

Chapter VI The Critical Competence of Chinese Citizens: From Lodging Complaints to Assessing Social Reality and Public Institutions

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1. Introduction

The reforms launched more than twenty years ago in the People's Republic of China have been labelled as economical as if it was necessary to hide the transformations having affected at the same time the ideological ambitions of Chinese authorities. Some of these transformations, however, such as turning away from the idea that determinant laws of historical necessity do exist, have had deep and often unanticipated consequences on Chinese society as well as on the articulation between state and society. By putting an end to the monopoly exercised by the CCP, in the name of superior and irresistible laws, on the identification of correct, fair or legitimate words and actions, these changes have actually meant no less than withdrawal from totalitarianism. Over the previous decades, such monopoly had indeed supported the attempts developed by the CCP to establish a total domination over Chinese society and its members. It has justified the ostracism faced by many individuals as well as the influence detained by others on the meaning and degree of acceptability of the facts encountered, that is on the way social reality should be perceived. As one among many consequences of the new orientation adopted, normative plurality is back, and real tests of legitimacy have reappeared within Chinese society. Individuals, including officials, can no more justify their actions in the name of the absolute objectives to be achieved but rather need to demonstrate the relevance and validity of their decisions as compared to the situations faced and the various interests and interpretations at stake. Words and actions, whatever their author, can be contested by others as unacceptable or incorrect, a situation deeply transforming relationships within society as between society and the Party.¹

In other words, a new space has been set up, that one might briefly identify as the space of judgement where, despite the political constraints still remaining, unprecedented and diverse ways to oppose what "is" to what "should be" are expressed beyond the realm of individuals' conscience or personal close ties. These normative statements and expectations are made explicit out of the necessity to

assign a meaning to the new situations faced after the economic reforms, to draw tentative boundaries between acceptable and unacceptable behaviour, to identify what can be reasonably expected from others. These issues are discussed not in the abstract but in a very concrete and daily manner. They are often linked to ideas of fairness, correctness or reasonableness, not because of some cultural inclination of Chinese society to moralism, but because of the need to ground mutual expectations and interpersonal relationships in some form of common references. They tend to stress the denunciation of unjust or unacceptable actions and situations rather than directly identify what is legitimate or acceptable, a phenomenon observed in many societies and which simply confirms that the sense of justice reveals itself first of all through the sense of injustice.²

The existence and transformation of such a space of judgment, and eventually of moral judgment, has important social but also political implications. Such space supports indeed the reappearance of ethical principles, that is of shared ideas about right and wrong, correct and incorrect, which are anterior and previous to political traditions and organisations.³ In other words, the way judgments are expressed today in China, the type of appreciation patterns that become more common than others, the links established between individual and collective judgments as well as between moral appraisals and political expectations, reveal the type of critical competence being developed. Such critical competence cannot but influence the forms of political culture and institutions that will come into existence.

This paper aims at contributing to the analysis of such a critical competence by observing the recent developments of a specific space of judgment: that emerging from the way a particular institution—the Letters and Visits Offices—is effectively used by members of Chinese society to express grievances and make suggestions to the county, municipal, provincial or national administration. This institution is not a new one, since it has officially been created in 1951. It possesses bureaus, personnel, procedures and directives to guide its work. However, these administrative organs, bound to receive personal complaints under the seal of confidentiality, have been invested since the beginning of the eighties in a way that does not directly follow from their official objective but rather reflects the capacity of individuals and groups to invest with a new aim places where social reality can be discussed. Far from being simply organs where grievances are aired, such offices or departments have indeed paved the way to a space where public decisions are evaluated and political authorities are called upon to account for their actions.

Focusing, to understand the type of critical competence demonstrated, on the way individuals and groups express their judgments when they mobilise the institution at stake and thus stress their own legitimacy to assess the social facts encountered, this paper will ignore important issues such as the mobilisation process of complainants and the patterns of escalation of the conflicts observed, or the analysis of the appeals' outcome, that is of the administrative response to complainants.

This last question deserves indeed to be treated with some care, especially if measuring the political effectiveness of such appeals is at stake. To identify a successful complaint is a complex issue, since a letter may be apparently ignored by a Letters and Visits Office, leaving the personal situation of the complainant unchanged, while nonetheless having some form of political consequences. Moreover, such analysis requires to select carefully the unit of observation: looking, for instance, at the group of complainants coming to Beijing to seek redress for issues which were ignored or badly managed by the local administration, or looking at the functioning of local bureaus, illuminate the same reality but from rather different perspectives. Finally, among many other important issues, that of the institutional attitude adopted towards complainants and its evolution during the last years, ranging from repression to the tentative implementation of more administrative transparency through the enactment of new national provisions regarding *xin-fang* administration, will also be ignored rather than be discussed here too briefly.⁴ In short, this paper is not about an institution nor about a specific form of collective action, but about the ways a sense of injustice is expressed in this particular space and the links eventually established between moral indignation and political expectations.

The data used focus on three geographical areas: the Pearl river delta, including Guangzhou and Shenzhen, Beijing, and a municipality of Shanxi province here designated as H. city. They are mainly composed of interviews with complainants but also members of the Letters and Visits Departments, administrative documents or archives, and limited as well as fragmented corpus of written complaints.

2. A Brief Presentation of the Letters and Visits' Offices

“From the day there was language, writing and a State in China, there was some form of Letters and Visits Offices”, argues an author in his introduction to a study bearing on the history of this institution.⁵ He adds nonetheless very quickly that such administrative bodies, described as supporting “a social and political action through which social members express their wishes and needs to the administrative services managing society, and do so by way of letters sent or visits paid to these services”, have deeply changed over the different periods of Chinese history, individuals facing all kinds of constraints to take full advantage of such opportunity until the CCP came into power.

According to various books tracing the creation of the present Letters and Visits Offices, these services were established out of the necessity to answer the growing number of letters sent by Chinese citizens to top national leaders just after the founding of the PRC, and meet the growing number of individuals who would come to Beijing to seek justice. While the Bureau of the Central Committee of the

CCP, for instance, received 4,457 letters in 1949, it received 26,219 and 346,865 letters during the two following years.⁶ These letters provided comments and advice on economic and social issues; reflected the appeals of former army members for better treatment and job opportunities; provided denunciations of “counter-revolutionary elements” or disclosed cadres’ bad habits. Such diversity still characterizes the issues discussed today by those addressing Letters and Visits Offices, although their content has kept on changing during the previous decades. It calls for an understanding of this institution as a mediating space between state and society rather than merely as a complaining space. Such space expanded during the fifties from the national to the provincial, municipal and county levels. After two years during which the central departments in charge of “Letters and Visits” within the Party and the government underwent many changes and restructuring, an official decision was indeed taken in June 1951, requiring governments at the county level and above “to designate individuals in charge of responding the letters received from the masses and creating offices aiming at receiving the visiting masses.”⁷ Since then, Letters and Visits Offices have developed progressively although unevenly within Chinese administration, specific personnel and eventually services being assigned the task to enquire into the issues exposed and provide some form of response. During the past decades, the wider political situation has affected the official attention paid to this institution, ranging from relative indifference to the organization of national conferences aiming at reforming the system, such as those held in 1957, 1978 and 1982. It has also affected the way this institution has been mobilized by members of Chinese society. For instance, political campaigns between 1949 and 1979 have regularly supported an increase of the denunciations operated through this channel, transforming Letters and Visits Offices in a powerful weapon of the proletarian dictatorship, while national disasters such as the Great Leap Forward induced many individuals to address the same institution in order to describe their terrible situation, disclose local abuses and ask for some form of assistance. Each stage of the collectivist period thus exhibits a specific combination of anonymous versus non anonymous, individual versus collective, orthodox—that is linked to ongoing official campaigns—versus less orthodox, local versus national, forms of appeals and grievances.

The transformations launched at the end of the seventies triggered a new rise of letters and visits: class struggle had vanished, “progressive elements” had disappeared, and complainants were mostly individuals seeking redress for past injustices and abuses. The number of complainants “making it to Beijing” was particularly high in January, April and August 1979, when more than 1,200 plaintiffs entering the capital each day. The three years between 1979 and 1981 recorded the highest number of annual letters and visits ever received by the institution at stake since the founding of the PRC.⁸ As one among many consequences of this rise, from 1982 to 1995, while dealing with the new problems arising from the reforms such as the

rehabilitation of past political campaigns' victims, local implementation of the new policies, commercial products' quality, peasants' burden, land disputes or corruption, the Letters and Visits Offices underwent a period of restructuring which ended in 1995 with the promulgation by the Council of State Affairs of new directives regarding Letters and Visits Offices.

