
RIGHTS CONSCIOUSNESS AND RULES CONSCIOUSNESS IN CONTEMPORARY CHINA

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Rights claims by ordinary people in reform-era China have taken many different forms. Workers claim a right to “labor and subsistence”, pensioners claim the “sacred right not to have to labor”, and migrant workers claim the right to organize unions.¹ Farmers assert a right to refuse to pay the grain tax when a township breaches its responsibilities, a right to reject excessive fees and a right to elect village leaders.² Moreover, rights talk is not simply empty. In numerous cases, efforts to claim lawful rights have spurred disruptive protests. By 2003 “rights-defense activities” (*weiquan huodong* 维权活动), such as petitioning and demonstrating, had become so widespread that a Chinese commentator dubbed it “the Year of Citizenship Rights”.³

Scholars, however, disagree about how to understand popular rights claims and the contention associated with them. Kevin O’Brien and Lianjiang Li suggest that farmers’ claims about rights represent a nascent rights consciousness and that rightful resistance

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¹ Ching Kwan Lee, “From the Specter of Mao to the Spirit of the Law: Labor Insurgency in China”, *Theory and Society*, Vol. 31, No. 2 (April 2002), p. 207; William Hurst and Kevin J. O’Brien, “China’s Contentious Pensioners”, *The China Quarterly*, No. 170 (June 2002), p. 351; Feng Chen, “Individual Rights and Collective Rights: Labor’s Predicament in China”, *Communist and Post-Communist Studies*, Vol. 40, No. 1 (March 2007), pp. 67-69.

² Lianjiang Li and Kevin J. O’Brien, “Villagers and Popular Resistance in Contemporary China”, *Modern China*, Vol. 22, No. 1 (January 1996), p. 41; Thomas P. Bernstein and Xiaobo Lü, *Taxation without Representation in Contemporary Rural China* (New York: Cambridge University Press, 2003); Kevin J. O’Brien, “Villagers, Elections, and Citizenship in Contemporary China”, *Modern China*, Vol. 27, No. 4 (October 2001), pp. 407-35.

³ Wang Yi, “2003: gongmin quanli nian” (2003: The Year of Citizenship Rights), *Xinwen zhoukan* (China Newsweek), No. 47 (22 December 2003), pp. 20-21.

could “evolve into a more far-reaching counterhegemonic project”.⁴ Similarly, Merle Goldman argues that demands for popular rights “indicate a bottom-up claim to citizenship” which may precipitate “a fundamental breakthrough in state–society relations”.⁵ Elizabeth Perry, on the other hand, believes that what appears to be rights consciousness is instead a historically-familiar “rules consciousness”. As Perry sees it, popular contention driven by rules consciousness implies no major challenge to the Party-state and can “undergird rather than undermine” the political system by providing “an effective check on the misbehavior of state authorities”.⁶

This debate, which came to a head in two panels at the 2009 Association of Asian Studies meeting,⁷ calls for a clearer definition of rules and rights consciousness along with tests that allow us to distinguish between the two. What is rules consciousness? What is rights consciousness? How can we tell one from the other? This paper conducts an analysis of claims about rights made by aggrieved workers and farmers to define rules consciousness. It then refines existing definitions of rights consciousness in light of Chinese political practice. To distinguish rules consciousness from rights consciousness, this paper uses survey data to illustrate how four types of claims by members of one social group—farmers—are related to trust in central and township leaders.

Rules Consciousness

Perry argues that the following statement by retired workers from Anyuan reflects rules consciousness:

⁴ Lianjiang Li and Kevin J. O’Brien, “Villagers and Popular Resistance”, p. 55; Kevin J. O’Brien and Lianjiang Li, *Rightful Resistance in Rural China* (New York: Cambridge University Press, 2006), pp. 121-26.

⁵ Merle Goldman, *Political Rights in Post-Mao China* (Ann Arbor: Association for Asian Studies, 2007), pp. 71ff. For similar arguments, see Benjamin L. Liebman, “Class Action Litigation in China”, *Harvard Law Review*, Vol. 111, No. 6 (April 1998), pp. 1523-41; David Zweig, “The Externalities of Development: Can New Political Institutions Manage Rural Conflicts?”, in Elizabeth J. Perry and Mark Selden (eds), *Chinese Society: Change, Conflict and Resistance* (London: Routledge, 2000), p. 132; Guobin Yang, “Civil Society in China: A Dynamic Field of Study”, *China Review International*, Vol. 9, No. 1 (Spring 2002), p. 11; Mary E. Gallagher, “Mobilizing the Law in China: ‘Informed Disenchantment’ and the Development of Legal Consciousness”, *Law and Society Review*, Vol. 40, No. 4 (December 2006), p. 785; Ching Kwan Lee, *Against the Law: Labor Protests in China’s Rustbelt and Sunbelt* (Berkeley: University of California Press, 2007), p. 27.

⁶ Elizabeth J. Perry, “Studying Chinese Politics: Farewell to Revolution?”, *The China Journal*, No. 57 (January 2007), p. 21; Elizabeth J. Perry, “Chinese Conceptions of ‘Rights’: From Mencius to Mao—and Now”, *Perspectives on Politics*, Vol. 6, No. 1 (March 2008), p. 37, pp. 45-47; Elizabeth J. Perry, “A New Rights Consciousness?”, *Journal of Democracy*, Vol. 20, No. 3 (July 2009), pp. 17-20.

⁷ The panel on “Rights Consciousness vs. Rules Consciousness in Chinese Society: Data and Debate on Farmers, Migrant Workers, and Intellectuals”; and Perry’s contribution to the roundtable on “The Chinese Student Movement Twenty Years After: Continuities and Changes in Popular Contention since 1989”. The Annual Meeting of the Association for Asian Studies, Chicago, 26–29 March 2009.

Please permit us, along with the mass of retired workers across the country, to enjoy the newly designated wage standards. If you ignore this, and refuse to resolve the issue of our legitimate rights and interests, we will [after obtaining the city government's permission and protection], at an appropriate time, in accordance with our constitutionally given rights, organize a large-scale protest demonstration. We will enlist the assistance of the media in upholding justice, or we may ask relevant government agencies to investigate the internal economic operations of the company. This is the democratic and legitimate supervisory authority given to us by the Chinese Communist Party. Of course a confrontation is not our first choice; our choice is a peaceful livelihood.⁸

In this statement, from an open letter to the Party secretary and the chairman of the board of trustees of the Ping mining company in Anyuan, a group of retirees asserted three rights: the economic right to enjoy wage standards set by the central government, the legal and constitutional right to organize demonstrations, and the Party-granted right to supervise the management of a state-owned enterprise. The claims are clearly rules-based: the substance of the claimed entitlement is enforcement of existing rules; existing rules form the basis for the claim; and the purpose of the claim is to ensure that local rule-enforcement authorities comply with existing central policies and state laws.⁹

The retirees' claims seem to be framed in five different steps.¹⁰ First, upon learning about new wage standards the retirees realized that the company had denied them pension increases in spite of government wage policies. Such awareness generated or reinforced skepticism toward company authorities, who, the retirees believed, "think nothing of [government] documents and do not care whether we live or die". Second, the retirees perceived the vulnerability of company leaders who, they argued, had violated rules made by the Center. Third, the retirees believed that they were on equal footing with company decision-makers in relation to rules made by the central government: "We hope that company leaders understand our good intentions and deal with the victims—retirees of the Ping Mine—*on equal standing*" [italics added]. Fourth, the retirees located an institutional opening to pursue their claims without breaking the law. Lastly, they

⁸ Elizabeth J. Perry, "Chinese Conceptions of 'Rights'", p. 47. In brackets is an omitted clause. For the Chinese original, see Yu Jianrong, *Zhongguo gongren jieji zhuangkuang: Anyuan shilu* (The Plight of China's Working Class: Annals of Anyuan) (Hong Kong: Mirror Book, 2006), p. 372.

