

**An Alternative State-Centric Explanation of
Chinese Citizens' Preference of
the *Xinjiang* System**

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Abstract. The focus of the present study is the *Xinfang* system in modern China, which is a multifunctional tool for the state to deal with citizens' petitions, as well as a popular channel for people to resolve their grievances and participate in politics. The *Xinfang* system's characteristics of high rate of utilization, unclear rules and low success rate attract scholars' much attention. Researchers differ in their explanations for the mechanisms behind this phenomenon. While most of the explanations do reflect some realities and have certain level explanatory powers, few of these explanations reach agreements among scholars because of the complicated features of the *Xinfang* system. Therefore, an alternative state-centric explanation is provided. According to Koopmans and Kriesi's classification of four types of general political context, China has the informal cooptation political context. This context shapes both governments' measures dealing with social challenges and citizens' strategies of political participation, which lead to Chinese citizens' preference of the *Xinfang* system.

“*Xinfang*” is a Chinese term. The word “*Xin*” means “letters” and “*Fang*” means in-person visits. The official definition of “*Xinfang*” according to the *Regulations on Letters and Visits* (2005) is as follows:

“The term ‘letters and visits’ in these Regulations means that citizens, legal persons or other organizations give information, make comments or suggestions or lodge complaints to the people’s governments at all levels and the relevant departments of the people’s governments at or above the county level through correspondence, E-mails, faxes, phone calls, visits, and so on, which are dealt with by the relevant administrative departments according to law.”

In most academic articles about this special political system in China, the original Chinese term of “*Xinfang*” is kept (e.g., Minzner, 2006; Zhang, 2009). Since “*Xinfang*” is similar with

“petitions” and “appeals”, some scholars also use these two words to represent the “*Xinfang*” system in their studies (e.g., Cai, 2004). In this article, the original word “*Xinfang*” is used because of its complex characteristics and functions in contemporary China. “Petitioners” refers to people who participate in the *Xinfang* system and “appeals” represents the petitions and complaints of these petitioners.

The Xinfang System in China

The *Xinfang* system was established in the early 1950’s in China. Currently, a *Xinfang* bureau is part of most Chinese government organizations, including people’s congresses, procuracies, courts, national and local governments, Party committees, and Party discipline commissions. At the same time, as discussed below, *Xinfang* is a multifunctional system in China. (Minzner, 2006)

Basic Functions of the Xinfang System

For citizens, the most important function of the *Xinfang* system is addressing their specific problems and violations of their rights. “In China, power is distributed through the administrative hierarchy; local officials are appointed by their supervisors and are held accountable to them” (Cai, 2004, p.436). Based on this administrative hierarchy, citizens can appeal to higher-level officials to let them be aware of and rectify the lower-level officials’ misdeeds and protect citizens’ legal rights. (Cai, 2004; Minzner, 2006) People are allowed to present any issue to *Xinfang* bureaus, including but not limited to community relations, problems obtaining public services, economic issues, political affairs and appeals of government decisions¹. For instance, a

¹ This is based on Luerhrmann’s study of *Xinfang* petitions (2003) which classifies grievances expressed by petitioners in five categories.

citizen having medical disputes with a local hospital can reflect his/her grievance to the *Xinfang* office of local or higher-level government or Party committee. If these officials accept the petition, they will instruct local Health Bureau to investigate and resolve the petitioner's appeal. Similar procedure is applicable in most *Xinfang* petitions. Recently, *Xinfang* petitions have focused on two aspects: judicial decisions, which mainly involve civil disputes, and administrative grievances against government organs (Zhang, 2009).