Article 2 of these directives which have been revised at the end of 2004 posits that *xinfang* "means any citizen, legal representative or organisation which, by way of mail, telephone, visit or any other procedure, addresses the various levels of people's governments, or departments of people's governments, at the level of the county or above (county, municipal, provincial or national levels), in order to express criticisms, advices and needs, and to whom an answer must be given by such departments and governments in conformity with the law." Article 8 specifies that those turning to the related offices can do so in order to: 1. express criticisms, comments and advice to the people's governments, their departments, and those working in it; 2. denounce the actions contrary to the law accomplished by members of such governments and departments; 3. denounce the illegal actions inflicted upon them; 4. others.

The national documents promulgated in 1995, aiming at clarifying the objectives assigned to the Letters and Visits Offices and enabling them to better serve the reforms, have not really succeeded in enhancing their coherence and homogeneity during the last decade. The Letters and Visits administration is indeed still characterised today by its great diversity. A diversity of structures first of all: grievances can be addressed through letters or visits to administrative services having no proper structure but only some personnel to deal with them, such complaints being usually ignored by official statistics. Formal offices, when they exist, vary a lot in size, internal organisation and material resources. Second, a diversity of intervening patterns: within people's governments at various levels, a distinction and hierarchy exist, for instance, between the offices that can be qualified as general and which are directly headed by Party committees and People governments, and those located within specialized departments of local governments, such as the labour or education departments. Although the first ones enjoy a higher authority, they usually do not handle directly the cases received: they pass them on to relevant bodies, consider the solutions provided, ask for their revision when necessary, stress the importance of specific cases through the procedure of establishing a specific file or *li an*, or lead inquiry teams gathering representatives of many departments in case of complex issues. The second ones, on the contrary, are in charge of providing concrete responses to the cases addressed to them by complainants or by other administrative departments. For instance, the institutional response given to 123 written grievances received in 1996 and 1997 by the Labour department of the Shenzhen municipal government was that, after inquiry, the facts they disclosed were recognised as true or partly true in 40 per cent of cases, the employer being

asked to improve the conditions at stake or being fined ; alleged facts were found to be untrue in 3 per cent of cases ; the case was sent to an arbitration committee 2 per cent of the time ; the case was sent to a court 2 per cent of the time ; the case sent to mediation in 1.6 per cent of the case ; the case was sent to another administrative unit 5 per cent of the time.⁹ This non-exhaustive list shows that the offices concerned can resort to a diversity of administrative tools to solve the issues at stake including informing, convincing, mediating, inquiring and sanctioning. Such diversity in the type of authority assigned to Letters and Visits Offices and in the intervening means available to them is even more obvious when one considers the part played by the *xinfang* offices linked to People's Congresses at various levels or to specific bodies such as newspapers. National and local regulations governing these offices exhibit variations too, the Letters and Visits Office of the Beijing Party Committee and Beijing People's Government, for instance, following its own regulations which appreciably differ from those enacted by the Council of State Affairs on issues as important as the identification of *xinfangren*. The procedures followed and the classification adopted also vary from one place to the other. In Beijing, for instance, cases are classified along four categories,—*chufang*, *zhongfang*, *xi fang* and *chanfang*—, according to their position in the resolution process (these terms meaning respectively “the first exposure of a case”; a “repeated case,” that is a case submitted in less than one year time to the same office and having still not received a legal or satisfactory response; a “settled case”; and a “tangled case,” that is a case officially considered to be solved but where the complainant continues to address the office by way of letters of visits).¹⁰ At the county level, cases are usually classified in many provinces according to their content. Four main categories are here also distinguished. The first one is called *fanying jianyi* and includes cases where individuals or groups react to a situation and provide comments or advice; the second one is called *jiefa konggao* and designate those cases where illegal actions and abuses, performed by members of the governmental administration or by other individuals, are denounced by their victims (*konggao*) or by mere witnesses (*jiefa*) ; the third one, *shensu*, joins together all forms of appeals against legal or administrative decisions; while the last one, *jiujue*, is composed of demands for assistance to solve particular problems.¹¹ Finally, the diversity observed is also increased by the various initiatives and reforms which have been recently taken by local offices, such as creating *xinfang* networks below the county level; establishing a “green card” remitted to the complainants having jumped over an administrative level in order to encourage them to follow the regular procedures while stressing their legitimacy to be heard; developing a *xiafang* movement of provincial cadres who pay visits to lower level *xinfang* offices and listen directly to the complainants, or establishing complementary organs such as “centres against family violence” or “complaining hotlines.”¹²

Despite such diversity, Letters and Visits Offices have a number of elements

in common. Although they are required to act according to legal provisions, they are administrative and not legal organs. As a consequence, no screening process of the complaints received is involved and no procedure exists to allow acceptance or refusal of the cases. Turning to such institution is free of charge and everyone can do so: the members of Letters and Visits Offices interviewed often illustrate this point by stressing that even individuals with psychiatric problems, which they usually claim to represent 4 or 5 % of the complainants, must be received. If written complaints may remain anonymous, visitors must nonetheless disclose their identity. Moreover, similar to a much older procedure, that of appeals of cases during the Qing dynasty, complainants must first address the administration where the problem arose, being allowed to turn to upper levels and eventually to bring their case to Beijing only if no answer, or no appropriate answer, has been provided by lower levels. It should be noticed, however, that compared to the institutions prevailing in the past, the offices here concerned are assigned a much more general task: they receive words of advice as well as words of accusation—with the variety of figures that accusations can assume—; demands for justice or demands for assistance. In addition, whatever the locality concerned, the cases exposed to Letters and Visits Offices can receive today two forms of institutional responses. The first one is the rather immediate—a delay of one or two months is usually the rule nowadays—and individualized response given to the complainant. Such response may range from, on one end of the continuum, inertia or referring the plaintiff to another department in order to shun from any obligation, a situation often described in the media and which partly explains the escalation process observed today and, on the other end, finding a solution deemed acceptable by the complainant, a possible outcome as attested by the administrative archives gathered and which also partly explains, paradoxically, the recent rise of complaints observed.¹³ The second response provided by the institution is deferred and general: Letters and Visits Offices must report to upper levels, on a regular basis and through all kinds of internal documents and publications, information, analysis and suggestions related to the nature and frequency of the social problems or administrative dysfunctions disclosed by the cases received. Finally, the objectives officially assigned to these offices, and which have not been changed by the new directives enforced since May 1st, 2005, are the same throughout the national territory: to enable public authorities to be informed about what is happening within society; to prevent major social troubles; to identify and eventually sanction abusive members of the administration; to establish a close relationship between the government and the masses, similar to that existing between “flesh and blood”; and, lately, to grasp “social feelings and public opinion” as well as be aware of “citizens’ criticisms, remarks or suggestions in order to guide local or national policies.”¹⁴

3. Pushing Back the Frontiers of Letters and Visits Offices' Mediating Space

Letters and Visits Offices' formal guidelines and procedures thus exhibit specific constraints which cannot but influence the way individuals and groups mobilize such institution and the type of test of justice and legitimacy which will develop in such a space. Such a space is also supported by implicit principles which broadly delineate what will be considered as valid appeals or denunciations. Complaints, for instance, acknowledge the state's legitimacy since they are addressed to its representatives and request their intervention. In addition, they rest on the belief that rulers and ruled share the same understanding of right and wrong, of just and unjust, and that the rulers are in charge of ensuring conformity to these shared principles. However, these administrative bodies have been used during the last two decades by members of Chinese society in a way unanticipated by the political authorities, giving rise to a space where social reality is not simply lamented but rather debated, assessed, and eventually contested by individuals and groups. This new space has been recently officially described as characterized by the growing frequency, intensity and collective dimension of the appeals, demands or complaints expressed. In other words, it is now recognised that its frontiers have been pushed back much beyond the limits initially assigned to the institution at stake.

