remain silent while petitioners lashed out at him.<sup>54</sup>

Quite often, however, local authorities put matters off or did not take petitions seriously.<sup>55</sup> They offered many reasons for this. Buying off petitioners was impractical if unreasonable financial demands were made. A Henan woman, for example, started petitioning because her neighbour's towering new home blocked her sunlight. She ended up in Beijing because she claimed that local authorities refused to cross her neighbour because he was a local police chief. After local authorities tried to persuade her to stop petitioning by agreeing that her neighbour should pay compensation, she demanded that the government buy her a new house.<sup>56</sup> Another Henan petitioner submitted a long list of demands, saying that he would cease petitioning "only if three conditions are met. Firstly, all my economic losses are adequately compensated. Secondly, all government officials, police officers and judges who have denied me justice are brought to justice. Lastly, local officials are no longer able to harm innocent people like me."<sup>57</sup> Clearly, even if local authorities could satisfy his first demand, they were in no position to address his other conditions.

Local authorities also argued that many petitioners could never be appeased, whatever they did. Some long-term petitioners were clearly mentally impaired or delusional.<sup>58</sup> One from Heilongjiang, for instance, insisted that Liu Zhihua 刘志华, a former Beijing deputy mayor, could get away with taking her husband's job away because Liu was Deng Xiaoping's illegitimate son.<sup>59</sup> Some of these petitioners probably had psychological issues before petitioning, while others undoubtedly developed them during the agonizing complaint process. For local authorities, however, it did not matter: many petitioners were nearly impossible to satisfy. Equally vexing were individuals, who, in the wrong

53 Interviewees 36, 37, 38 and 39.

54 Interviewee 40.

55 On local officials, as early as the 1950s, resisting "the time consuming and tedious tasks associated with complaint work," see Luehrmann, "Facing citizen complaints in China," p. 850.

56 Interviewee 18.

57 Interviewee 26.

58 A prominent Beijing University psychiatrist notoriously made (and later insisted that his remark was taken out of context) a statement that "99 per cent of professional petitioners are mentally ill." See Ivan Zhai, "Petitioners decry '99pc mentally ill' remark," *scmp.com*, 2 April 2009, accessed 3 April 2009. Hundreds of petitioners staged a week-long protest about this at the gate of Beijing University, during which one petitioner stabbed himself.

59 Interviewee 28.

themselves, used petitioning to issue demand after demand. A PLA soldier, for instance, fell off a roof and permanently injured himself while spying on female soldiers through the skylight of a shower room. He was dismissed by the army without disciplinary action. Claiming that he was hurt on duty, the veteran set off on a career as a perennial petitioner, threatening to depart for Beijing whenever he needed money.<sup>60</sup> Commenting on such petitioners, one county Party secretary said: “I can agree with the SBLV’s estimate that 80 per cent of petitioners are reasonable. But my problem is what to do with the other 20 per cent. The Centre has given me neither a policy nor any clear directives, only a hard target with veto power in my responsibility contract.”<sup>61</sup> When faced with capricious or insatiable demands, dragging matters out was often seen to be the only strategy short of coercion.

Local authorities also often found themselves handcuffed by entirely reasonable demands. Geographically, some cases involved more than one province, which meant that, in practice, a petitioner fell in no one’s jurisdiction. A man from Hunan, for instance, was petitioning against authorities in Henan who allegedly perpetrated a business fraud that bankrupted him. But under the principle of territorial jurisdiction he had to register as a Hunan resident at the SBLV, even though Hunan authorities were in no position to address his complaint.<sup>62</sup> Indeed, an important reason why many petitioners came to Beijing in the first place was that their case involved authorities in a second province and officials in their home province were unable to redress a grievance even if they were willing to help.<sup>63</sup> In these circumstances, there was little local authorities could do to end a petition for good.