⁹ For the analytical framework, see Ian Shapiro, *The Evolution of Rights in Liberal Theory* (New York: Cambridge University Press, 1986), p. 14.

¹⁰ On framing, see David A. Snow, E. Burke Rochford, Jr., Steven K. Worden and Robert D. Benford, "Frame Alignment Processes, Micromobilization, and Movement Participation", *American Sociological Review*, Vol. 51, No. 4 (August 1986), pp. 464-81. For analyses of framing in contentious politics of contemporary China, see William Hurst, "Mass Frames and Worker Protest"; Feng Chen, "Worker Leaders and Framing Factory-based Resistance", in Kevin J. O'Brien (ed.), *Popular Protest in China* (Cambridge MA: Harvard University Press, 2008), pp. 71-87, 88-107; Patricia M. Thornton, "Framing Dissent in Contemporary China", *The China Quarterly*, No. 171 (September 2002), pp. 661-80.

seemed to have derived a feeling of empowerment from their faith in the Center, which they believed would not countenance abusive actions by the company: “The Center’s policies are good and welcomed by ordinary people. The main problem is that the policies are not implemented down below, and the Center must not know about it”.¹¹ Viewed from such a perspective, fighting for protection from abusive local authorities is not overly risky and stands a reasonable chance of succeeding.

Taking into account how it is expressed and framed, rules consciousness can be defined as a combination of awareness of the necessity for protection from *local* rule-enforcement authorities and eagerness to obtain such protection through direct or indirect participation in rule-enforcement.¹² Rules consciousness presumes skepticism toward local rule-enforcement authorities and a sense of equality with them before the rules. In its simplest sense, rules consciousness implies a demand to preempt or halt abusive rule-enforcement, but it involves no challenge to the legitimacy of existing rules, no demand for rule change or new rules, and no demand for participation in rule-making. As Perry points out, the mobilization of rules consciousness can be a force that serves political and regime stability.¹³

Public pronouncements by the powerless under authoritarian rule, however, cannot simply be taken at face value. In fact, once we look at their hidden discourse and their actions, it is clear that the Anyuan retirees possessed something more than rules consciousness. In their “public transcripts”,¹⁴ the retirees sounded as though they had faith in the city government, pledging to organize a demonstration “after obtaining the city government’s permission and protection”. In fact, they had no illusions about city officials. As they explained to a trusted observer: “Workers’ representatives have analyzed [the situation] and concluded that it is impossible for the public security bureau to approve the application. Although China has a *Law on Processions and Demonstrations*, when has any application under it been approved?” The Anyuan retirees submitted an application simply to “apply pressure” on the company and to demonstrate their good will in intending to “take strong measures only after courteous ones failed”. They did not care much if the public security bureau turned down their application. What they pledged not to do was in fact exactly what they planned to do.¹⁵

The plan which the Anyuan retirees hatched was to repeat what they had done in 2004, when they had staged a mass demonstration without permission. As one participant proudly recounted:

On August 26 [2004], we retired workers finally took action ... It was a great event. Thousands of workers went to Pingxiang City from all directions and gathered at

¹¹ Yu Jianrong, *Zhongguo gongren jieji zhuangkuang*, p. 352, see also pp. 114, 356, 330-31, 331, 372.

¹² Contrast p. 54, below, and its accompanying note 30, on rights consciousness.

¹³ Elizabeth J. Perry, “Chinese Conceptions of ‘Rights’”, p. 45.

¹⁴ On the distinction between public and hidden transcripts, see James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990).

¹⁵ Yu Jianrong, *Zhongguo gongren jieji zhuangkuang*, pp. 372, 366-67.

the Mining Bureau. The whole city was shocked, and traffic on several streets was blocked. The Pingxiang city government dispatched many policemen, but the police could do nothing about us. We didn't shout any slogans, raise any banners, beat anybody, nor did we occupy any public spaces. We just walked toward the Mining Bureau as if we were going shopping, and then we just stood in the square in front of the Mining Bureau. Nobody can forbid us to walk; neither can anybody forbid us just to stand there. Our action truly terrified the officials. They begged us to send in representatives for negotiation and ordered the mining companies to pick up the workers. In the end, we sent in representatives to negotiate with them, and they received our petition.¹⁶

When taking this action, the Anyuan retirees went significantly beyond a demonstration of the rules consciousness that they had articulated in the open letter. They knew there was a law on demonstrations, yet they deliberately sidestepped it. They insisted that they were just walking on the street and standing in the square rather than staging a parade or demonstration, yet they dispatched representatives to negotiate with the authorities. Moreover, they showed no unease about having broken the law. Instead, they seemed to take great pride in what they did.

In the course of transcending rules consciousness, the Anyuan retirees also made claims that were seemingly "contained" but in fact were "boundary-spanning" or even "transgressive".¹⁷ In their open letters to top managers of the mining company, Anyuan retirees invoked two kinds of rules to justify their claims. They cited "primary rules", namely, enforceable laws and regulations such as the national wage policy, the Labor Law, the Trade Union Law and the Law on State-owned Enterprises. They also cited "secondary rules" that govern rule-making,¹⁸ for example, the Constitution, the principle of "creating a party that promotes justice and rules for the people", Jiang Zemin's notion of "the three-represents", and "Deng Xiaoping's theory that the objective of developing the economy is to improve people's livelihood".¹⁹ More importantly, the retirees cited soft, secondary principles as if they were enforceable primary rules. Although the retirees did not explicitly demand that central leaders comply with the Constitution and the ruling party's legitimating formulas, some of them had a reason to do so. These workers expressed grave doubts about the Center itself, complaining that the Communist Party was "no longer a party of workers".²⁰

¹⁶ *Ibid.*, p. 359.

¹⁷ See Douglas McAdam, Charles Tilly and Sidney G. Tarrow, *Dynamics of Contention* (New York: Cambridge University Press, 2001), p. 7; Kevin J. O'Brien, "Neither Transgressive nor Contained: Boundary-Spanning Contention in China", *Mobilization*, Vol. 8, No. 1 (February 2003), pp. 51-64.

¹⁸ On the distinction between "primary" and "secondary" rules, see Herbert L. A. Hart, *The Concept of Law* (Oxford: Oxford University Press, 1960), pp. 89-96; Ronald Dworkin, *Taking Rights Seriously* (Cambridge MA: Harvard University Press, 1977), pp. 19-31.

¹⁹ Yu Jianrong, *Zhongguo gongren jieji zhuangkuang*, pp. 330-31.

²⁰ *Ibid.*, pp. 62-63, pp. 112-14, p. 222, p. 241, p. 262.

That Anyuan retirees moved beyond rules consciousness in action and in their hidden discourse is open to two interpretations. One is that they believed, as many Chinese have done for centuries, that “it is right to rebel” against abusive local authorities without challenging the top ruler.²¹ The other is that they had rights consciousness. I argue that if the Anyuan retirees’ distrust in the Party is associated with an explicit demand that the Party abide by its own ruling principles, that claim is best understood as rights consciousness.²²

Like workers in many cities,²³ some Chinese farmers share the rules consciousness articulated by Anyuan retirees. These farmers carefully frame their claims within existing rules in their public announcements. They share workers’ skepticism toward local rule-enforcement authorities as well as their sense of equality with local officials before the rules made by the central government. Typical public statements of rules consciousness made by farmers include:

Failing to carry out the “three-linkage-policy” amounts to unilaterally breaking a contract. I have the right not to pay the grain tax.