In March 2004, general -as opposed to specialized- Letters and Visits Offices at the national and provincial levels, received a total of 1 687 000 cases, the highest monthly figure ever reached since the founding of the PRC.¹⁵ Although calculation procedures remain vague, such a record confirms that the trend observed during the last 11 years has still not been reversed. Since 1992, the number of letters and visits received each year by the relevant organs at the national, provincial, municipal and county level has indeed shown a regular increase estimated at 10%.¹⁶ In 2002, more than ten million complaints were thus put forward the main Letters and Visits Offices at the four levels concerned, that is, in relation to the mass of the population, a rough ratio of almost one per cent.¹⁷ In 2003, this growing number of complaints concentrated on six major areas: labour and social benefits; legal disputes' resolution process; land expropriation; cadres' violations of legal provisions or disciplinary rules; urban demolitions and former inhabitants forced transfer to other parts of the city, and insecurity.¹⁸

To be sure, Letters and Visits Offices, as a mediating channel between state and society, have widened their scope since 1951 as compared to previous related institutions. They are indeed opened not only to victims but also to simple witnesses of the facts disclosed; they accept not only appeals of cases but also demands for assistance as well as comments and advice deemed to express the supervision of the masses on state administration; they are accessible to any ordinary citizen and not only to plaintiffs seeking redress. Yet, they were strictly framed during the previous decades by the domination exercised by the state on the identity of those who

could effectively take the floor, as well as on the nature of the facts exposed and reasons put forward to ground such denunciations. Such framework has now disappeared, a situation which, combined with normative uncertainties, social relationships and inequalities yesterday unknown but also with the lack of other easily accessible channels to denounce injustices and seek redress, contributes to the extended use made of this legitimate space of mediation. This paper will argue that such extension is also a consequence of the growing critical competence and activity of ordinary Chinese citizens.

While such space is difficult to grasp because of its spectrum, its internal diversity and the difficulties faced to gather relevant data, it is possible to identify some of its recent trends thanks, first of all, to the official literature on the topic which laments the growing number of cases demonstrating an escalation of the complaining process. Four traditional administrative categories are used to attest such evolution. The first one concerns “collective complaints” expressed by means of either collective letters or visits. The present “*xinfang* wave” is indeed characterized by the increase of visits as compared to letters, and moreover, by the increase of collective visits that some estimate at 20 % per year during the past decade.¹⁹ Although available figures are few and fragmented, collective complaints seem indeed to be rising more quickly than complaints as a whole. Echoing such a trend, a member of the visits department of the Beijing Party and Government Letters and Visits Office explains: “We just do not have much time to deal with individual visitors because collective complaints are too many. Therefore, complainants feel their action will be useless if they come alone, which triggers even more collective visits...”²⁰ Not only are collective visits, understood as gathering five persons or more, on the rise, but large size collective visits (*da guimo jijishangfang*), formed of at least fifty persons, are also on the rise. As far as Zhejiang province is concerned, for instance, there were 1151 such visits including 112 845 visitors paid at the provincial, municipal and county levels between July 2001 and June 2002, representing respectively 25.5 %, 49.3 % and 25 % of the total amount of “visitors” at each level.²¹ Moreover, not only do ordinary citizens engage in such type of action but administrative personnel may also organise collective visits to the Letters and Visits Offices to contest given local reforms or conditions.²² Observers also notice that recent collective visits “reveal a tendency to be more organized than in the past, and the number of visits embracing many localities or enterprises is on rise.”²³ As a consequence, the relevant administration has established a new procedure: the “joint visit” or *qunti shangfang*, where four representatives at most are designated by the complainants and received by the offices’ personnel. As another consequence, some offices try to repress such actions by labelling them as “troubles” or “illegal forms of association” (*feifa chuanlian*), using violence to prevent or stop them, and arresting their leaders.²⁴ The jail sentences eventually passed on those identified as collective petitions’ organisers, on the grounds that they violate

the Constitution or national provisions regarding Letters and Visits Offices, have been recently regularly denounced by complainants or journalists.²⁵

The second category is that of “repeated” or *chongfu* letters or visits, whose number has also kept increasing over the past years according to the data disclosed during a national meeting concerning Letters and Visits Offices held on April 16, 2004. While the definition of “repeated case” varies from place to place, many offices identifying as such only the complaints addressed to them more than once between January 1st and December 31st of the same year, this increase is widely acknowledged. Moreover, its close association with that of collective visits is made explicit : for instance, 51.09 % of the large size collective visits paid in Zhejiang province from July 2001 to June 2002 at Letters and Visits Offices of provincial, city or county levels, had been preceded by written and oral complaints.²⁶ Not surprisingly, cases can be found characterized by the intense mobilisation and obstinacy of complainants, who may have sent hundreds of letters to relevant departments or having been seeking redress for more than a decade.²⁷

The third category is that of *yueji* cases, that is cases where complainants have not followed the traditional procedure requiring them to turn first of all to the local administrative level and then eventually to the immediate upper level if, and only if, no appropriate answer has been given to their claim or queries. They have instead jumped over a particular level of the county, city, province and nation hierarchy. The recent increase of such pattern is officially attributed to administrative dysfunctions but also to complainants’ prejudice and their belief in “many” rather than “few” letters, in “going up” rather “going down”, in “visiting” rather than in “filing legal suits.”²⁸ A diversity of local initiatives has been taken to prevent such trend. In Jilin province, for instance, campaigns are organised on a regular basis by provincial authorities at the city and county levels in order to identify and prevent *yueji* collective visits to the province. Although the means used are not stated clearly, such campaigns are claimed to have prevented ten thousand *yueji* visits grouping 500,000 persons to the provincial authorities from 1998 to 2003. Other places target the local administration rather than complainants. In Qunzhou city of Hunan province, for instance, heads of local Letters and Visits Offices are given a “warning card” and asked to improve their methods if “because of work habits, *yueji* and collective *xinfang* increase rather than decrease, complainants repeatedly *yueji* and go to Beijing or engage in collective visits to Beijing or to the provincial capital...”²⁹ As it is often the case, this type of pressure coming from above is met with a variety of responses by local bureaus, which range from making efforts to increase offices’ efficiency to resorting to violence in order to prevent locals from turning to upper administrative levels.

Finally, the last trend observed and perceived as problematical is the growing number of visitors going to Beijing, part of them having accumulated all the actions blamed above: their grievances are collective, repeated, and have not been

expressed through the proper hierarchy.³⁰ As lamented by the organisers of the national conference held in April 2004, “for many reasons, we have recently witnessed an increase in the number of complainants coming to Beijing from some localities, and above all an increase of collective visits; the number of individuals participating to such collective visits has also been growing as has been expanding the duration of their stay in Beijing...” Many local surveys seem to attest such trend. The Intermediate Court of Chaoyang qu, for instance, have been asked in 2002 to treat 65 cases directly addressed to Beijing by complainants dissatisfied with the resolution process of legal disputes. Among them, 4 persons lived in Beijing while 26 had gone to the capital on repeated occasions. Complainants had usually addressed more than one national administrative body, and some have joined complainants coming from other provinces. Such information arising from a very specific and limited inquiry throw a light on the extent of this practice which, in addition, tends to resemble an older trend: many petitioners arriving today in the capital carry appeals related to legal disputes.³¹

Such evolution being perceived as undesirable, a diversity of measures aiming at controlling the number of complainants coming to Beijing have been adopted. For instance, under the expression “*shei jia de haizi, shei guan*” often used within Chinese administration, members of provincial and city Letters and Visits Offices are regularly called to Beijing in order to take petitioners back home. They may do so once complainants have contacted the relevant national bodies, but they may also resort to all means to prevent them to reach the administration.³² Moreover, important national meetings are often preceded by the arrest and sending back of petitioners having made it to the capital, and such would have been the fate of 36 000 complainants in October 2004.³³

To complete this very hasty description anchored in the perspective of the institution concerned and its categories, one should add that visitors are today often described as expressing their grievances and dissatisfaction by resorting to means yesterday seldom seen. Some collective visits tend to resemble demonstrations, to such an extent that *xinfang* offices may explicitly prohibit visitors to strike up slogans and unfurl banners. Others eventually lead to some form of violent actions.³⁴ Suicides have been on the rise nearby public departments and main Letters and Visits offices in cities such as Taiyuan, Nanchang, Changsha, Hefei, Dalian and of course Beijing: on July 14, 2004, at least 20 disgruntled protesters threatened to jump off a Beijing building in a mass suicide bid unless the State Supreme Court agreed to hear their grievances³⁵; on August 19, 2004, six women from Liaoning threatened to jump off a six-storey apartment block in the capital in a protest against the injustice they claimed they had received in their home province. Dressed in clothes emblazoned with the words “Liaoning” and “injustice,” they accused “police, prosecutors and courts of making up criminal cases.”³⁶

The fieldwork done in the Pearl River delta, in Beijing and in Shanxi confirms

such a description of Letters and Visits Offices overstepped by the number of complaints received, finding it exceedingly difficult to give a response or find an acceptable solution to first letters and visits, compelled to concentrate on collective and repeated grievances that might escalate into social trouble, bound to use part of their material and non material resources in order to handle *yueji* cases transmitted from above or organise the return of local complainants having made it to the capital.