The protracted history of many disputes was yet another factor that encouraged local authorities to delay and hope a case would just go away. It was difficult to collect and verify evidence about long-ago incidents, some of which occurred decades earlier. Limited investigation of the original incident, inadequate evidence collection, analysis and preservation, poor archiving and attrition of witnesses all contributed to the difficulty of resolving cases. A Hainan petitioner, for instance, accused township officials of beating her younger brother to death. The alleged murder occurred in 1995, and she had been petitioning for 13 years by the time she was interviewed for this article.<sup>64</sup>

Working diligently to resolve a grievance also posed problems if satisfying the demands of one person encouraged others who had suffered the same mistreatment to begin petitioning. A Jilin man, for instance, demanded that a city

60 Interviewee 41.

61 Interviewee 40. On why local officials encounter difficulties dealing with petitions, see Chi Jian, “Shangfang zuixin tedian, nandian, zhongdian” (“Newest characteristics, difficulties, and emphases of petitioning”), *Shixian lingdao canyue* (*Reference for City and County Leaders*), No. 4 (25 February 2007), pp. 15–20; Zhao Shukai, “Reforming the petition system,” pp. 23–24.

62 Interviewee 22.

63 Interviewees 8 and 17.

64 Interviewee 15.

government refund 20,000 yuan in retirement insurance his mother was misled to pay. The city government admitted that his demand was not unreasonable and that 20,000 yuan was a comparatively small sum. Nevertheless, they adamantly refused to give in out of fear that tens of thousands of retired workers who were also compelled to buy the insurance would make the same request.<sup>65</sup>

Negotiating with petitioners also often proved to be maddeningly difficult. Indeed, when petitioners and local authorities sat down to bargain, mutual distrust typically made it difficult to reach an agreement. Feeling certain they had been wronged, many petitioners took local authorities' willingness to compromise as a tacit admission of guilt and kept asking for more. Sometimes petitioners simply refused to issue clear demands out of fear this would undercut their position and expose them to counter-charges. "Some officials," one Hebei petitioner said, "asked what my demands were. That's a trap. If only one of my demands is found to be unreasonable, I will be labelled an unreasonable petitioner."<sup>66</sup> For their part, local officials were often unwilling to make concessions because "one bite of meat will turn a person into a carnivore." They argued that many petitioners were "too greedy and untrustworthy."<sup>67</sup> Since both parties were extremely suspicious, negotiations often broke down at the last minute. Petitioners would increase their demands or raise new ones after local authorities agreed to what was on the table, suspecting that any compensation the government was willing to pay had to be inadequate. On the other side, local authorities often retracted offers petitioners were ready to accept, believing that the petitioners had asked for too much and could be bought off more cheaply. Even when the two sides managed to reach an agreement, mutual distrust often derailed enforcement. Many petitioners were reluctant to sign a petition termination agreement out of concern that once they surrendered their "magic weapon" local authorities would break their promises and retaliate. Local authorities, for their part, often withheld, partly or wholly, promised compensation, owing to a belief that petitioners might take the money and start petitioning on another matter.<sup>68</sup>

Lastly, and most importantly, local authorities had every reason to avoid putting too much effort into petition work because of bureaucratic politics. Often local leaders would not have much interest in cleaning up earlier messes because they would get little credit and might alienate their predecessors by exposing

65 Interviewee 4.

66 Interviewee 21. There are many stories about entrapment of petitioners. One Hunan petitioner, for instance, was charged with "blackmailing the government" and was later found guilty for signing a petition termination agreement prepared by local officials.

67 Interviewee 41.

68 Interviewees 36, 37, 38, 40 and 41. Some petitioners indeed took money and continued to petition. A Henan man, for instance, accepted compensation and signed an agreement, but then started petitioning about mistreatment during his previous petition effort. Interviewee 2. An official at a district procuratorate in Nanjing argued that petitioners who "blackmail the government" must be stopped, see Gu Xiaoning, "Gongmin shehui bu neng fangzong 'efang'" ("A civil society must not tolerate 'ill-meaning petitioning'"), *Gaige neican*, No. 25 (1 September 2008), pp. 37–39.

failures or mistakes. Resolving a seemingly innocuous petition could implicate local authorities who were still in power (or successors they had played a part in choosing). As a Guizhou county police chief told a farmer whose son had died from a beating while in police custody: “You can’t possibly win. If you do, a full train car of [i.e. over 100] officials must be dismissed.”<sup>69</sup> The risk of paying close attention to a petition was even higher when local authorities used it to expose the vulnerabilities of rivals, especially when vengeful petitioners were eager to serve as “cannon fodder” (*pao hui* 炮灰) in order to bring down local officials who had mistreated them.<sup>70</sup>