If you [local officials] don’t listen to the Center, then we won’t listen to you.²⁴

Also like the Anyuan retirees, many farmers often transcend rules consciousness both in action and in what they say behind closed doors. First, some farmers pledge to follow certain rules but then bypass them when popular action begins. For instance, a Hunan villager pledged to lodge petitions according to the *Regulations Concerning Works of Letters and Visits* (1995) but ignored its restriction on collective visits by dividing a large group into small teams; other villagers in Hunan held demonstrations without seeking permission and insisted that they were publicizing policies rather than staging a protest parade. Second, some farmers argue that they are in the right when they break the law if they are impelled to do so by abusive local authorities. A protest leader in Hengyang, Hunan, for instance, admitted that he organized a traffic blockade in the county seat but insisted that he was driven to adopt a “forceful” measure after the county government turned a deaf ear to his rightful demands. Finally, some farmers cite both primary and secondary rules to justify their claims. Several farmers from Hengyang County, for instance, insisted in 2003 that they had

²¹ Elizabeth J. Perry, “Chinese Conceptions of ‘Rights’”, p. 45.

²² A favorite strategy of dissidents in the former socialist countries in Eastern Europe was to demand that Communist regimes comply with their own constitutions, see Jeremy Brooke Straughn, “Taking the State at its Word: The Arts of Contentious Contention in the German Democratic Republic”, *American Journal of Sociology*, Vol. 110, No. 6 (May 2005), pp. 1598-650; Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (New York: Cambridge University Press, 1991), p. 2.

²³ See Mary E. Gallagher, “Mobilizing the Law in China”, p. 785; William Hurst and Kevin J. O’Brien, “China’s Contentious Pensioners”, p. 351; Feng Chen, “Individual Rights and Collective Rights”, pp. 67-69; Ching Kwan Lee and Yuan Shen, “The Paradox and Possibility of a Public Sociology of Labor”, *Work and Occupations*, Vol. 36, No. 2 (May 2009), p. 120.

²⁴ Lianjiang Li and Kevin J. O’Brien, “Villagers and Popular Resistance”, pp. 41, 47.

a right to establish a farmers' association because the Constitution granted citizens the freedom of association.²⁵

Unlike the Anyuan retirees, at least as reported by Perry and by Yu, some farmers have also made claims that unambiguously represent rights consciousness.

Rights Consciousness

Scholars have defined rights consciousness as the awareness of existing rights, the willingness to assert rights, and the understanding of social relations in terms of rights.²⁶ Rights, in turn, are commonly defined as individual claims against the state. Negative rights prescribe what the state must not do to its citizens: "If someone has a right to something, then it is wrong for the government to deny it to him even though it would be in the general interest to do so". Positive rights, on the other hand, prescribe what the state is obliged to provide its citizens.²⁷

Existing definitions of rights consciousness do not apply fully to China because they presuppose a tradition of rights and politically independent rights-enforcement institutions, which are largely absent.²⁸ The absence of institutionalized rights, however,

²⁵ Yu Jianrong, *Dangdai Zhongguo nongmin de weiquan kangzheng: Hunan Hengyang kaocha* (Organized Peasant Resistance in Contemporary China: An Investigation of Hengyang County of Hunan Province) (Beijing: Zhongguo Wenhua Chubanshe, 2007), pp. 80-81, 115, 307-09, 356.

²⁶ For definitions of rights consciousness, see Stephen L. Wasby, "History of the Court: Rights Consciousness in Contemporary Society", in Kermit L. Hall, James W. Ely, Jr., Joel B. Grossman and William M. Wiecek (eds), *The Oxford Companion to the Supreme Court of the United States* (Oxford: Oxford University Press, 1992), p. 398; Austin Sarat, "Studying American Legal Culture: An Assessment of Survey Evidence", *Law and Society Review*, Vol. 11, No. 3 (September 1977), p. 450; James L. Gibson, Raymond M. Duch and Kent L. Tedin, "Democratic Values and the Transformation of the Soviet Union", *Journal of Politics*, Vol. 54, No. 2 (May 1992), p. 343; James L. Gibson and Raymond M. Duch, "Support for Rights in Western Europe and the Soviet Union: An Analysis of the Beliefs of Mass Publics", in Frederick D. Weil, Jeffrey Huffman and Mary Gautier (eds), *Research on Democracy: Democratization in Eastern and Western Europe* (Greenwich: JAI Press, 1993), p. 242; Michael W. McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago: University of Chicago Press, 1994), p. 7; Michael McCann, "Law and Social Movements: Contemporary Perspectives", *Annual Review of Law and Social Science*, Vol. 2 (2006), p. 22.

²⁷ Ronald Dworkin, *Taking Rights Seriously*, p. 269. On the evolution of rights in Western Europe, see Thomas H. Marshall, *Class, Citizenship, and Social Development* (Westport: Greenwood Press, 1976).

²⁸ On conceptions of rights advocated by Chinese authorities and intellectuals, see Gungwu Wang, "Power, Rights and Duties in Chinese History", *Australian Journal of Chinese Affairs*, No. 3 (January 1980), pp. 1-26; Andrew J. Nathan, *Chinese Democracy* (Berkeley: University of California Press, 1985); Edwards R. Randle, Louis Henkin and Andrew J. Nathan, *Human Rights in Contemporary China* (New York: Columbia University Press, 1986); Stephen C. Angle, *Human Rights and Chinese Thought* (New York: Cambridge University Press, 2002); Randall P. Peerenboom, "What's Wrong with Chinese Rights: Towards a Theory of Rights with Chinese Characteristics", *Harvard Human Rights*

is not a barrier to appreciating the necessity of having rights, nor is it an obstacle to asserting rights as if one had them. Quite a number of Chinese farmers, as Kevin O'Brien has observed, "are acting like citizens before they are citizens".²⁹ Based on these considerations, this study defines rights consciousness as a combination of awareness of the necessity for protection from *central* rule-making authorities and eagerness to acquire such protection through direct or indirect participation in rule-making.³⁰ Rights consciousness so defined presumes skepticism toward central rule-making authorities and an understanding that the ruled are equal with the ruler in relation to general constitutional principles that govern rule-making and/or antecedent principles that are, in Perry's words, "both prior—and superior—to" political rules.³¹ Doubt about central leaders' commitment to rule in the interests of the ruled, in particular, is a necessary condition for the birth of rights consciousness.

Some Chinese farmers have explicitly expressed their doubts about central rule-making authorities. A Hunan villager, for instance, argued that "the lawmakers are not quite fair to us, so the laws themselves are unfair". He compared Mao Zedong and Deng Xiaoping to two generations of shepherds. The father drove his herds to poor grasslands and kept them half-starved and weak out of fear of rebellion; the son drove his herds to greener grasslands but allowed his dogs and hawks to fatten themselves on the cattle.³² Another Hunan farmer argued that farmers had been treated like "modern slaves" (*xiandai nongnu* 现代农奴) for much of the time since 1949.³³ He challenged

Journal, Vol. 6 (Spring 1993), pp. 29-58; Randall P. Peerenboom, "Human Rights, China, and Cross-Cultural Inquiry: Philosophy, History, and Power Politics", *Philosophy East and West*, Vol. 55, No. 2 (April 2005), pp. 283-320; Elizabeth J. Perry, "Chinese Conceptions of 'Rights'"; Peter Zarrow, "Anti-Despotism and 'Rights Talk': The Intellectual Origins of Modern Human Rights Thinking in the Late Qing", *Modern China*, Vol. 34, No. 2 (April 2008), pp. 179-209.