At the state level, the *Xinfang* system mainly plays three roles. Firstly, the *Xinfang* system serves as an information collection channel for the Party and the government. It provides comprehensive information about social situation, local developments and the general *Xinfang* trends based on petitioners' appeals (Minzner, 2006, 2009). At the central level, some recorded petitions are transferred to the central leaders, and others are published in an internal report entitled *Situation Report*. This report is shown to leaders and organizations as a regular stream of information. At the local level, *Xinfang* bureaus also collect information provided by petitioners and transfer it to Party officials and government organs, usually through an internal publication entitled *Information Report*. (Cai, 2004) Secondly, through the *Xinfang* system, higher-level officials can check the actions of local officials, monitoring whether local officials implement government directives well and whether they misuse their authorities. "Statistical comparisons regarding the numbers, types, and locations of petitions may also assist higher-level officials in determining systematic malfeasance in particular regions or administrative bureaus." (Minzner, 2009, p.2) Thirdly, the *Xinfang* system can help maintain social order. Besides addressing citizens' grievances, "thought direction" is also used by *Xinfang* bureaus to stop petitioners from petitioning in some cases to ensure the social harmony and the stable social order. (Minzner, 2006)

The *Xinfang* system plays an indispensable role in modern China. There are several prominent characteristics of the *Xinfang* system that need more attention, involving high rate of utilization, unclear rules and low success rate.

High Rate of Utilization, Unclear Rules and Low Success Rate

The rate of utilization of the *Xinfang* system is tremendously high. Scholars have pointed out that a large amount of Chinese citizens use the *Xinfang* system as an alternative to formal legal channels to resolve their grievances (Minzner, 2006; Zhang, 2009). In 2004, there were approximately 18,600,000 petitions that went through the *Xinfang* system in China. This far exceeds the national total number of cases that went through the formal legal channels (civil and administrative litigation), which was about 4,425,340 (Hu, Hu, & Wang, 2006). There may be some reasons of this amazingly high rate of utilization. In the *Xinfang* system, people can appeal frequently to higher-level authorities to urge them to put pressure on lower-level officials to resolve petitioners' problems. Meanwhile, under certain circumstances, petitioners have to appeal to agencies at different levels to enlarge their chance to resolve their grievances. Thus, the total usage amount of the *Xinfang* system may include some repetitive cases. However, this does not detract from the overall fact that the *Xinfang* system is widely used among Chinese citizens and many of them use the *Xinfang* system as an alternative to formal legal channels to resolve their grievances.

The popularity of the *Xinfang* system may bring the impressions that this system is easy to be used for citizens and it is quite effective. However, neither of these impressions is true. According to the *Regulations on Letters and Visits* (2005), "the matter presented by a letter-writer or visitor shall be handled within 60 days from the date it is accepted. If the matter is complicated, the time limit for handling it may be extended appropriately ... but the period

extended shall not exceed 30 days...” (Article 33). This regulation confines the time period of giving feedbacks to petitioners but the way they handle the petitions is not regulated in this or any other document. In Zhang’s study (2009), several unclear rules are presented. There is no clear standard of proof, process of investigation, or transparency requirements. Meanwhile, there is the regulation that *Xinfang* bureau’s feedback must be in writing but there is no rule about what should be involved in this feedback. The *Xinfang* bureau can write according to their will, which may not give petitioners enough information. Basically, after petitioners give their petitions to *Xinfang* offices, they are not aware of the way their appeals are dealt with. This is quite different from the relatively transparency of formal legal channels and makes it difficult for citizens to appeal to higher-level officials through the *Xinfang* bureaus. Thus, “soft power” is often used to describe the *Xinfang* system. (Minzner, 2006)

It is also the case that the *Xinfang* system is not very effective. According to the results of a widely cited survey of the *Xinfang* system conducted by the Chinese Academy of Social Sciences (Zhao, 2004), only 0.2% of *Xinfang* cases are addressed by government bureaus. This rate varies with the type of demand and citizens’ capacities to influence the government. For instance, in-person petitions are more successful than petitions through letters. Since collective appeals put more pressure on the government, they are more likely to achieve success than individual appeals. (Cai, 2004) However, this variation in success rate cannot change the fact that the overall success rate of the petitions going through the *Xinfang* system is shockingly low. In comparison, the success rate of administrative litigation is much higher. Consistent with the overall trend since 1989, among the cases that reached a final decision in 2004, plaintiffs won about 30% of them (“A law-based government is coming”, 2004, as cited in Zhang, 2009). Besides these successful cases, some of the withdrawals may also be as a result of plaintiffs

reaching out-of-court settlements (Kevin & Li, 1995, as cited in Zhang, 2009). Although the calculation methods may be slightly different, the overall chances for people to resolve their grievances through formal legal channels are much higher than those through the *Xinfang* system². Besides the success rate, time consuming also reflects the inefficient aspect of the *Xinfang* system. Since there is no clear finality to the *Xinfang* petitioning process, it may take petitioners years to resolve their problem. In a random survey of 110 petitioners making appeals in Beijing, a case of petitioning lasts forty-three years (Cai, 2004).