As an example, let us consider the figures found in H. city, a locality of Shanxi province which administered in 2002 a population of about 3 million inhabitants distributed over nine counties and a town, and where the situation observed is much less intense than in the two other places under study.³⁷

In 2001, 17,300 complainants had their grievances handled by the main Letters and Visits Offices located at the city and county levels: figures for 2002 and 2003 amounted respectively to 22,827 and 18,187.³⁸ For 2002, the proportion of complainants to the total population thus reached 0.76 %. The slight decrease observed in 2003 has been officially attributed to Sars, while the figures gathered for the first half of 2004 confirm that cases are on the rise as compared to 2002.

In 2002, the eleven persons working at the Letters and Visits Office associated with both the Party committee and the People government received 655 letters, 593 complainants reflecting 559 personal grievances, 4,655 complainants involved in 110 collective grievances, and 299 representatives of 96 joint grievances.

Table 1 reveals the clear increase in the number of letters received, especially in 2003 as compared to the previous year, since letters addressed to the city bureau increased by 43.80 % and those addressed to the county level by 42.30 %. One should add that collective letters, whose figure do not appear in this table, represented 4.80 % of all written complaints in 2002 and 7.3 % in 2003.

Individual visits remained rather stable at the county level but decreased at the city level, explaining the overall decline of such visits. Local authorities stressed in an internal report that letters and visits had clearly decreased during the first six months of 2003 as compared to situation observed during the same period in 2002 because of the Sars epidemic, which might explain the overall decline of individual visits to the city level.

Collective visits increased sharply in 2002 (120 % at the city level and 24 % at the county level), and remained rather stable, with a minor decline, in 2003. The average number of visitors per collective visit also remained stable in 2001 and 2002 (28 persons) and diminished in 2003 (22 persons). On the contrary, joint visits, that is visits headed by four persons at most representing the interests of a wider group, are clearly on the rise. Unknown in 2001, this procedure has gathered 292 visits headed by 809 representatives in 2003, an increase of 62 % and 49 % respectively as compared to 2002.

Finally, in 2003, complainants originating from H. city organised 28 collective visits gathering 622 to the provincial capital, and seven collective visits gathering

Table 1 H. City (Shanxi)
 Statistics of the Municipal and County Level Letters and Visits Bureaus

	2001	2002	2003
Lettersreceived			
City	572	655	942
Counties	293	373	531
<i>Total</i>	865	1028	1473
Individual Visits			
City	775	559	213
Counties	1085	1165	1023
<i>Total</i>	1860	1724	1236
Collective Visits			
Number of Visits			
City	50	110	103
Counties	449	558	548
<i>Total</i>	499	668	651
Number of Visitors			
City	2825	4655	3141
Counties	11 158	14 548	11 228
<i>Total</i>	13 983	19 203	14 369
Joint Visits			
Number of Visits			
City	Unknown	96	112
Counties	Unknown	84	180
<i>Total</i>		180	292
Number of Visitors			
City		299	299
Counties		242	510
<i>Total</i>		541	809

129 persons to Beijing, while 69 persons went to the capital to express their individual grievances.

Not only is the growing number of complainants lamented by the personnel of local Letters and Visits Offices, but the difficulty to deal with petitioners and satisfy their grievances is also clearly expressed even in this rather small, rural oriented, inner locality: "People today are not like in the past, they do not express their comments in a moderate manner... When *xinfang* is mentioned nowadays within the city government, officials feel nervous and anxious. Some even say that the best way to solve *xinfang* problems is simply to close *xinfang* offices"³⁹

While the recent trends mentioned above are usually explained either by stressing organisational dysfunctions (such as offices' inertia and passivity, administrative collusion and repression, exclusive concern for cases which put social order at risk), or by describing the consequent strategic moves adopted by petitioners in order to get round such obstacles and be heard, another factor of explanation may

reside in the very content of the grievances, that is in the content and nature of the judgments expressed.

4. From Individual to Collective Grievances, from Particular to General Complaints

As official categories aiming at classifying the cases received according to their content, the four distinctions mentioned earlier and adopted in many Letters and Visits Offices throw a light on the content of the grievances expressed. National figures being unavailable, the figures collected in H. city are used to illustrate a possible combination of such categories. The following table thus illustrates the way written and oral complaints were classified by the municipal and county *xinfang* offices in 2002 and 2003, the dominant topics of the grievances received in 2003 being: labour issues (unsolved problems linked to the restructuring of local enterprises such as unpaid wages, retirement pensions or medical fees); village elections and rural cadres' abuses in general; conflicts arising from the expropriation of cultivated land or urban buildings; civil disputes such as those linked to property rights

Table 2 H. City (Shanxi)
Official Classification of the Letters and Visits' Content

	Letters	Ind. Visits	Coll. Visits	Joint Visits
Reactions and suggestions				
2002	9, 70 %	9, 10 %	8, 10 %	3, 90 %
2003	11, 60%	2, 30 %	3, 50 %	2, 20 %
Denunciations and complaints				
2002	25, 40 %	11, 70 %	10, 80 %	20, 50 %
2003	21, 20 %	14, 90 %	19, 50 %	30, 20 %
Appeals				
2002	23, 20 %	16, 40 %	6, 60 %	16, 60 %
2003	18, 20 %	12, 40 %	2, 20 %	4, 40 %
Demands to solve a problem				
2002	33, 70 %	56, 90 %	71, 70 %	55, 60 %
2003	34 %	65, 60 %	72, 80%	59, 20 %
Others				
2002	8 %	5, 90 %	2, 80 %	3, 40 %
2003	15 %	4, 80 %	2 %	4 %
Total	100 %	100 %	100 %	100 %

or labour contracts, and finally problems linked to the assignment of cadres' positions to former military officials.

According to this table, "reactions and suggestions" represented almost 10% of the cases received in 2002, not included joint visits which constituted by then a new procedure. H. city appears here to be on a par with national figures since 10% of cases handled by all Letters and Visits Offices are said to belong to such category, which includes issues as varied as mentioning that some traffic light is out of order, exposing the expensive banquets held by local officials, or suggesting Beijing authorities to take the floor and explain that no consumers' panic is justified during the Sars epidemic. The specific worries associated with this last epidemic partly account for the fact that comments and advice were expressed through letters rather than through visits in 2003.

"Denunciations and complaints" have clearly been on the rise for individual, collective and joint visits in 2003, representing almost one third of this last type of visits. Such a category is nonetheless very broad, since it basically implies lodging a complaint against a specific accused, who may nonetheless be an ordinary citizen or a member of the administration. As a consequence, civil disputes linked, for instance, to property issues, but also administrative abuses and exactions, are here brought together.

"Appeals" lodged against legal or administrative decisions, which are more frequently exposed through letters or individual visits, have been decreasing in H. city. However, complaints related to legal issues, such as denouncing the bad implementation of legal procedures or judges' misbehaviour, can also be included in other categories. Finally, "demands to solve a problematic situation" have been on the rise, representing as much as 72.8% of the collective visits. The grievances exposed in this last category, whose efficiency seems to be considered as higher when relying on a face-to-face exchange with the administration representatives, are also rather diverse: they comprise indeed, likewise "denunciations and complaints," mistakes and wrongdoings accomplished by ordinary citizens or by officials and thus include a variety of situations. However, in *jiefa konggao* cases, the accused is usually clearly identified and his transgressions are stressed, while in *jiujue* cases, the accused may be a rather anonymous, collective group, and the unjust condition imposed as a consequence upon the victim tends to be privileged.

The above distinctions shed some light on the content of the utterances expressed by complainants. However, their internal diversity tends to conceal rather than disclose the forms of judgment mobilised by individuals and groups. Members of Letters and Visits Offices themselves put forward that such distinctions are rather vague and should be considered as mere indicators, a given complaint usually belonging to more than one of these categories. Therefore, the analysis of the corpus of written grievances collected, as limited and fragmented as it may be, offers a better approach to understand the type of critical competence demonstrated by

complainants than the classifications above.