²⁹ Kevin J. O'Brien, "Villagers, Elections, and Citizenship in Contemporary China", p. 425.

³⁰ The distinction between rule-making and rule-enforcement authority is relative. When they face a dictator, who holds both ultimate rule-making and rule-enforcement powers, individuals who are aware of the necessity of having protection from rule-enforcement power and are eager to obtain such protection have rights rather than rules consciousness. As Georg Simmel points out: "If the absolute despot accompanies his orders by the threat of punishment or the promise of reward, this implies that he himself wishes to be bound by the decrees he issues. The subordinate is expected to have the *right* [italics added] to request something of him; and by establishing the punishment, no matter how horrible, the despot commits himself not to impose a more severe one" (Georg Simmel, *The Sociology of Georg Simmel*, translated, edited and with an introduction by Kurt H. Wolff [Glencoe: Free Press, 1950], pp. 186-87). Moreover, provincial-level people's congresses in China have the authority to enact local regulations, see Young Nam Cho, *Local People's Congresses in China: Development and Transition* (New York: Cambridge University Press, 2008) and Ming Xia, *The People's Congresses and Governance in China: Toward a Network Model of Governance* (London: Routledge, 2007).

³¹ Elizabeth J. Perry, "Chinese Conceptions of 'Rights'", p. 39.

³² Yu Jianrong, *Dangdai Zhongguo nongmin de weiquan kangzheng*, pp. 510, 515-17.

³³ *Ibid.*, pp. 477-79.

the legitimacy of current laws and policies and questioned the rulers' commitment to rule in the interests of farmers with a barrage of questions, including:

Why does the state make policies? What are policies for?

Why does the state make laws? What are laws for?

Do policies and laws of the state serve the public interest, private interest, or the interest of the powerful?

Are policies and laws weapons made exclusively to control ordinary folks?

Are policies and laws regulations that endow powerholders with the highest status and particularly high-end entertainment?

Are policies and laws thunder and lightning that powerholders use to decide the life and death of common people? Are they tools of dictatorship?³⁴

Since rights consciousness is directed against central rule-making authorities, claims that embody it should have the following features: the substance of the claimed entitlement should be rule changes, which involve the abolition of existing rules and/or the making of new rules; the basis of the entitlement should be antecedent principles and/or general constitutional rules that govern rule-making; and the purpose of the entitlement should be to stop or prevent central leaders from ruling arbitrarily.

Chinese farmers have made claims with precisely these features. First, some of them, often and loudly, demand rule changes. In the last two decades, for instance, many villagers have demanded that the discriminatory household registration system be abolished. When asked to comply with birth control policy, a farmer in Beijing suburb responded: "Give me an [urban] household registration, give me labor insurance, then I agree to be sterilized immediately".³⁵ Similarly, tens of thousands of farmers in Hanyuan County, Sichuan Province, who were forced to relocate owing to dam construction, demanded in 2004 that they be compensated at the same level as urban residents.³⁶ Some farmers have even insisted on popular election of top national leaders. A Hebei villager, for instance, argued that "all government leaders, including the state chairman, should be directly elected by the masses rather than appointed by higher levels".³⁷

Chinese farmers also justify their demand for rule changes by invoking antecedent principles. A Hunan villager, for instance, argued that farmers should have the right to own contracted land because "the land of China was cultivated

³⁴ *Ibid.*, pp. 488-89.

³⁵ Li Kang, "Jiceng zhengquan yu jiceng shequ" (Grassroots Government and Grassroots Community), in Li Xueju, Wang Zhenyao and Tang Jinsu (eds), *Zhongguo xiangzhen zhengquan de xianzhuang yu gaige* (Current Situation and Reform of Chinese Township Government) (Beijing: Zhongguo Shehui Chubanshe, 1994), p. 267.

³⁶ Personal correspondence with a researcher at the Chinese Academy of Social Sciences, October 2007.

³⁷ Author's interview, Hebei, September 1993.

by ancestors of the Chinese nation and belongs to all descendants of Emperors Yan and Huang. The people are the landlord and should have the sovereign right to use and manage the land".³⁸

Lastly, some Chinese farmers have demanded that central leaders be held accountable to the popular will. A farmer from Anhui, for instance, argued in 1998 that "taxpayers pay taxes to their own government so that the government can more effectively fulfill its legal obligations to taxpayers. If the government fails to perform its duties, then taxpayers do not have to pay taxes".³⁹ Some farmers have also made more pointed claims against unaccountable central leaders. A villager from Hunan, for instance, stated that "the state's revenue is tax money, which comes from the people, so the people should have the right to supervise and audit [its use]". He further argued that farmers should have the right to elect and dismiss all "people's servants":

When so-called people's servants are rogues and ignore their duties, why don't the people have the right to elect and dismiss their servants? ... The people should be the master. Popular sovereignty is above everything else and it is greater than everything else. The people should have the right to manage and supervise everything.⁴⁰

Another Hunan farmer, Ling Chunwei, put forth a similar claim for accountability. According to him, the Constitution is an agreement reached between the rulers and the ruled through consultation, and it is binding on both parties:

The Constitution and the law are documents agreed to by the top ruling group and the ruled through communication, consultation and compromise under a given historical condition in a country. They require compliance from both sides and are binding for both sides ... If the government is faithful to the law and the people, the people will believe that it is a good government and rally closely around it. With the people rallying around it, the government will be an invincible force and will sweep all die-hard and corrupt elements onto the rubbish heap of history. Otherwise the government will be cast aside by the people and eliminated by history.⁴¹

As politically savvy as he was, Ling must have appreciated that he was not describing how the Constitution and related laws were agreed to in China. In his ever-so-reasonable language he was in fact prescribing how the Constitution and laws should be made and arguing why they should bind both ruler and ruled. He wrote as if the people already had a right to participate in Constitution-making as well as a right to retract their consent if the "top ruling group" failed to honor its responsibilities. Like many other farmers, he was, as Kevin O'Brien has put it, "cloaking a daring

³⁸ Yu Jianrong, *Dangdai Zhongguo nongmin de weiquan kangzheng*, p. 496.

³⁹ Remark written by a survey correspondent from Anhui Province in 1998.

⁴⁰ Yu Jianrong, *Dangdai Zhongguo nongmin de weiquan kangzheng*, pp. 497, 487.

⁴¹ *Ibid.*, p. 111.

proactive claim in reactive terms, demanding citizenship rights they had never enjoyed, while making it appear they had just been deprived of them”.⁴²

An Empirical Test

Admittedly, the farmers quoted above were exceptionally thoughtful and articulate. To see whether rights consciousness is also found among ordinary villagers, this section uses survey data to examine how farmers' claims are related to trust in central rule-making and local rule-enforcement authorities.

Data and Methods of Analysis

The survey was conducted in 2007. The field sites were D County and W County in Fujian Province, S County in Jiangxi Province, and Y County in Zhejiang Province. The four counties were selected by convenience. Sampling in each county was conducted in three stages. First, five townships were selected with probability proportionate to size (PPS). Second, four villages were selected from each township with PPS. Lastly, within each selected village around 20 randomly chosen individuals over the age of 18 were interviewed.⁴³ Altogether 1,600 farmers were interviewed. Cases were weighted according to the rural population size of the county.⁴⁴ To adjust for survey design effects, each township was treated as a stratum and each village a cluster.