The low effectiveness and efficiency of the *Xinfang* system can be explained through several aspects. As mentioned before, the rules of the *Xinfang* system are quite unclear and there is no clear standard of judgment. This characteristic has several influences on the effectiveness of the *Xinfang* system. Firstly, unlike judges who may have a great legal and moral pressure to make things right, *Xinfang* officers do not have the same weight pressures and the society has less expectation to *Xinfang* or government officers to be totally neutral and righteous. Secondly, the working procedure is not clear. There are several ways to respond to petitions. In most cases, petitions will be transferred to other government agencies by *Xinfang* bureaus to resolve individuals' problems. However, peoples' petitions about their dissatisfaction with the local officials may not be transferred by the higher-level officials to the same local officials whose conduct is the source of the complaint. Meanwhile, even if higher-level officials give instructions on how to resolve petitioners' problems, it is highly possible for these instructions to be ignored by the local officials. Only in certain cases, *Xinfang* bureaus may send officers to investigate

² As mentioned previously, *Xinfang* petitions focus on judicial decisions, which mainly involve civil disputes, and administrative grievances against government organs. Based on the statistic data, we know that administrative litigation is superior to *Xinfang* petition in terms of success rate (Zhang, 2009). There is no available data about the success rate of civil litigation but it is estimated to be higher than that of administrative litigation. This means that the success rate of civil appeals through the *Xinfang* system may also be vastly lower than that of civil litigation. Thus, the overall success rate of the *Xinfang* petitions is estimated to be lower than that of formal legal channels.

petitioner's specific grievance, recommend the local official to take action, or intervene in the resolving process. (Minzner, 2006, 2009) Thirdly, the decision-making process of the *Xinfang* system may be improperly influenced by backdoor dealing (Zhang, 2009). Therefore, the nature of the *Xinfang* system determines its ineffectiveness.

Zhang (2009) also pointed out a possible counter-argument which is that the cases go through the *Xinfang* system are harder than those go through courts. This is quite understandable because people may think that if they can go to *Xinfang* bureaus in different government departments and for several times, they may have higher chance to resolve their problem, which is not possible for formal legal channels. Thus, the success rate of the *Xinfang* system is extremely low. However, Zhang denied this counter-argument because it is not possible for individuals to know whether the cases are too difficult or not before they actually go through either the court system or the *Xinfang* system. It is also hard to believe that the number of "hard" cases are much higher than the number of "easy" cases. The type of the cases go to formal legal channels and the cases go to the *Xinfang* system are not that different and it is not quite possible to influence the success rate. (Zhang, 2009)

Based on these characteristics, many scholars explore the reason of why the rate of utilization of the *Xinfang* system is very high, through analyzing *Xinfang* petitioners' individual motivations, or the advantages and/or disadvantages of both the *Xinfang* system and other formal legal channels. In the next section, we will introduce that because of the complicated nature of the *Xinfang* system, few of the existing explanations have the explanatory power of the overall situation, although they do reflect some realities. At the same time, many of these theories do not reach agreements among scholars. To have a deeper analysis to explain the high rate of utilization of the relatively ineffective *Xinfang* system, the present study provides an alternative

state-centric explanation through analyzing the state characteristics of government institutions and political cultures in China.

Why Chinese Citizens Prefer the *Xinfang* System

Existing explanations about why Chinese citizens tend to use the *Xinfang* system and bring a large amount of *Xinfang* petitions each year mainly focuses on three directions: the disadvantages of the formal legal system, citizens' will of political participation and the "NAO-DA" tradition in political issues in China. After a systematic review of these explanations, the present study will proved a new explanation from the state-centric perspective.