Such analysis reveals, in the first place, the efforts made by those taking the floor to show that their situation, far from being particular bears some general reach, that is, is common to a wider group and should be of social concern. In other words, the injustice exposed is described as true but also as important, important meaning here a diversity of things such as the fact that the normative transgressions disclosed are major and not minor; that they affect extended groups of people rather than single individuals, or that they damage common rather than particular interests. It is because of this need to convince state administration that some action is required that appeals to Letters and Visits Offices are particularly interesting: they display the process through which ordinary citizens try to locate major social ills and wrongdoings; they disclose their efforts to identify and test possible legitimate categories or principles, enabling to increase the scope and meaning of the facts denounced. In other words, such appeals support the expression of expectations regarding the type of relationships that should prevail among members of the same society, close or distant, as well as the effective content of concepts such as those of general interest or common good.

The effort of de-singularization observed in the written complaints collected usually relies on three different components: the nature of the facts encountered; the identity of the parties at stake—mainly the victim and the accused—; and finally the type of norms, principles or rules said to be violated by the injustices observed.

It should be noticed, first of all, that Letters and Visits Offices are not a place where private issues, such as divorces or inheritance disputes, are exposed. In other words, they do not constitute an alternative to legal bodies for all types of conflicts but are used to handle issues which are considered to be linked, in one way or another, to the state responsibility. In other words, analysing the grievances expressed provides some understanding of the way Chinese citizens establish tentative distinctions today between private and public realms. What is not denounced in such a space, or what progressively ceased to be denounced is such a space, is almost as important as what is denounced.

Among the facts disclosed, some may be particular to a given individual, such as in the case of the visit paid by a woman named Deng Jincai, on November 25, 2002, to the Letters and Visits office of Cixi city (Zhejiang province), to describe the dramatic situation faced by her family after her husband became paralysed, their two children being unable to pay village school fees.⁴⁰ Her demand for assistance, which shows that the state is hold responsible for providing basic means of survival to all and cannot remain untouched by the extreme difficulties faced by some of the persons under its administration, was specific, as were specific the means found by the local government to alleviate this particular situation. However, the facts disclosed to Letters and Visits Offices are often described by complainants as general

rather than particular. As far as the 123 letters collected in Shenzhen are concerned, for instance, only 32 are clearly related to particular and somehow exceptional events affecting individuals who ask for personal redress, all other grievances implying some form of generalization to widen their reach. Such process may nonetheless follow different patterns. The time dimension of the reality exposed may be used, for instance, to stress its scope. The facts denounced can indeed be recurrent rather than isolated, such as when a worker writes: "... We do from 4 to 8 hours overtime every day but we are never paid accordingly. Food is very bad and expensive. Water fees amount to 20 yuans per month. The boss has taken all our personal documents and we are thus been denied any freedom of movement..." Authors eventually combine the description of their personal misadventures with that of the regular working conditions imposed upon their workmates: "I am a *dagongmei* coming from Hunan and I implore your help. Having arrived in this place of Shenzhen close to Heaven three months ago, I had an argument with the head of the team and was fired. I left at the end of past month but they refuse to pay me any salary... I want also to speak about the situation of the other workers in this enterprise; their hearts are not quiet because the regulations are so harsh and the fines so many..."⁴¹ In another use of time dimension, the reality exposed may be described as having lasted for a long time rather than being short-lived, as in the case of a retired worker writing to the *xinfang* bureau of H. city to claim rights that he had been unfairly deprived for more than two decades.

Space dimension can also be mobilised to stress the importance and the scope of the injustice caused. Another pattern of generalization is indeed linked to the exposure of facts described as bearing some incidence on a group rather than on a single individual: the treatment inflicted to all members of a factory in the case of the corpus gathered in Shenzhen, but also the unanticipated estate projects affecting all owners in a small neighbourhood, or the illegal elections damaging the interests of all inhabitants of a same village. The legitimacy assigned to common or *gong* rather than particular or *si* grievances, partly explains the high number of collective complaints mentioned above, that is of complaints directly affecting a high number of victims. As we shall see later, the question of the identity of the victims is a complex one and offers a variety of ways to widen the reach of the injustice exposed. Let us just notice here that a significant proportion of the grievances collected directly concern an extended group of people. Moreover, when only a few individuals are affected, complainants may still interpret the facts exposed as common to many by stressing that they are typical, that is either exemplar of past similar injustices thus including them in a wider reality, or potentially shared since others might be confronted to similar problems in the future. In this last situation, petitioners will thus argue that the personal injustice they have faced is likely to happen to others if nothing is done to prevent its repetition. In letter 6 of the Shenzhen corpus, for instance, a migrant describes how he has been cheated by a private

enterprise supposed to help him find a job, emphasising that he is not asking for any personal compensation but wants merely to protect “common interests.” Finally, petitioners may demonstrate the social relevance of their particular situation by linking it with issues officially recognised as social problems or public causes, such as *sannong* problems or migrant workers’ unpaid salaries. The concentration of grievances on some major issues thus reflects the extent to which these issues have become a commonplace in many localities, but also the capacity of complainants to anchor their dissatisfaction in questions of shared or public concern, to describe the injustices faced as exemplar of a type of situation already identified as problematical by national authorities.

A second element showing complainants’ capacity to invest this space not only as a place to air private grievances but also as a place to discuss problems common to many, is related to the identification process of the two parties at stake, that is to the answers given to the following questions: in whose favour the denunciation is made? How is the accused identified? As mentioned above, many grievances are expressed by an individual describing his own personal difficulties. However, complaints expressed in the name of a wider group are also numerous, and collective initiatives definitely dominate visits paid to the institution observed. The ways available to operate some form of generalization are nonetheless limited here by the constraints faced to constitute formal associations in China and use official titles or mandates in order to speak on behalf of a collective entity. As a consequence, grievances including multiple complainants remain one of the most convenient and direct ways to show that a common problem is at stake, the joint visit procedure representing an official but rather ambiguous alternative to this choice since it amounts to creating “representatives” or “organizers.” Despite such restrictions, the patterns used to enlarge the reach of the denunciation by increasing the status of the victim are varied. One of the issues to be considered is the relationship established by complainants between the author of the denunciation and the victims said to be affected by the facts exposed. A person can indeed take the floor to speak for herself and only for herself, or to speak on behalf of a wider group. For instance, 20 of the 91 letters collected in Shenzhen and which concern general working and living conditions, are written by a worker who took the initiative but who actually spoke on behalf of other workmates too (only 11 of them state their names). Such complainants often shift in their grievance from personal to shared situations and feelings, the subject in the same letter being alternately “I” or “we”, and speaking as members of a given category rather than as particular individuals. “I arrived from Sichuan to work in Shenzhen, and I have been working in Company Z for almost one year. The friends and workers who work with me, all share the same feeling: it is impossible to go on like this!” or “We are all angry and this is why I write to you to denounce a situation that violates the Labour Law...”⁴² But the author of the grievance can also be a collective actor. Natural collective entities such as those

formed by the members of the same village or factory ground, as seen above, many complaints. Such collective actors may identify themselves through a diversity of means. For instance, in the Shenzhen corpus, 20 grievances bear the signatures of multiple authors working in the same factory (two to 75 names), four were written by individuals claiming to be official representatives of local workers, while in the remaining 47 cases, the letters ended with a general and anonymous collective formula such as “written by all the workers of company X” or “signed by many tens of workers of company Z.” But collective complaints can also gather individuals coming from a diversity of natural collective entities: in June 2003, for instance, 350 retired workers belonging to different enterprises of Shenzhen city organized a collective visit to the municipal Letters and Visits Office.⁴³

In addition, the petitioners, whatever their size, may claim to be speaking on behalf of the wider entity composed by those who, although distant and anonymous, share the same status or situation. In other words they may include, although often very indirectly, those potentially victims of the same facts. This capacity of private complaints to mention, although often indirectly, the “other” beyond the sphere of mutual and direct acquaintance, points out to the attention explicitly paid to the relationship to the third party, to the importance assigned to institutional mediations required to administer a community of citizens. Workers in the Shenzhen corpus thus sometimes refer to the wider group of *dagongmei* or *dagongzai*, expressing their gratitude, for instance, for what the *xinfang* personnel bureau has been doing or will tentatively do for the members of such groups.

Finally, another way for the complainants to make themselves greater and more legitimate is to mention the wider social categories they belong to, the last sentence of the letters collected often stressing in which capacity they are taking the floor and requesting the urgent intervention of the administration. Concepts officially loaded with positive appraisals are then widely used: petitioners readily introduce themselves, for instance, as workers or labourers (utilizing words encompassing different meanings such as *gongren*, *yuangong*, *laodongzhe*); they are not reluctant to speak as representatives of very general but also valid categories such as those of *renmin*, *laobaixing* or “the masses” to assess their own social status.