For all these reasons, local authorities typically chose to avoid petition work (or do it half-heartedly) when they could get away with it. When pressure from above became unbearable in 2006, however, most local authorities adopted a new tack: “stabilizing” (*wen kong* 稳控) petitioners. They turned unrelenting demands from their superiors into a pretext to do whatever they felt was necessary. As had occurred when birth control was made a “hard target,” the Centre had essentially signalled it would turn a blind eye towards local government violence against petitioners whose “non-normal” petitioning threatened stability. Local authorities now knew that they had implicit permission to engage in a range of countermeasures, including beatings, arbitrary detention and illegal imprisonment.<sup>71</sup> When asked whether it was against the law to deprive a petitioner of his freedom and force him to return home, for instance, a retriever from Henan replied: “This is just like birth control. Who cares anything about the law?”<sup>72</sup>

From this point on, local authorities spared no effort in “retrieving” petitioners. County leaders dispatched police and government staff to intercept them before they reached the capital or ambushed them before they entered the SBLV building. Retrievers sometimes disguised themselves as petitioners, identified local petitioners by their accent and then detained them. Those rounded up were often held in makeshift “black jails” (*hei jianyu* 黑监狱), many of which were basements of local provincial or county liaison offices in Beijing. To deter the most determined petitioners, retrievers often displayed no hesitation about using violence. Retrievers from different provinces even paid each other to beat up another province’s petitioners to avoid being recognized and possibly sued.<sup>73</sup>

69 Interviewee 27; also interviewee 21.

70 Interviewee 3; also interviewees 2, 18, 22 and 27. The danger that rival local leaders might use petitions against each other became even graver with the introduction of the “public consultation system,” which requires that proposed appointments and promotions be publicized for a period of time (usually four to eight weeks) to solicit comments, suggestions and objections. On this system, see Dali Yang, *Remaking the Chinese Leviathan: Market Transition and the Politics of Governance in China* (Stanford, CA: Stanford University Press, 2004), pp. 181–82.

71 The official media did not acknowledge “dark jails” and the practice of petitioner retrieval until late 2009.

72 Personal communication with a researcher at the Chinese Academy of Social Sciences, March 2007.

73 Interviewees 14, 26. On “retrievers” and local detention facilities in the late 1990s, see Cai, “Managed participation,” pp. 446–47. For accounts of petition interception, retrievers, Majialou and “black jails”

At home, local authorities generally displayed even greater willingness to use heavy-handed tactics. In order to deter “trouble-makers” from continuing their “non-normal” activities, many local authorities simply banned petitioning Beijing. During “sensitive times,” some local governments set up three lines of defence to prevent petitioners from reaching the capital. The first was petitioners’ homes. Local police and security officials were ordered to set up 24-hour surveillance and were threatened with dismissal if a petitioner eluded it. If a person managed to break through the first line of defence, police and security officials were immediately to alert the second line of defence, which included railway and long-distance bus stations. Police in these locations then checked all passengers who fitted the description of the petitioner. The third line was Beijing, where local liaison offices were responsible for tracking down anyone who made it that far. To “stabilize” particularly persistent petitioners, local authorities often deemed their cases “unreasonable petitions” or “pestering petitions” and locked them up in “legal education schools” on charges of “blackmailing the government.” For longer-term “stabilization,” local authorities sent some petitioners to mental hospitals, drug rehabilitation centres, re-education through labour camps and even ordinary jails.<sup>74</sup> A number of local officials acknowledged that repression would inevitably produce serious problems, but they felt they could not risk relying on softer measures. Furthermore, many were not greatly concerned with long-term consequences because by the time these emerged they would have been transferred to another locality.<sup>75</sup>

When “stabilizing” efforts failed, local authorities often turned to their “last resort” (*zuihou yi zhao* 最后一招) – “registration cancellation” (*xiao hao, xiao zhang* 销号, 销帐). They bribed staff members at the SBLV, Majialou, Letters and Visits Offices of powerful ministries and Party departments as well as police officers who worked in “sensitive areas,” to delete registered petitions from their computers before the registrations generated permanent records. Local authorities from wealthier locales even rented offices inside the SBLV and paid