The Disadvantages of the Formal Legal Channels

Most studies of Chinese citizens' preference of the *Xinfang* system focus on the disadvantages of the formal legal system in China. In general, The analysis in this studies are based on the assumption that the choice of the *Xinfang* system over formal legal channels is individuals' rational choice after evaluating the effects, costs and risks of formal legal channels. Through the following analysis, we can see that the evaluations of the disadvantages of the formal legal channels, to some degree, are right and can reflect realities. However, these studies overlook and underestimate the similar disadvantages of the *Xinfang* system. That makes the rational choice theories not convincing enough to explain people's preference of the *Xinfang* system.

The Uncertain Effect of Formal Legal Channels

Scholars have explored several phenomena that may influence the effect of formal legal channels. Firstly, the current legal system in China is not perfect or systematic enough. If

petitioners' complains are directly related to local or lower-level officials' benefits or evaluation of performances, there are chances for these officials to influence the outcome of judicial litigation (O' Brien & Li, 2004). This will reduce the chance for people to resolve their grievances. Secondly, courts' jurisdiction is limited and they are unreceptive to some cases (Pils, 2005). If people cannot get help from courts, the *Xinfang* system is their only choice. Thirdly, local or lower-level officials may pay more attention to court decisions and be more effective to respond to people's legitimate demands when there are instructions or pressures from higher-level officials (Cai, 2004). If people only go through the legal formal system, even if they win the case, they still need to face with the risk that local officials ignore the court decisions. Fourthly, the prohibitions against mediation and private trials make modern Chinese administrative litigation inflexible and adversarial. Because of this nature, people with administrative grievances tend to use the less combative *Xinfang* system which resolve petitioners' problems in a more comfortable way. (Zhang, 2009)

All of these explanations are reasonable and reflect the reality to some degree. However, scholars also challenge above theories' explanatory power of the high rate of utilization of the *Xinfang* system accordingly. First, as pointed out in the first section, the decision-making process of the *Xinfang* system may also be influenced by local or lower level officials. Actually, since the rules and the working procedures of the *Xinfang* system are not clear and less transparent than those of formal legal channels, it may be more possible for the *Xinfang* system to be improperly influenced by backdoor dealing (Zhang, 2009). Second, it is also not easy for people to get their appeals accepted by *Xinfang* bureaus. "It is not rare for state agencies to evade the responsibility of solving problems raised in appeals. Some agencies have used the strategy of 'passing the football,' where one agency may send the 'ball of problems' to other agencies,

which then repeat the process.” (Cai, 2004, p. 446) Third, although some of the court decisions are ignored by local officials, the rate is actually very low. According to the statistical data provided by Jilin Province, over 98% of administrative litigation decisions issued in 2004 were enforced. (*Heilongjiang Yearbook*, 2001, as cited in Zhang, 2009) In contrast, lacking of clear rules, the *Xinfang* system may be less effective in enforcing decisions. Fourthly, the claim that the fear of inflexible and adversarial process prevents people from using the administrative litigation makes sense but is more like a theoretical hypothesis. Surveys and interviews of *Xinfang* petitioners are needed to explore people’s real motivations to participate in *Xinfang* petitioning. Only through this way can we know whether people are afraid of the inflexible and adversarial process and how important this fear is in the decision making process of whether they will participate in the *Xinfang* system or formal legal channels. Therefore, although the effect of formal legal channels can be questioned through several aspects, each of these aspects may also be challenged and are not convincing enough to explain the amazing popularity of *Xinfang* petitions. However, theoretical explanations are not equal to people’ perceptions. The above four aspects that may influence the effect of formal legal channels are very intuitive to people and they are widely held beliefs among Chinese citizens. Since these aspects do reflect certain realities, although challenged by scholars, these “beliefs” of the uncertain effects of formal legal channels may still stop people from participating in them.