Unobservable factors such as claims against government authorities and trust in government leaders were tapped with multiple indicators to improve measurement reliability. Data analysis proceeded in two steps. First, confirmatory factor analysis was used to assure that multiple measures of latent theoretical constructs were reliable. A path model was then estimated to examine the relationship between claims, trust in government leaders, and other factors that might affect an individual's rights and rules consciousness. Ordinal indicators of latent constructs were treated as crude measurements of latent continuous factors. The WLSMV (weighted least squares mean and variance adjusted) estimator was used to correct for the bias that results from having ordinal endogenous variables in the model.⁴⁵ Since it relies on a local probability sample, the research focuses on exploring relationships between variables.⁴⁶

⁴² Kevin J. O'Brien, "Villagers, Elections, and Citizenship", p. 429.

⁴³ Interviews were administered by advanced undergraduate students in the Department of Sociology at a leading university in South China under the supervision of their professor.

⁴⁴ On weighting procedure and formulas, see Pierre Foy, "Calculation of Sampling Weights", in Michael O. Martin and Dano L. Kelly (eds), *Technical Report Volume II: Implementation and Analysis* (Chestnut Hill: Boston College, 1997), pp. 71-80.

⁴⁵ Linda K. Muthén and Bengt O. Muthén, *Mplus User's Guide*, 4th Edition (Los Angeles: Muthén and Muthén, 2006).

⁴⁶ See Melanie Manion, "Survey Research in the Study of Contemporary China: Learning from Local Samples", *The China Quarterly*, No. 139 (September 1994), pp. 741-65.

Four Types of Claims

One difficulty with analyzing the Chinese discourse on rights is that the word for “rights” (*quanli* 权利) and the word for “power” or “authority” (*quanli* 权力) are homonyms.⁴⁷ Even fairly educated people often use the word for “power” or “authority” when they mean “rights”. For instance, when the Anyuan retirees wrote in their open letter “this is the democratic and legitimate supervisory authority (权力) given to us by the Chinese Communist Party”, they must have meant “right” (权利) because they insisted that they were striving for “lawful rights and interests” (*hefa quanyi* 合法权益), not “power” (权).⁴⁸ Compounding these linguistic complexities, claims about rights are often made with reference to both primary and secondary rules and even in the form of value judgments, which reference abstract “principles” (*li* 理). For instance, when farmers argued that in principle the village Party secretary should be elected by all villagers because he managed the affairs of the whole village rather than those of Party members, they made a claim about rights.⁴⁹ A third difficulty is that farmers often make rights claims without specifying which level of government they are targeting. They talk generally about “the government” (*zhengfu* 政府), which they use to refer to both the Center and various levels of sub-national government.⁵⁰ Owing to these complications, claims are classified along two dimensions. First, a claim may be made against either local rule-enforcement authorities or central rule-making authorities. Second, a claim is reactive if the claimed entitlement is at least arguably based on existing political rules; it is proactive if the claimed entitlement requires fundamental rule changes or new rules.⁵¹

The survey showed that Chinese farmers had four types of claims. First, most issued a strong reactive claim against local rule-enforcement authorities. Over 80 per cent of 1,600 respondents agreed that farmers should have the right to demand that higher levels dismiss corrupt township officials, and over 70 per cent of the respondents agreed that farmers should have the right to disobey local policies that run against the law and central policies (see Appendix for variable descriptions). Both claims were directed against local authorities, and they were arguably based on existing rules. The State Council’s Regulation on Peasant Burdens and Labor (1991) and the Agriculture Law (1993), for instance, granted farmers the right to reject excessive fees. This type of claim is indicative of the rules consciousness that Perry discusses, if it is associated with distrust in local rule-enforcement authorities.

⁴⁷ See Deborah Cao, *Chinese Law: A Language Perspective* (Burlinton: Ashgate, 2004), pp. 71-75.

⁴⁸ Yu Jianrong, *Zhongguo gongren jieji zhuangkuang*, pp. 363, 372.

⁴⁹ Lianjiang Li, “The Two-Ballot System in Shanxi Province: Subjecting Village Party Secretaries to a Popular Vote”, *The China Journal*, No. 42 (July 1999), p. 104.

⁵⁰ See, for instance, Yu Jianrong, *Dangdai Zhongguo nongmin de weiquan kangzheng*, pp. 187-425.

⁵¹ On the distinction between “reactive” and “proactive” claims, see Charles Tilly, “Contentious Repertoires in Great Britain, 1758–1834”, *Social Science History*, Vol. 17, No. 2 (Summer 1993), pp. 253-80.

Second, a large majority of farmers had a strong proactive claim against both local rule-enforcement and central rule-making authorities. Over 85 per cent of the respondents agreed that, in principle, the township head should be elected by ordinary people through voting, and nearly 40 per cent thought that the township head should be popularly elected with one-man one-vote and that such elections could be held right away. These claims were proactive because the claimed entitlement had no grounding in current rules. In fact, introducing popular election of township heads would require a constitutional amendment, and experimental township elections have been repudiated several times over the last decade by central leaders.⁵² This type of claim reflects rights consciousness, if it is associated with skepticism toward central rule-makers.

Third, a good number of farmers issued a fairly strong reactive claim against central leaders. Over 65 per cent of the respondents agreed that ordinary people should have the right to criticize decisions made by the Center, and 64 per cent of the respondents agreed that farmers should have the right to demand the recall of central leaders who do not care about farmers. The claims were reactive because the claimed entitlement was arguably based on current rules, such as the Constitution (Art. 41) and the Communist Party's pledge to "serve the people". This type of claim is indicative of rights consciousness if it is associated with skepticism toward central rule-making authorities.

Lastly, a significant number of farmers had a proactive claim against central leaders. Over 65 per cent of the respondents agreed that, in principle, the state chairman should be elected by ordinary people through voting, and over 15 per cent thought that the state chairman should be popularly elected with one-man one-vote and that such elections could be held right away. Like the claims about the right to elect the township government head by popular vote, these claims were proactive because the claimed entitlement had no grounding in current rules. Furthermore, these claims targeted the state chairman—the top ruling authority in China. This type of claim embodies rights consciousness, if it is associated with skepticism toward central rule-making authorities.

Trust in Government Leaders as a Criterion

The crucial distinction between rules and rights consciousness, it will be recalled, is that the former presumes skepticism toward local rule-enforcement authorities while the latter presumes skepticism toward central rule-making authorities. To explore whether the four types of claims represent rights or rules consciousness, this study uses multiple regressions to examine how they correlate with confidence in central and local authorities. Trust in central leaders is used as a proxy for trust in central

⁵² For discussions of the constitutionality of township elections, see Lianjiang Li, "The Politics of Introducing Direct Township Elections in China", *The China Quarterly*, No. 171 (September 2002), pp. 704-23; Tony Saich and Xuedong Yang, "Innovation in China Local Governance: 'Open Recommendation and Selection'", *Pacific Affairs*, Vol. 76, No. 2 (Summer 2003), pp. 185-208.

rule-making authorities, and trust in township leaders is used as a proxy for trust in local rule-enforcement authorities.