Echoing such a trend, those hold responsible for the injustices denounced also undergo, at least in many of the cases observed, a generalization process. It should be noticed that the outcome observed might have been otherwise, complainants choosing rather to denounce the particular individuals hold responsible for their misfortune. While they do so when civil disputes are at stake, they tend whenever possible to anchor the accused in a wider social group or to link him or her to a formal institution. The categories at stake are, for instance “Liang boss,” associating a particular identity to a given social position or the “heads of the enterprise,” stressing a structural distinction between the two parties at stake; categories more or less explicitly embedded in shared negative appraisals may be used such as “the foreign

entrepreneur” or “the landlord of modern times”; above all, institutions -and thus institutional responsibility-, are summoned when the accused is identified as “the village committee”, “the Party secretary”, “the local government” or “the court.”

The generalization processes observed as far as the position of the victim and that of the accused are concerned have nonetheless rather different implications. In the case of the victim, what is called by sociologists a “generalization” process and by legal specialists an “objectivation” process is partly linked to the difficulty still faced today by those addressing the Chinese administration to relate their grievances to well-established legal individual rights in the civil, political or social realms. An alternative way to assess the legitimacy of their grievances and claims is thus to show that the reality encountered is not specific to them but rather common to many. In the case of the accused, the generalization process observed rather reveals the capacity developed by petitioners to consider specific individuals as representatives of wider groups and institutions, or to identify the accused as a collective entity, and thus assign social and institutional responsibilities.

Finally, the last and probably most efficient means of generalization is linked to the choice made by complainants of given principles, rules or norms to describe their situation as unjust. In the Shenzhen corpus, the situations exposed are designated as unreasonable (*bu heli, wuli*), illegal (*bu hefa, weifa*), illegitimate (*bu zheng-dang*), inhuman (*fei renxing*), contrary to justice (*bu gongdao*) or lacking humanity (*bu rendao*). Complainants, however, do not merely qualify certain situations as unfair but try to identify shared references allowing these situations to be recognized, beyond the scope of those affected by it, as unjust and unacceptable. Noticeably, local usages or norms particular to a given group are never mentioned to achieve this aim. The migrant workers presented in the Shenzhen corpus, for instance, never raise their rural origin nor mention rural norms or particularistic ties in order to ground their denunciation of the working conditions imposed upon them. The only local norms called forth are factory regulations which violate wider principles of justice and are therefore disclosed as unacceptable. On the contrary, petitioners rely mainly on two sets of general principles, whose relevance and validity are well-established although they rely on two different forms of authority, to anchor normative expectations or deceptions.

The first one is composed of shared moral and social norms whose legitimacy cannot easily be denied. Fundamental principles linked to the necessity to respect human life, to treat others as human beings, to allow everyone to enjoy basic means of survival, are thus often stressed:

“We are coming from the five lakes and the four seas of China, and we waited all January to be paid our salaries in order to go back home and spent Chinese New Year with our family. But we, workers who have been working so hard, who have been doing overtime without a word and spending nights in the workshops, we have suddenly been told that we would not be paid, that we had to wait, and

wait... We are now March 20 and we still have not been paid! ... How can something like this happen? How can we survive in such conditions? We cannot take it any more and we call out with all our strength: Come and help us! ... Come and see by yourselves how some do not care about the death or life of those they have hired! Come and help us, taking into account the situation of the majority, and following the rules of humanism...⁴⁴

Such argumentation often relies on the quotation of maxims familiar to all, such as “In the worst circumstances, Heaven always offers some salvation to men”, indicating that no one can place another human being in such a powerless position that his or her life is threatened. If, in the case of the Shenzhen data for instance, risks hung over workers’ life, it is indeed because of the treatment imposed upon them, a treatment qualified as inhuman since contrary to the basic rules that should preside over the relationships between human beings. Ideas of “humanity” and “inhumanity” can be expressed by using a diversity of terms and categories, ranging from the rather traditional concept of *renqing* to that of human dignity as understood in Marxist ideology. They nonetheless all point out the necessity to protect a fundamental principle of justice—the recognition of individuals’ common humanity—, this basic norm being associated with other social and moral touchstones such as distributive justice, trustworthiness, or the necessity to justify one’s decisions. In the same way, villagers whose land is being expropriated may disclose the lack of appropriate compensation, anchoring their claims in the principles of distributive justice; they may expose local officials who embezzled part of the indemnity paid and thus demonstrate a lack of morality; they may contest injustices caused by the violation of given property rights, but they often focus on the lack of basic means of survival available to support their families and the inhuman situation imposed upon them as a consequence.⁴⁵

In other words, complainants appealing to the state administration feel compelled to anchor the expression of their sense of injustice in a normative arena presumably shared by the rulers and the ruled. They must do so despite the normative uncertainties prevailing in a period during which the fair and the unfair, the correct and the incorrect, must be redefined. As a consequence, they tend to mobilize fundamental social and moral norms in order to denounce given situations as unjust since contrary to these norms, or as unjust since giving priority over these norms to less legitimate rules, decisions or interests. Their forms of judgment, which express a claim to universalism by resorting to concepts such as “Heaven” or “humanity,” thus rely on what Luc Boltanski calls “strong generalizations.”⁴⁶ It resembles also what Charles Taylor calls “strong evaluations.”⁴⁷

The second set of general principles is composed of formal elements of the official discourse since the CCP came into power, or ideas considered to be shared regarding what can be expected from the government and its representatives. Complainants often use concepts or principles legitimate since coming from the

state, familiar to all since widely popularized, in order to identify social evils and injustices and stress the degree to which they are unacceptable. They nevertheless select diverse elements of the official discourse, and then use them by playing on the tension existing between the legal authority included in such elements (they belong to *fa* as state promises and words) and their moral dimension. Such elements range from state ideology and the government's claimed objectives which are somehow assigned a juridical scope and legal authority, to detailed legal provisions recently enacted. About forty letters in the Shenzhen corpus resort to expressions that had been used by the Party to denounce the pre-1949 situation: "exploitation," "capitalists," "surplus value," "slaves," "running-dogs" and "proletarians."⁴⁸

"... (Chinese bosses) protect the capitalists and harm our interests, they exploit us. They take the surplus value of our work in exchange of gifts and services that they distribute everywhere. They repress workers... For what they have been doing, they can be designated as traitors to the nation..."⁴⁹

Ideological objectives officially still relevant are implicitly reminded: "We want to participate to the glorious construction of socialism" or "Do not forget the mass line that should prevail in a socialist country."⁵⁰ Yet, appeals to legal provisions and constitutional rights are also numerous. For instance, 90 out of the 123 letters of the Shenzhen data do mention the Labour Law to support the complainants' allegations, although only 25 of them rely exclusively on this document to characterise their own situation as unjust. However, they do so in a variety of ways, the moral normative statements upon which the law is claimed to be built rather than the particular rights set forth by the law often being stressed.

The elements of the official discourse selected also range from policies addressing the group at stake—specialised laws or particular provisions such as those adopted towards urban youth coming back from the countryside, victims of past political campaigns, or veteran officers entitled to find a position in industrial and commercial enterprises—to provisions regarding Chinese society as a whole.

"Chinese authorities have been discussing the "plan to protect the health of the population." Such a plan concerns all the residents of the People's Republic of China, but it does not seem to have any impact in those factories where profit is the only goal of the owners... In an enterprise, both parties must act reasonably and protect their interests. The nation, the society and the human being must be respected!"⁵¹

They range too from provisions linked to collective interests such as the plan to protect the health of the population mentioned above, to the somehow traditional idea that a good government cannot remain impassive when confronted to the dramatic although particular situation faced by some of those placed under its administration: an old lady lying before the doorstep of a *xinfang* bureau in Beijing just reminded state representatives of this expectation. In other words, the particular is not opposed here to the general.

Mobilising national authorities' decisions and commitments to denounce local situations or express given expectations—a partly institutionalized form of contention that Kevin O'Brien terms "rightful resistance"—, thus reveals another pattern of strong generalization that would deserve a more thorough analysis.⁵² Let us just mention here briefly that such official elements are never simply reproduced by complainants. They are rather selected, eventually placed in a temporal and social context other than the one they were initially associated with, and combined among themselves to pave the way to a familiar but also reshaped political discourse, thus supporting the expression of new political expectations.