Similar “beliefs” also exist regarding the positive effect of the *Xinfang* system. The statistical data mentioned above has shown that people go through formal legal channels are more likely to have their grievances resolved than people go through the *Xinfang* system. However, it is not easy for people to access these study results. On the one hand, the study results from surveys of petitioners are not widely spread. They are mainly used in government

internal reports, some academic articles, and very limited newspaper articles. On the other hand, most petitioners are normal people from rural area who do not read academic articles or do not read political newspaper articles frequently. Thus, people with appeals and grievances may not be aware of the success rates of the *Xinfang* system and formal legal channels. Their choices are based on other people's experiences or their more intuitive feelings. Some of these experiences and feelings suggest that the *Xinfang* system is effective in resolving petitions. There is a "widely held belief among workers that 'submitting the issue to higher authorities [would] increase the likelihood of a successful and beneficial resolution.' It is also true that intervention from higher-level authorities brought about more benefits than did appeals through legal channels." (Li & Qi, 1999, p.23, as cited in Cai, 2004, p.440) In a survey of 632 petitioners in Beijing, the majority of the survey participants (over 80 percent) believe that reflecting their grievances to the central government will help to resolve their problems through direct intervention, providing instructions to local governments to solve the problem or giving pressure to local governments (Yu, 1995). The belief of the effect of the *Xinfang* system is true to some degree because the most important function of the *Xinfang* system is addressing petitioners' specific problems and violations of their rights. However, because of the tremendous amount of *Xinfang* petitions, it is not possible for *Xinfang* institutions to address all the grievances equally. They resolve particular disputes that may lead to social instability first and large amount of individual appeals are ignored (Minzner, 2009). Petitioner's belief in the effective *Xinfang* system is not consistent with the reality.

The doubt about the effect of formal legal channels and the belief in the effect of the *Xinfang* system merge together as one of the motivations of people's preference of the *Xinfang* system. However, through the above analysis, we can see that scholars still have debates about

these estimations which do not reflect the overall situation. Besides the theoretical analysis, more empirical studies of *Xinfang* petitioners' motivations are needed.

Costs and Risks of Participating in Formal Legal Channels

The cost of litigation is high in China. Since most people with grievances are from rural area and some of them are low-income people, the high cost of litigation is a barrier to participate in formal legal channels (Ying, 2004). Thus, the *Xinfang* system is their only choice. However, the cost of using the *Xinfang* system is also huge. As mentioned above, in-person petitions have a higher success rate than petitions through letters because the former way can catch more attention from higher-level officials and get their appeals addressed. That makes petitioners go to higher-level officials in-person to attract more attentions and more chance to resolve their problems. If necessary, they also need to appeal frequently at different levels of state agencies to urge the higher-level authorities put pressure on lower-level officials. In these cases, both the time-consuming and money-consuming are huge. (Cai, 2004) They need to pay for their long-distance of travel, accommodation and daily living expenses. If *Xinfang* bureaus keep referring petitioners to other bureaus to resolve their problem, the costs of making appeals increase greatly. "A random survey of 110 people making appeals in Beijing found that nearly 49 percent slept on the street because they could not afford to stay in inns; about 39 percent made a living by collecting garbage, 32 percent by begging, and the rest by taking temporary jobs or using money from their families. The longest time spent on appeals by those surveyed was forty-three years." (Cai, 2004, p.446) Zhang (2009) showed that there is no legal assistance for either side in most legal cases. Therefore, the costs of litigation are not considerably higher than the transportation and organization costs of *Xinfang* petitioning.

Palmer (2006) pointed out that Chinese local officials tend to discourage citizens litigation through coercive methods. This risk may prevent people from participating in formal legal channels and make them choose the *Xinfang* system. Again, this claim reflects the reality to some degree but, at the same time, ignores the risks of participating in the *Xinfang* system. Local officials are responsible for local affairs and stability. “Higher-level Chinese authorities evaluate local officials through cadre responsibility systems that link career and salary rewards (or sanctions) of local officials to their success or failure in attaining specific targets. One of the most important targets: the number of petitioners leaving a particular jurisdiction to present grievances to higher-level authorities.” (Minzner, 2009, p.3) Thus, many local officials use harsh and even violent methods to suppress *Xinfang* petitioning and prevent petitioners from reaching higher-level officials, especially the central governments in Beijing. According to a survey of rural petitioners, over 50 percent of them had been through local officials’ retaliation, including seizure of personal property, physical assault by local gangs who work for local authorities, and detaining in “black jails”. (Yu, 2005) Therefore, people participating in the *Xinfang* system also face many risks, which may be even more than those participating in formal legal channels.

In other words, the risks and costs of both the *Xinfang* system and formal legal channels do not differ significantly. It is hard for citizens to decide which one to choose through the rational evaluation of the risks and costs.