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*footnote continued*

since the 2003–06 high tide subsided, see Andrew Jacobs, “Seeking justice, Chinese land in secret jails,” *New York Times*, 9 March 2009; Jamil Anderlini, “Punished supplicants,” *Financial Times*, 5 March 2009, [www.ft.com/cms/s/0/7d13197e-09bc-11de-add9-0000](http://www.ft.com/cms/s/0/7d13197e-09bc-11de-add9-0000), accessed 17 July 2009; Clifford Coonan, “They come in search of justice – but end up thrown in jail,” *The Independent* (UK), 12 November 2009.

74 Interviewees 5, 8, 28 and 29; personal correspondence with rural researchers in Beijing, Sichuan and Hunan. On “stabilizing” petitioners, see Wang Lihong, Wang Aiping and Wang Yingjia, “Nongcun xinfang huodong feizhixuhua zhi xiaoji yingxiang yu duice” (“Non-normal petitioning activity in the countryside, its negative impact and countermeasures”), *Hebei keji shifan xueyuan xuebao* (shehui kexue ban) (*Journal of Hebei Normal University of Science and Technology*) (social sciences edition), Vol. 7, No. 2 (2009), p. 51; also “Document of the Pingdingshan City Joint Committee.” For 100 cases in which petitioners were sentenced to education through labour, see Yu Jianrong, *Zhongguo laodong jiaoyang zhidu pipan* (*A Critique of China’s Re-education Through Labour System*) (Hong Kong: Zhongguo wenhua chubanshe, 2009).

75 Interviewees 39, 40 and 41.

receptionists to send petitioners to see them in “stabilization rooms.”<sup>76</sup> Local officials also bribed Beijing police to send detained petitioners directly to a local liaison office rather than Majialou to reduce the number of registered cases of “non-normal” petitioning. Per capita “honorarium” (*laowu fei* 劳务费), according to police officers in Beijing, ranged from 2,000 to 40,000 yuan. Local officials admitted that these measures were legally questionable, but they insisted that they had no choice if they wanted to protect their own careers and those of their superiors. As a county official from Henan put it: “‘Registration cancellation’ is a forced choice, a last resort. It is purchasing stability in the most direct sense of the word. From now on, you [township officials] must cancel registrations if petitioning happens. Cancelling registrations causes a financial loss, but not cancelling them produces a political loss.”<sup>77</sup> By this point, the central leadership and the persistence of many petitioners had in effect driven local authorities to undermine the petition system itself.

Repression and sabotage of the system by and large worked. The high tide began to recede by the end of 2006, when the SBLV recorded the first decline of registered petitioners since its founding in 2000.<sup>78</sup> The number of petitioners continued to dwindle in the following two years, thanks in part to efforts to host a “harmonious” Summer Olympics in 2008. According to estimates by long-term petitioners and the Beijing police, by the end of 2008 the number of petitioners residing in Beijing had shrunk by about two-thirds compared to 2004. Those who remained were also no longer as active as they had been. After the demolition of the main “petitioners’ village” in 2007, most moved to suburban locations, thus making it more difficult to organize collective action. “Non-normal” petitioning continued to occur sporadically, but it was no longer perceived as a major threat to stability in the capital, except during occasional “sensitive times” such as the annual meeting of the National People’s Congress and the National People’s Political Consultative Conference.<sup>79</sup>

## Conclusion

Although the 2003–06 high tide of petitioning Beijing had deep roots in a corruption-ridden economic system, growing inequality and an ineffective judiciary, its timing was largely the product of Hu Jintao’s and Wen Jiabao’s adoption of a populist leadership style. Heightened popular confidence in the Centre, and expectations about its commitment to the well-being of those who had been left behind by reform, activated potential petitioners, reinvigorated dormant ones and hardened the resolve of those who were already active. Meanwhile, the

76 Interviewees 3, 27 and 30.

77 Chang Wenguang, “Speech at the work conference”; also see Zhao Handong, “Zai quanxian xinfang wending gongzuo huiyi shang de jianghua” (“Speech at the county conference on letters, visits and stability”), 13 April 2007.