Trust in political leaders is multi-dimensional, as its objects include leaders' commitment, competence, character, equity, honesty and responsiveness.⁵³ This study focuses on trust in the government leaders' commitment to rule in the interests of the governed,⁵⁴ because skepticism in this regard is most likely to enhance appreciation of the necessity of having protection from government authorities. To measure trust in commitment to rule in the interests of the governed, respondents were asked if they believed that the township and central leaders: (1) put their own interests before those of farmers; (2) do not care whether farmers will agree when they make policies/decisions; and (3) care primarily about the powerful and rich and neglect the interests of ordinary people. Trust in township leaders was significantly weaker than that in central leaders. Over 22 per cent of the respondents had no confidence in township leaders in all three aspects, while 15 per cent had no trust in central leaders. Conversely, over 35 per cent of the respondents were confident about central leaders in all three aspects, while less than 20 per cent had full confidence in township leaders. The observation corroborates a previous finding that the Chinese people have less trust in lower levels of government than in higher levels.⁵⁵

To make sure that the observed correlation between a claim about rights and trust in leaders was not spurious, eight factors that might affect a farmer's attitude toward central and local authorities were controlled. First, internal political efficacy, which refers to the sense of competence in understanding public affairs and participating in politics,⁵⁶ was controlled, since more efficacious individuals were expected to have stronger claims. Second, personal assertiveness was controlled, as more assertive individuals might make stronger claims against government authorities. The third control variable was knowledge about potentially beneficial central policies and laws, because more knowledgeable individuals might have stronger rules consciousness but weaker rights consciousness. In addition, four demographic features, namely, gender, age, education, and membership in the Chinese Communist Party (CCP), were also controlled. Lastly, three county dummies, W County in Fujian Province, S County in Jiangxi Province and Y County in Zhejiang Province, were included in the analyses to control for the effect of

⁵³ See Jack Citrin and Christopher Muste, "Trust in Government", in John P. Robinson, Phillip R. Shaver and Lawrence S. Wrightsman (eds), *Measures of Political Attitudes* (San Diego: Academic Press, 1999), pp. 466-69.

⁵⁴ Margaret Levi and Laura Stoker, "Political Trust and Trustworthiness", *Annual Review of Political Science*, Vol. 3 (2000), p. 476.

⁵⁵ See Tianjian Shi, "Cultural Values and Political Trust: A Comparison of the People's Republic of China and Taiwan", *Comparative Politics*, Vol. 33, No. 4 (July 2001), pp. 401-19; Lianjiang Li, "Political Trust in Rural China", *Modern China*, Vol. 30, No. 2 (April 2004), pp. 228-58.

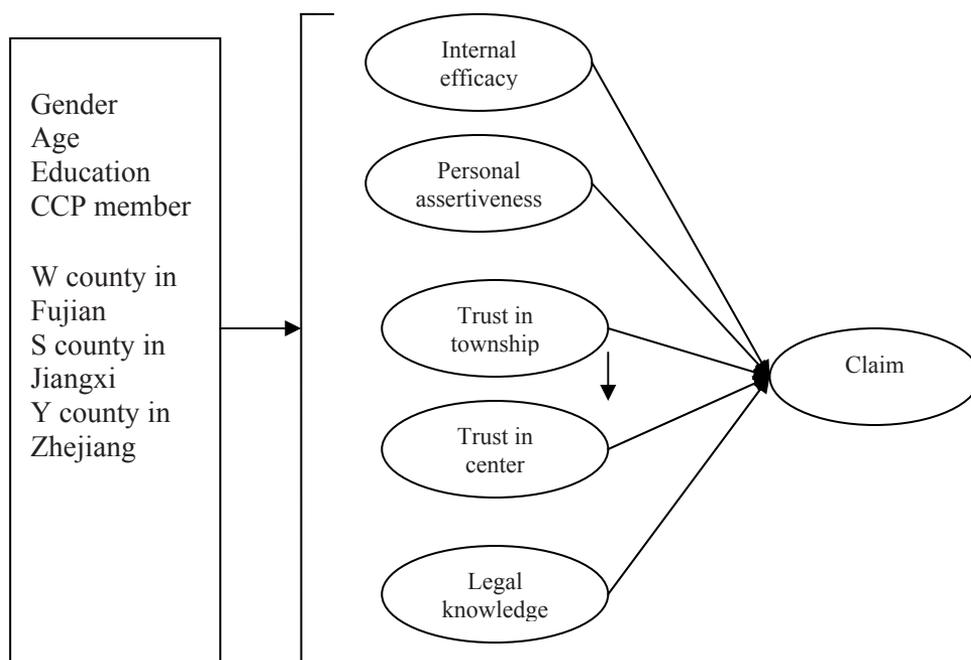
⁵⁶ See George I. Balch, "Multiple Indicators in Survey Research: The Concept 'Sense of Political Efficacy'", *Political Methodology*, Vol. 1 (1974), pp. 1-43; Stephen C. Craig and Michael A. Maggionto, "Measuring Political Efficacy", *Political Methodology*, Vol. 8 (1982), pp. 89-110.

unobserved differences between the four selected counties. D County in Fujian was used as the reference (see Appendix for variable descriptions).

Model and Results

A path model was constructed based on the theoretical considerations discussed above. Exogenous variables listed in the rectangular box on the left-hand side of Figure 1 were allowed to influence all endogenous variables on the right-hand side of the bracket. The model held that trust in the central and township leaders affected claims about rights. Trust in township leaders was assumed to affect trust in central leaders. Internal efficacy, personal assertiveness, and legal knowledge were allowed to influence claims about rights. The model has four versions, which are identical except that they estimate, respectively, the relationship between trust in central and township leaders and the four different types of claims.⁵⁷

Figure 1. Path model



Note: Exogenous variables listed in the rectangular box are allowed to affect all endogenous ones on the right side of the bracket. Indicators of latent constructs and error/residual terms of endogenous variables are suppressed for the sake of clarity.

⁵⁷ Missing cases were deleted listwise. For comparative purpose, the model was also fitted to a singly imputed dataset generated with the Expectation Maximization (EM) algorithm and five multiply imputed datasets generated using the Markov Chain Monte Carlo (MCMC) method. Results obtained from the three alternative treatments of missing values are highly consistent with each other.

The results appearing in Table 1 can be grouped into four general findings.⁵⁸ First, the reactive claim against local rule-enforcement authorities represented rules consciousness, as it was associated with skepticism toward township leaders. All else being equal, individuals with stronger doubts about township leaders had a stronger claim about the right to protest against abusive rule-enforcement authorities and the right to resist illicit local policies. The fact that confidence in central leaders had a positive effect on this claim also suggested that it represented rules consciousness. In theory, rules consciousness presumes neither trust nor distrust in central rule-makers, because it can be entirely strategic. In reality, however, rules consciousness in authoritarian China may presume some confidence in rule-making authorities, because asserting rights against local authorities is too risky if one does not believe that central leaders want faithful rule enforcement. The finding corroborates an earlier observation that farmers with more trust in central leaders are more likely to petition.⁵⁹

Table 1: Correlation of Claims against Government Authorities and Trust in Government Leaders' Commitment to the Interests of the Governed

	Reactive claim against local rule-enforcement authorities	Proactive claim against local rule-enforcement authorities	Reactive claim against central rule-making authorities	Proactive claim against central rule-making authorities
Trust in township leaders (low to high)	-.170** (.058)	-.221*** (.046)	-.270*** (.044)	.035 (.051)
Trust in central leaders (low to high)	.187*** (.057)	.176** (.058)	-.004 (.041)	-.188*** (.033)
Internal efficacy (low to high)	.069† (.036)	.225*** (.027)	.051† (.028)	.109 (.068)
Personal assertiveness (weak to strong)	.105* (.050)	.180** (.069)	.089† (.050)	.183*** (.053)