Citizens’ Will of Political Participation

There are some common characteristics among the above explanations so far. They treat the *Xinfang* system mainly as a way to resolve people’s appeals and grievances. They concern about the effectiveness, costs and risks about the *Xinfang* system and try to explore the reason of

the high rate of utilization of the relatively ineffective *Xinfang* system in China. That is why they tend to compare the *Xinfang* system with formal legal channels, which have a higher success rate and clearer rules. However, all of these explanations overly simplify the functions of the *Xinfang* system. Feng (2012) pointed out that nowadays people tend to treat the *Xinfang* system merely as a way to resolve societal grievances and overlook the other important function of the *Xinfang* system in China, which is mobilizing the society for political ends. In the perspective of resolving societal grievances, the *Xinfang* system is on behalf of the majority's rights and commits to helping resolving citizens' grievances and conflicts based on their personal interests to maintain social stability. In the perspective of mobilizing the society, the *Xinfang* system aims to reform the masses and mobilize them to participate in social affairs, which may help to enforce national policies. Accordingly, citizens can also use the *Xinfang* system as a political opportunity structure to participate in politics and resolve their appeals. Under the function of social mobilization, citizens can raise their political demands and to promote public interests through the *Xinfang* system. Under the function of grievances resolving, citizens are allowed to protect their personal interests through the *Xinfang* system. These two functions of the *Xinfang* system and the two motivations for petitioners are theoretically merged, but in reality both the *Xinfang* system and citizens have their tendency. From 1978 to now, the main function of the national *Xinfang* system is to resolve societal grievances. Meanwhile, the main motivation for citizens to participating in the *Xinfang* system is also resolving their appeals. However, after 2000, a large amount of social conflicts citizens reflect to the *Xinfang* system are both civic problems and political problems. People use *Xinfang* petitioning not only to resolve their individual grievances, but also express political attitudes, conduct political mobilization and protect public interests. On the one hand, the main function of the national *Xinfang* system is still

resolving societal grievances after 2000. This makes scholars tend to analyze people's participation in the *Xinfang* system as merely an alternative way of formal legal channels and focus on the effectiveness of the *Xinfang* systems. On the other hand, the mixed motivations of *Xinfang* petitioners after 2000 conflict with the main function of the *Xinfang* system. This conflict has led to many social problems. (Feng, 2012) Consequently, the study of citizens' preference of the *Xinfang* system should also take into consideration explanations other than the benefits and costs evaluations of the *Xinfang* system and formal legal channels to resolve grievances.

Some scholars suggest a potential explanation based on citizens' will of political participation. (Cai, 2004; Luehrmann, 2003; Minzner, 2006) Although the rules of the *Xinfang* system is unclear and the success rate is shockingly low, there is still a tremendous amount of people participating in the *Xinfang* system because nowadays *Xinfang* petitioners not only seek to resolve their grievances but also eager to participate in politics. Through the *Xinfang* system, people have the chance to "speak directly to administrative staff and satisfy their psychological desire for political participation" (Zhang, 2009, p. 16), and to be part of the political decision making process, which cannot be achieved through formal legal channels like the judicial litigation. This explanation fits with the above analysis of the functions of the *Xinfang* system and the mixed motivations of *Xinfang* petitioners. Meanwhile, it supplies the previous rational choice explanations.

The "NAO-DA" tradition in political issues

Besides the above theories, Han (2012, 2013) provided a new explanation --- the "NAO-DA" tradition in political issues in China. "NAO-DA" is a Chinese term, which means exaggerating their political claims, making things look more serious, or trying to attract more

attention. The *Xinfang* system can satisfy citizens' "NAO-DA" tradition through four ways: Firstly, in the *Xinfang* system, although there may be some political or moral concerns, people have the chance to generalize their grievances and politicalize their appeals. Secondly, in some *Xinfang* petitions, petitioners may get the discretionary intervention of higher-level officials to resolve their grievances. Thirdly, petitioners can mobilize large number of individuals to put pressure on local officials. This is the so-called collective petition. Lastly, people sometimes will attract official attention through extreme behaviors. In extreme cases, petitioners may even commit self-mutilation or suicide to give pressure to officials. All of these are not easy to be achieved through other channels, while the *Xinfang* system can satisfy people's "NAO-DA" traditions greatly.