Far from relying on a clearly delineated normative repertoire or grammar, complainants are thus tentatively trying to identify valid principles to ground their sense of injustice, the word valid meaning here both relevant to the particular circumstances exposed and admissible by the state administration. The so-called "framing theory" appears thus too restrictive to account for the complexity and uncertainty involved in this process. Complainants also face the difficult task of trying to see which principles hold together and can be simultaneously mobilised to ground a denunciation. Rather than focusing on one single factor or principle to underline the injustice faced, they often try indeed to assess that such injustice is all the more illegitimate that it violates a multiplicity of normative expectations. They thus do not usually focus on a single issue, such as the transgression of legal rights, but build a complex normative framework encompassing moral and political elements and which must nonetheless exhibit some form of internal coherence. Such framework includes today common moral values as well as legal provisions protecting individual or collective interests; the need for justice as well as the call for benevolence and compassion; the importance of acceptable social relationships as well as that of fair individual treatment; the necessity of defining common good or public interest as well as that of bringing assistance to particular individuals. Above all, it focuses on delineating a threshold between the acceptable and the unacceptable rather than on defining the fair or the legitimate.

5. From Normative Deceptions to Political Expectations and Institutional Demands

The Chinese citizens turning to Letters and Visits Offices make use nowadays of a plurality of resources to do so, confirming if necessary that normative uncertainties but also diversity are back. Moreover, they are usually involved in an effort of generalization to widen the scope and thus the legitimacy of their grievance that can rest on various dimensions of the reality exposed: the facts at stake, the identity of the victim and that of the accused, the type of principles said to have been transgressed. If each grievance is singular in the way it articulates these various dimen-

sions, reading the corpus collected thus reveals that social rather than particular problems dominate, that institutional rather than individual responsibilities are at stake, and that normative deceptions cannot but lead to some form of political assessment: the state is indeed responsible for the protection of shared moral norms as it is responsible for the implementation of its commitments.

Many grievances aim at disclosing the abuses and exactions of local state representatives or judges. For instance, among the 632 rural complainants interviewed by Yu Jianrong, 90.5 % had come to the capital to inform central authorities about local problems, 88.5 % to make pressure on local governments to remedy the situation, and 81.2 % to encourage the promulgation of new national directive regarding the social problems exposed.⁵³ Complainants thus appeal to upper administrative levels -eventually national bodies-, to sanction lower administrative level in a move that can be considered as having a well-established tradition in Chinese history. Yet, the frequency and the content of the criticisms addressed today to lower level governments are unprecedented. The forms used vary from writing an individual letter including relevant evidence to organizing collective visits which may resemble demonstrations, banners being hold up with words such as “Give us back the money coming from our work, our grandsons must eat!”⁵⁴ The accusations made can be rather radical: “Yours morals are bad, your capacities are bad, your contributions are bad...” write the 3,600 Sanchawan villagers to the heads of Yulin city government. The support brought by State representatives to those directly hold responsible for the injustices caused is frequently denounced. Migrant workers in Shenzhen take the floor, for instance, to expose the collusion existing between their employers and those in charge of implementing the Labour Law: “The factory we are working for uses its relationships to transgress the Labour Law; thus showing that corrupted personnel exist within the Labour department of Shenzhen municipality.”⁵⁵

However, the generalization patterns observed above have far-reaching consequences well beyond the denunciation of local officials to upper authorities. One of their outcomes is indeed to locate at the core of the opposition expressed between what “is” and what “should be” the existence of social problems and the disregard for given public commitments. The state is thus reminded that it should live up to its commitments. Failure to do so allows unjust situations similar to those condemned in the past to arise:

“The Labour Law gives us sacred rights that no one can deny to us. However, although we work in Chinese territory, we have the feeling that the government just does not care about us. What differences exist between the situation that prevailed in the French and British concessions before 1949 and the situation we are facing today? ...”⁵⁶

Public commitments are thus repeatedly reminded: “The Law is there to protect our security, to prevent us to be treated as machines...”⁵⁷ Or, more bluntly, they

are denounced as ignored by those in charge of their implementation: “We have been fired from one day to the other, without any compensation and any reason. There were no answers to our demands for explanation. Nothing is done as it is written in the Labour Law.”⁵⁸ Related disillusionments may be expressed using the indirect form of a query: “We have no choice but to wait for death or shed blood... How is it possible that today, in the socialist country led by Comrade Jiang Zemin, in a region as economically developed as Shenzhen, employers can be allowed not to pay workers for six months?”⁵⁹; “As a citizen of the People’s Republic of China, I cannot understand that such capitalists are able to act the way they do in Shenzhen...”⁶⁰ Yet, whatever the way a contrast is voiced between official commitments and the reality faced, it cannot but support the manifestation of some form of political evaluation and deception.

The state is indeed hold responsible and accountable for the implementation of its formal provisions. Such expectations are laid down in a more or less direct manner. The government is sometimes depicted as another victim of the facts encountered: the authority of the law, the dignity of the Labour bureau or the power of the government are hit whenever legal provisions or public decisions are not enforced. Hence the need for the state to react in order to defend its interests and not only to solve the particular conditions faced by the complainant. However, the state is in most cases recognised as responsible, beyond the scope of those directly accused, for the lack of implementation of its decisions. “...You should not allow foreign entrepreneurs to exploit workers in a socialist country. The new Labour Law is not carried out; we are angry and do not understand such a situation; you Labour bureau must seize upon our particular example to promote the Labour Law...”⁶¹; “Is it possible that the state remains still when its laws are transgressed?,”⁶² “... We must rely on the state because the state is there to protect the people.”⁶³ As a consequence, state intervention is required when dysfunctions are identified: “... The government must open its eyes and act according to its laws,”⁶⁴ or “...You must make sure that on China’s earth, everyone abides by the law or be punished...”⁶⁵

Far from simply requesting the enforcement of existing rights, petitioners may also request that the rights recognised to some—state enterprise workers, for instance—, be enlarged to wider group: -all workers whatever their status-. They may also apply for new rights and guarantees. A member of the *xinfang* bureau in Beijing thus explains: “There are three kinds of grievances: the unreasonable ones, the reasonable ones that we should be able to solve because relevant provisions or procedures exist, and the reasonable ones which are left unanswered because no relevant policy exist for the time being, such as when a farmer comes and claims that he should be entitled also to some retirement scheme.”⁶⁶

Moreover, the protection and extension of legal rights is not the only responsibility assigned to the state. The state is also hold accountable for the lack of appropriate sanction assigned to individuals who have transgressed basic moral norms

and affected the life and survival of other human beings, that is for failing to protect ideas of justice that should be shared by the ruled and the rulers. It is hold responsible for its incapacity to insure that those who contributed to objectives identified as common and legitimate -such as local and national economic development- are fairly rewarded through relevant material and non material resources, namely social esteem. Moreover, complainants argue that the power of the state and its representatives, far from being unlimited, must be constrained by superior laws or principles of justice. Limits must be traced to its arbitrary action.

“Heaven has allowed us, the 3,600 peasants from Sanchawan village, to make a living on this soil for many generations. The villagers of Sanchawan are thus owners of this land. This is the principle, this is a reason that no one can deny, this is an article of the law written by Heaven. Any policy or document enacted by Yulin city must respect such principle. You government of Yulin city say the land is yours, but you never used, you never farmed it; so please tell us, where is this land of yours coming from?...”⁶⁷

The legitimate place provided by Letters and Visits Offices for private people to express their particular suggestions or grievances has thus become a space where a critical process is at stake and a critical competence is demonstrated. Such space is apparently non-political since moral and social norms are used to ground the deceptions exposed. However, state commitments and claimed objectives are also called forth to legitimize the grievances expressed. Such a move, coupled with the fact that the state is considered as responsible for the protection of fundamental moral norms, contributes to assigning a political dimension to the space observed since public power, public decisions and actions are there assessed. Hence, the traditional procedure which requires that local problems should be solved at local levels by the institution at stake appears much more difficult to uphold when individuals use their critical competence to discuss state duties or responsibilities and articulate state with society. The recent official evaluation regarding Letters and Visits Offices explaining that “80 % of the problems happen at local level, 80 % of the grievances are reasonable and 80 % of them can be solved” just hides the fact that a concrete problem always arises within some local context but can be framed in such a way that its effective and satisfactory resolution requires some form of national intervention, authority or policy.⁶⁸