⁵⁸ Table 1 presents a variety of goodness-of-fit statistics for the model. These statistics indicate overall that the model fits the data very well. The model is not an exact fit ($p < .001$). However, three widely-accepted close fit indexes, namely, Comparative Fit Index (CFI), Tucker-Lewis Index (TLI, also called Non-Normed Fit Index (NNFI)), and Root Mean Squared Error of Approximation (RMSEA), meet conventional cut-off criteria, which are, respectively, CFI $> .950$, TLI $> .950$, and RMSEA $< .060$ (see Li-Tze Hu and Peter M. Bentler, "Cutoff Criteria for Fit Indices in Covariance Structure Analysis: Conventional Criteria versus New Alternatives", *Structural Equation Modeling*, Vol. 6, No. 1 [March 1999], pp. 1-55). Also see Herbert W. Marsh, Kit-Tai Hau and Zhonglin Wen, "In Search of Golden Rules: Comment on Hypothesis-Testing Approaches to Setting Cutoff Values for Fit Indexes and Dangers in Overgeneralizing Hu and Bentler's (1999) Findings", *Structural Equation Modeling*, Vol. 11, No. 3 (September 2004), pp. 320-41). The goodness-of-fit test results assure us that the estimated coefficients are acceptable descriptions of the data and can be used to test hypotheses.

⁵⁹ Lianjiang Li, "Political Trust and Petitioning in the Chinese Countryside", *Comparative Politics*, Vol. 40, No. 2 (January 2008), p. 214.

Legal knowledge (low to high)	.061 (.058)	-.234** (.079)	.085 (.071)	.005 (.043)
Gender (0= female; 1=male)	.094 (.072)	.057 (.073)	.054 (.065)	-.057 (.061)
Age (18-88 years)	.004 (.004)	-.002 (.004)	.000 (.002)	.001 (.003)
Education (0-21 years)	.010 (.013)	.009 (.014)	.016 (.012)	-.009 (.015)
CCP membership (0=non-member, 1=member)	.039 (.096)	-.189* (.091)	-.108 (.076)	-.214* (.104)
W County in Fujian (0=no; 1=yes)	.051 (.110)	.200* (.097)	.024 (.093)	.129† (.075)
S County in Jiangxi (0=no; 1=yes)	-.376** (.134)	.127 (.145)	-.164 (.109)	.126 (.121)
Y County in Zhejiang (0=no; 1=yes)	.076 (.113)	.497*** (.102)	.223* (.096)	.391*** (.109)
R2	.113	.285	.273	.107
Model fit indexes				
χ^2	42.872	40.525	44.645	45.563
DF	14	14	15	15
P value	.000	.000	.000	.000
CFI	.985	.986	.985	.984
TLI	.980	.982	.980	.980
RMSEA	.037	.036	.036	.037
Observations	1,498	1,488	1,492	1,489

Notes: Entries are unstandardized OLS coefficients, with standard errors in parenthesis beneath them.

† p ? .05 one-sided; * p ? .05 two-sided; ** p ? .01 two-sided; *** p ? .001 two sided.

Data are weighted.

Second, the proactive claim against township leaders was expected to represent rights consciousness in that it required a major rule change which central leaders had repeatedly refused to make. The empirical result, however, was ambiguous. On one hand, the claim about a right to elect township heads by popular vote was associated with skepticism toward township leaders, which suggested that farmers who made the claim sought to hold township authorities accountable. On the other hand, this proactive claim was positively associated with trust in central leaders, which suggested that farmers who demand township elections did not aim to use such elections to constrain the power of central leaders, nor did they believe that central leaders opposed such elections. One may regard this claim as a tentative expression of rights consciousness, in that it asserts a new right that central rule-makers have repeatedly refused to grant. This claim, however, falls short of unambiguously representing rights consciousness, in that farmers who made it seemed to believe that central rule-making authorities would not deny them the right to elect township heads, probably because they did not know that the top leaders criticized and banned experimental township elections.

Third, the reactive claim against central leaders might represent rights consciousness. Regardless of level of confidence in central leaders, farmers made a fairly strong claim to a right to criticize central policies and the right to demand dismissal of unresponsive central leaders. The claim bespoke rights consciousness because 1) the rules invoked were general constitutional principles and legitimating formulas, which govern rule-making; 2) the claim was associated with a neutral judgment about the trustworthiness of central leaders, which in China likely indicated lack of confidence; and 3) the purpose of the claimed entitlement was to hold central leaders accountable.

Lastly, the proactive claim against rule-making authorities unambiguously represented rights consciousness, since it was associated with distrust in central leaders. All else being equal, individuals with stronger doubts about central leaders' commitment to rule in the interests of farmers were more eager to claim a right to elect the state chairman by popular vote. The finding suggested that a significant number of farmers were aware of the necessity of having protection from central rule-makers and had a real desire to obtain that protection through popular election of the country's top ruler. This observation provided definitive evidence that at least some farmers had rights consciousness.⁶⁰

Conclusions

Rules and rights consciousness in contemporary China share the common goal of stopping or preventing the arbitrary exercise of power, but they have different objects, ideational foundations and behavioral implications. Rules consciousness targets rule-enforcement authorities, presumes skepticism toward them and a sense of equality with them before central policies and state laws, and implies a demand for direct or indirect participation in rule-enforcement. Rights consciousness, on the other hand, targets rule-making authorities, presumes skepticism toward them and a sense of equality with them before antecedent principles and/or constitutional principles, and implies a demand for direct or indirect participation in rule-making. Chinese workers in Anyuan, as we can see in the research by Perry and Yu, certainly have rules consciousness, but they have also moved beyond it in action and in their closed-door discussions. Chinese farmers likewise display rules consciousness, and they too have transcended rules consciousness in rhetoric and action. Some Chinese farmers, moreover, have also unambiguously shown evidence of rights consciousness. In sum,

⁶⁰ It is worth noting that, due to the lack of longitudinal data, this research cannot establish causal relationships between trust in central and township leaders and claims against government authorities. In fact, alternative models that posit different relations between trust and claims would fit the data equally well, see Ingeborg Stelzl, "Changing a Causal Hypothesis without Changing the Fit: Some Rules for Generating Equivalent Path Models", *Multivariate Behavioral Research*, Vol. 21, No. 3 (July 1986), pp. 309-31.

ordinary Chinese people do have rules consciousness, but it is problematic to conclude that they only have rules consciousness and no rights consciousness.⁶¹

Both rules and rights consciousness represent a significant break from what Wei-ming Tu calls “duty consciousness”, which presumes a hierarchical order in which ordinary people are obliged to obey all political authorities.⁶² Popular protests driven by rules consciousness may help pave the way for building the rule by law or even the rule of law. Moreover, the mobilization of rules consciousness can contribute to the growth of rights consciousness by encouraging popular protests against local authorities, because such contention often weakens popular trust in central leaders, which in turn may foster rights consciousness. Rights and rules consciousness are not mutually exclusive. Individuals may express strong skepticism toward local rule-enforcement without losing confidence in central rule-making authorities, but they may also have strong skepticism toward both central and local authorities. Accordingly, individuals may have a combination of strong rules consciousness and weak rights consciousness, but they may also have strong rules consciousness and strong rights consciousness.