78 Zhang Xijie, “The party’s mass line,” p. 11.

79 Interviewees 6, 16; also interviewees 36, 37 and 38.

abolition of the custody and repatriation system made it easier for petitioners to reside in Beijing, which lifted the peak of the high tide. The Centre was at first reasonably accommodating to petitioners, probably because the upsurge helped the new leaders consolidate power by placing their predecessors in an unflattering light. Soon afterwards, however, the new leadership shifted to control and then suppression, as the presence of thousands of petitioners and their increasingly disruptive activities came to be regarded as a threat to stability. Local authorities at first tried to avoid taking petition work seriously, but eventually gave in to pressure from their superiors and stepped up repression. By effectively forcing local authorities to crack down on petitioning (rather than to focus on resolving cases), the Centre drove local officials and their retrievers to sabotage the petition system. Central and local authorities worked together to contain the high tide, but at the price of widespread use of force against petitioners and corruption of SBLV staff and the Beijing police.

The politics of petitioning Beijing suggests a dilemma that can arise when ad hoc inclusion is substituted for institutionalized forms of participation. By granting the aggrieved an opportunity to seek an audience with representatives of the Centre, the regime created an opening that did not offer regularized accountability. This strategy had an important drawback, however. Efforts to appear responsive and clean up local misconduct let loose a flood of grievances that threatened social order in the capital. Faced with a deluge of discontent, the leadership had to choose between maintaining a populist initiative and tightening control. As was seen in the wake of the Hundred Flowers campaign, and frequently since, this was an easy choice: ad hoc inclusion was restricted and central and local authorities swiftly suppressed those who had dared to bring forth their grievances. The ability of under-institutionalized forms of participation to handle discontent was, once again, tested and found wanting.

The politics of petitioning Beijing also suggests that “political opportunity” may have an under-appreciated cultural dimension. Historical memories, however dim, of general pardons granted by new emperors may affect the dynamics of signalling between today’s leadership and aggrieved individuals. Whatever new leaders truly intend, the discontented may, in Daniel Kelliher’s words, “creatively misread”<sup>80</sup> signals from Beijing or wishfully exaggerate the import of mass-regarding gestures. To help consolidate their power, new leaders may choose, at least temporarily, to tolerate these misunderstandings and exaggerations. In this way, a discursive opportunity can become a real one. Mutual accommodation is likely to be short-lived, however, because the demands petitioners raise are often beyond the capacity of new leaders. For this reason, observing petitioning during and after a leadership change offers a good vantage point to view the relationship between high politics and popular contention.

80 Daniel Kelliher, *Peasant Power in China* (New Haven: Yale University Press, 1992), p. 63.

## **Appendix: List of Interviewed Petitioners and Officials**

1. female petitioner, Heilongjiang
2. male petitioner, Henan
3. female petitioner, Hubei
4. male petitioner, Liaoning
5. female petitioner, Jilin
6. male petitioner, Xinjiang
7. male petitioner, Jilin
8. female petitioner, Hebei
9. female petitioner, Chongqing
10. male petitioner, Hunan
11. female petitioner, Hubei
12. female petitioner, Hubei
13. female petitioner, Heilongjiang
14. male petitioner, Liaoning
15. female petitioner, Hainan
16. male petitioner, Hebei
17. female petitioner, Henan
18. female petitioner, Henan
19. female petitioner, Hebei
20. male petitioner, Xinjiang
21. male petitioner, Hebei
22. male petitioner, Hunan
23. female petitioner, Tianjin
24. female petitioner, Jiangsu
25. female petitioner, Jilin
26. male petitioner, Henan
27. female petitioner, Hunan
28. female petitioner, Jilin
29. female petitioner, Heilongjiang
30. female petitioner, Jiangsu
31. male petitioner, Liaoning
32. female petitioner, Shaanxi
33. male petitioner, Heilongjiang
34. male petitioner, Sichuan
35. male petitioner, unknown province
36. government official in Beijing.
37. government official in Beijing.
38. government official in Beijing.
39. township official in Guizhou.
40. urban district Party secretary in Hebei.
41. former county Party secretary in Hebei.
42. county government official in Gansu.