If first letters and visits appear to be more a more difficult to solve thus leading to the growing number of repeated cases and eventually collective visits, if jumping over a specific administrative level is a rising trend, it is not only because of Letters and Visits Offices dysfunctions or inertia, but because of the new degree of complexity of the cases put forward. A main element of this growing complexity lies in the political although non-confrontational dimension manifested in the way complainants organize themselves and, above all, express themselves. A head of Shandong provincial Letters and Visits department just reaches the same con-

clusion when he mentions that present difficulties arise from the fact that complaints cover a wide range of situations, are linked to new national policies for which complainants require immediate and adequate implementation, and assume a political dimension.⁶⁹ By political dimension, he means mostly that those contested by complainants usually belong to administrative or juridical bodies. But this is only one element of the situation observed. More widely speaking, the escalation pattern of the disputes results from the capacity developed by complainants today to interpret them as social problems involving social and political responsibilities, as well as from their capacity to translate formal elements of the official discourse into new claims. The recent debate bearing on the revision of the national directives enacted in 1995, and which focuses on the amount of power and authority detained by Letters and Visits Offices—should such power and authority be diminished or increased?—just reflects the critical turning point faced today by this institution.⁷⁰

6. Conclusion

The analysis above has tried to describe the growing critical competence demonstrated by those addressing traditional administrative bodies, Letters and Visits Offices. It has mentioned but some of the factors explaining the evolution observed. As limited as it is, this analysis shows nonetheless that, beyond the traditional opposition between reactive and pro-active contestation, Chinese individuals and groups reveal in such a space their capacity to borrow familiar and legitimate forms to express claims which do not merely reflect one's due or broken promises. They do not simply rely on a given repertoire but modify it with the rise of new opportunities; they do not merely adjust patterns of organisation to new forms of interests but are involved in the complex process of identifying and assessing legitimate principles of justice. The way justice as well as reality are tested in a given society at a given amount of time depends on the existing political regime, but also on the historical circumstances encountered and on the cultural forms possessed. The constraints and resources Chinese citizens have been confronted with in these various realms have enabled them to seize Letters and Visits Offices as one of the spaces where ongoing social as well as political rules or usages can be evaluated, confirmed or contested; where tentative boundaries are traced between acceptable and unacceptable situations. In this particular space, social reality, far from being considered as out of reach, is perceived as liable to be affected by complainants' actions and initiatives. This is true, despite the major difficulties, obstacles and risks still faced by complainants; difficulties, obstacles and risks which should not, because they do exist, prevent us from stressing what complainants are nonetheless able to say and thus do.

Such spaces do not resemble the autonomous political structures we are famil-

iar with; they are intermediary forms between social movements and the legitimate use made of formal institutions; they do not rely solely on rational debate but also on symbolic forms and emotional display. Localizing and understanding them seems nonetheless to be of major importance to identify critical changes in a political culture as well as in way state and society are articulated.

Notes

- 1 For a better understanding of the concept of “test of legitimacy”, see Alain Cottureau (1999).
- 2 Isambert, François-André (1982), “Les avatars du fait moral”, in *L’année sociologique*, special issue on “Sociology of ethics”: 17–55.
- 3 Arendt Hannah (1952), *The Origins of Totalitarianism*.
- 4 The government has indeed recently tried to create an explicit link between the complaints expressed and the new measures taken at the local or national level: addressing these administrative organs has, for instance, been described as an effective way to participate to the identification of social problems and influence official policies. It has also carried out in 2004 a reform of the national provisions regarding Letters and Visits Bureaus.
- 5 Guo Zhidu (1992), *Xinfang tansuo*, Taiyuan: Shanxi renminchubanshe. (1992), p. 6.
- 6 Xi Jiecheng (1996), *Renmin xinfang shilüe*, Beijing: Beijing jingjixue chubanshe, p. 23.
- 7 *Ibid.*, p. 37.
- 8 *Ibid.*, p. 261.
- 9 This data consists of a group of 123 randomly selected files, gathered during 1996 and 1997 from the archives of the Letters and Visits Office of the Labour Bureau of Shenzhen city government. For an analysis of this data, see Isabelle Thireau and Hua Linshan (2001, 2003).
- 10 July 7, 2004. Interview with one of the heads of the “visits department” of the Letters and Visits Bureau of the Beijing Party Committee and Beijing People’s Government.
- 11 Each of these categories actually possesses its own forms of ambiguities and uncertainties which influence the effective functioning of these offices.
- 12 See, for instance, *Renmin xinfang*, 2003, 4: 15; *Renmin xinfang*; 2003, 5: 22.
- 13 Although this paper, as said before, will not discuss this issue more thoroughly, it seems important to avoid any hasty diagnosis assessing either the total lack of response or, on the contrary, the high degree of efficiency demonstrated by these offices.
- 14 See, for instance, *Shenzhen fazhi bao*, February 14, 2001.
- 15 *Zhengming*, 2004, 6: 14–15.
- 16 *Renmin xinfang*, 2003, 4: 11.
- 17 *Idem*.
- 18 *Renmin xinfang*, 2004, 5: 5–7.
- 19 *Renmin xinfang*, 2003, 4: 11.
- 20 Li Meilin, interview, July 12, 2004.
- 21 *Renmin xinfang*, 2003, 6: 13.
- 22 *Nanfang zhoumo*, June 17, 2004.

- 23 *Renmin xifang*, 2003, 4: 44.
- 24 As one among many examples, see “An Open Letter written by Veteran officers” published in the first issue of *Zhonggong laogong yanjiu* (China Labor Study), 2004, 1: 57–70.
- 25 *Renmin ribao*, September 2nd, 2001.
- 26 *Renmin xinfang*, 2003, 6: 11.
- 27 *Qingnian cankao*, May 12, 2004; *Shijie shangye pinglun*, October 10, 2004.
- 28 *Renming xinfang*, 2003, 9: 42.
- 29 *Renmin xinfang*, 2003, 4: 45.
- 30 *Dazhong ribao*, April 13, 2004.
- 31 Some villages such as Dongzhuang, located nearby Beijing South station, have been labelled a *shangfangcun* because of the high number of provincial complainants who stay there for periods ranging from a few days to many years. *Nanfang zhoumo*, November 4, 2004.
- 32 *Nanfang zhoumo*, November 4, 2004.
- 33 *Pingguo ribao*, November 3rd, 2004.
- 34 *Yangcheng wanbao*, July 22, 2004; *Nanfang zhoumo*, September 10, 2004.
- 35 *Taipei Times*, July 14, 2004.
- 36 *South China Morning Post*, August 20, 2004.
- 37 In 2002, the rural population amounted to 70 % of the total population of the city, and the net income per capita of peasants was 2,380 yuans. *Shanxi tongji nianjian* 2003, p. 713
- 38 By main offices we mean those linked to party committees and people governments and not to specific departments within local governments.
- 39 Interview, H. city, July 12, 2003.
- 40 *Renmin xinfang*, 2003, 7: 6.
- 41 Letter 10.
- 42 Letters 3 and 22, Shenzhen archives.
- 43 *Renmin xinfang*, 2005, 5: 9.
- 44 Letter 31, Shenzhen archives.
- 45 On rural complaints, their dynamics and the role of *guanxi*, see Kevin J. O’Brien and Lianjiang Li (1995); Ying Xing (2001).
- 46 Boltanski Luc (1990), *L’amour et la justice comme compétences. Trois essais de sociologie de l’action*. Paris: Métailié.
- 47 Taylor, Charles (1998), *Les sources du moi. La formation de l’identité moderne*, Paris: Le Seuil.
- 48 On the use of Maoist symbols and defunct regime norms to anchor resistance, see Elizabeth J. Perry (1999), Lianjiang Li and Kevin J. O’Brien (1996), Ching Kwan lee (2002).
- 49 Letter 121, Shenzhen archives.
- 50 Letters 46, 65, Shenzhen archives.
- 51 Letter 82.
- 52 Kevin J. O’Brien, “Rightful Resistance”, *World Politics*, Vol. 49 (1996): 31(55).
- 53 *Zhongguo qingnian bao*, December 8, 2004.
- 54 *Nanfang zhoumo*, September 10, 2004.
- 55 Letter 14, Shenzhen archives.

- 56 Letter 122, Shenzhen archives.
 57 Letter 74, Shenzhen archives.
 58 Letter 54, Shenzhen.
 59 Letter 43, Shenzhen.
 60 Letter 44, Shenzhen.
 61 Letter 9, Shenzhen.
 62 Letter 23, Shenzhen.
 63 Letter 65, Shenzhen.
 64 Letter 89, Shenzhen.
 65 Letter 94, Shenzhen.
 66 Interview, Beijing, July 15, 2004.
 67 Letter written by the 3600 farmers of Sanchawan village, Yulin city, October 15, 2004.
 68 Interview, H. city, October 5, 2003.
 69 *Renmin xinfang*, 2004, 1: 26.
 70 *Nanfang zhouno*, November 18, 2004.

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