The growth of rights consciousness among China’s rural population is a significant political development. Perry is right that rules consciousness is an old story in China, but important changes have occurred, too. China has undergone unprecedented changes in its economy, educational system, social life, and legal infrastructure since 1949, particularly in the last three decades. The fact that the political system continues to be authoritarian undoubtedly inhibits the growth and manifestation of rights consciousness, but the regime’s suppression of popular demands for rights may also enhance rights consciousness, especially when popular contention occurs over issues that impinge on people’s economic interests. In recent years, corruption-ridden market reforms, forced urbanization, unfair social welfare policies and predatory development projects have dramatically increased the number of confrontations between ordinary people and various levels of government authorities. More and more Chinese people attempt to assert their rights—either legally-endowed or not—within the existing political and legal system. When their efforts are frustrated, those individuals may become more distrustful about the legitimacy of existing laws and regulations, as well as about central rule-making authorities, and may thereby develop stronger rights consciousness.

Analytically distinct types of political consciousness often co-exist in the mind of the same individual. Conceptual dichotomies such as rules and rights consciousness are a useful tool for classification, but a typology is always an abstraction rather than a description of reality. As we see in this study, many ordinary farmers have both rules and rights consciousness rather than only one or the other of them.

⁶¹ Further empirical work is needed to discover if Chinese workers in Anyuan and elsewhere also have rights consciousness; ongoing research by Feng Chen, Mary Gallagher, William Hurst, Ching Kwan Lee and others suggests they are quite likely to do so.

⁶² Wei-ming Tu, “Li as Process of Humanization”, *Philosophy East and West*, Vol. 22, No. 2 (April 1972), p. 196.

The formation of two distinct ways of approaching state power may depend on whether there are national laws or central policies that ordinary people can strategically invoke to justify their claims against government authorities. On issues such as excessive local taxation, which was explicitly prohibited, Chinese farmers are more likely to develop rules consciousness. By contrast, on topics such as land appropriation, where existing laws and regulations provide at best a tenuous basis for claims, farmers are more likely to develop rights consciousness. In addition, how rights and rules consciousness are manifested may depend on the perceived risk of doing so. If people assert their rules-based claims using the politically accepted language of rights, they may also disguise their claims about rights using the even safer language of rules.

To figure out the extent to which ordinary Chinese people have rights consciousness, rules consciousness and/or a combination of both, it is critical to analyze both their public claims and more hidden discourses and to examine what they pledge to do, what they actually do, and how they interpret what they have done. The fact that rules consciousness and rights consciousness often co-exist in the mind of the same individual is exactly why it is important to distinguish them from each other. Compared to those who only have rules consciousness, individuals who also have rights consciousness are more likely to press for institutional changes in the hope of converting revocable “state-endowed rights” into inalienable rights. If rights consciousness keeps a democracy healthy by turning citizens into active participants in governance,⁶³ the mobilization of rights consciousness may help chart a course toward a more participatory political system in China.

Appendix: Description of Variables

	Mean	SD	Std. Factor Loading
DEPENDENT VARIABLES			
Latent REACTIVE CLAIM AGAINST LOCAL RULE-ENFORCEMENT AUTHORITIES			
Farmers should have the right to demand higher levels to dismiss corrupt township officials.	2.928	.630	.781
Farmers should have the right to disobey local policies that run against the law and central policies.	2.784	.692	.801
1=strongly disagree; 2=disagree; 3=agree; 4=strongly agree			

⁶³ James L. Gibson, Raymond M. Duch and Kent L. Tedin, “Democratic Values and the Transformation of the Soviet Union”, p. 345.

Latent PROACTIVE CLAIM AGAINST LOCAL RULE-ENFORCEMENT AUTHORITIES			
In principle the township head should be elected by ordinary people through voting. 1=strongly disagree; 2=disagree; 3=agree; 4=strongly agree	3.002	.564	.573
Do you think that the township head should be elected by popular vote with one-man one-vote? 1=no; 2=yes but conditions are not ripe; 3=yes and can be held now	2.271	.666	.581
Latent REACTIVE CLAIM AGAINST CENTRAL RULE-MAKING AUTHORITIES			
Ordinary people should have the right to criticize decisions made by the Center.	2.687	.688	.535
Farmers should have the right to demand the recall of central leaders who do not care about them.	2.718	.687	.541
1=strongly agree; 2=agree; 3=disagree; 4=strongly disagree			
Latent PROACTIVE CLAIM AGAINST CENTRAL RULE-MAKING AUTHORITIES			
In principle the state chairman should be elected by ordinary people through voting. 1=strongly disagree; 2=disagree; 3=agree; 4=strongly agree	2.758	.711	.666
Do you think that the state chairman should be directly elected by the people through one-man one-vote? 1=no; 2=yes but conditions are not ripe; 3=yes and can be held now.	1.874	.664	.679
EXPLANATORY VARIABLES			
Latent TRUST IN CENTRAL LEADERS' COMMITMENT TO RULE IN THE INTERESTS OF THE GOVERNED			
Do you believe the following statements about central leaders?			
They put their own interests before those of farmers.	3.307	1.233	.776
They do not care if farmers agree when they make policies.	3.261	1.212	.832
They care primarily about the powerful and rich and neglect the interests of ordinary people.	3.409	1.232	.899
1=fully believe; 2=believe; 3=half believe and half doubt; 4=disbelieve; 5=fully disbelieve			
Latent TRUST IN TOWNSHIP LEADERS' COMMITMENT TO THE PUBLIC INTEREST			
Do you believe that the following statement about township government leaders?			
They put their own interests before those of farmers.	2.770	1.108	.767
They do not care if farmers agree when they make decisions.	2.895	1.086	.790

They care primarily about the powerful and rich and neglect the interests of ordinary people.	3.006	1.116	.862
1=fully believe; 2=believe; 3=half believe and half doubt; 4=disbelieve; 5=fully disbelieve			
CONTROL VARIABLES			
Latent POLITICAL EFFICACY			
Do you think you can do the following?			
Judge a county head's performance after listening to his/her work report.	3.170	.922	.857
Judge which one is better if two county head candidates debate each other.	3.177	.939	.960
Judge if a county head's decisions benefit or harm self-interests.	3.285	.959	.859
1=definitely can't; 2=can't; 3=unsure; 4=can; 5=definitely can			
Latent LEGAL KNOWLEDGE			
What law allows ordinary people to sue the government?	.133	.340	.928
What law stipulates that villagers' committee director must be democratically elected by villagers?	.158	.364	.917
What legal regulation allows ordinary people to petition?	.133	.340	.928
0=don't know or wrong answer; 1=correct answer			
Latent PERSONAL ASSERTIVENESS			
Do the following descriptions fit your character?			
I'm not fearful of officials and I don't hesitate to object to any official who has done something wrong.	.483	.500	.788
I'm competitive and eager to win and I'm not fearful of strong and bullheaded people.	.450	.498	.874
I can't stand the powerful and influential bullying the powerless and weak and I like to stand up for the weak.	.597	.491	.958
I'm not afraid of suffering a beating, arrest, or death in the course of upholding justice.	.487	.500	.898
I can't stand unfairness in society and I like to poke into it even when it is not my own business.	.551	.498	.777
0=no; 1 = yes			
DEMOGRAPHIC VARIABLES			
Gender (0 = female; 1 = male)	.516	.500	
Age (range 18—88)	41.27	13.602	
Education (0—21 years)	8.024	3.490	
CCP membership (0 = non-member; 1 = member)	.176	.381	
Notes: Row entries are means, standard deviations, and standardized factor loadings.			