The Need of a State-Centric Explanation

All of the above theories and explanations have a certain level of explanatory power of the considerably high rate of utilization of the relatively ineffective *Xinfang* system in modern China. With a careful examination of these existing explanations, it is not hard to find that they either focus on the petitioners' individual motivations of participating in the *Xinfang* system or the advantages and/or disadvantages of both the *Xinfang* system and other formal legal channels. There may be multiple and diverse individual motivations among *Xinfang* petitioners. Perhaps the most reliable way to study *Xinfang* petitioners' individual motivations is to conduct a series of surveys and interviews, instead of purely theoretical analysis. Meanwhile, the advantages and disadvantages of the *Xinfang* system and formal legal channels are still disputable among scholars. It is difficult to have a conclusion of these perspectives. Moreover, the preference of the *Xinfang* system is not just a reflection of social needs. It is highly influenced by the state. (Feng, 2012) Based on Kriesi's framework for the study of the political context (2004), both a country's

political institutions and cultural models shape the strategies of collective political actors in that country. These existing explanations may be results of certain state characteristics of government institutions and political cultures in China. Therefore, a new explanation from the state-centric perspective is needed.

Chinese Political Context--- Informal Cooptation

In this section, we will apply state-centric theories from the political opportunity structure tradition to explore the high rate of utilization of the *Xinfang* system in China. To be more specific, Koopmans and Kriesi's analysis of the formal and informal structures of a political system can explain government's measures to social challenges and political actors' strategies of political participation. With the help of this theory and the analysis of the situations in modern China, we may find an alternative way to explain Chinese citizens' preference of the *Xinfang* system.

Fours Types of General Political Context

According to Kriesi, the political opportunity structure can be divided into three general sets: "the formal institutional structure of a political system, its informal procedures and prevailing strategies with regard to challengers, and the configuration of power relevant for the confrontation with the challengers" (Kriesi, 1996, p.160). Among these three sets, the first two parts, the formal institutional structure and the prevailing strategies, constitute the relatively stable setting of the political environment for the organizational development and social movements. These sets are rooted in the political heritage of a certain political system and constrain the configuration of power. (Kriesi, 1996; Koopmans & Kriesi, 1995) The formal institutional structure and the prevailing strategies of a certain country can influence all

challenging mobilizations in that country, including but not limited to new social movements (Kriesi, Koopmans, Duyvendak & Giugni, 1992).

The formal institutional structure determines the overall strength of the state based on the openness of access to the state and the state's capacity to act. Following the state-centered theories, states are differentiated as weak states and strong states. Weak states are open to the input side, lack autonomy and lack the capacity to act. In contrast, strong states are closed to the input side, have strong autonomy and are highly capable to impose themselves. (Kriesi et al., 1992; Koopmans & Kriesi, 1995) In addition, the informal procedures and prevailing strategies are either exclusive or inclusive. For exclusive prevailing strategies, the policies to challenging mobilizations and social movements are repressive, confrontational, and polarizing. On the contrary, For inclusive prevailing strategies, the policies are facilitative, cooperative, assimilative. (Kriesi et al., 1992)

Table 1: Fours Types of General Political Context

		Formal Institutional Structure	
		Weak State	Strong State
Prevailing Strategies	Exclusive	formalistic inclusion - formal, but no informal facilitation of access, strong repression - possibility of veto, but no substantive concessions	selective exclusion - neither formal, nor informal facilitation of access, ignoring/repression - neither possibility of veto, nor substantive concessions
	Inclusive	full procedural integration - formal and informal access, weak repression - possibility of veto, but no substantive concessions	informal cooptation - no formal, but informal access, weak repression - no possibility of veto, but substantive concessions

Note: It is taken from Kriesi et al. (1992, p. 225)

Based on the the distinction between weak and strong states and the distinction between exclusive and integrative prevailing strategies, Kriesi classified four types of general political

context (Table 1). Firstly, the combination of a weak state with exclusive prevailing strategies is formalistic inclusion. In this situation, challengers can rely on formal but not on informal facilitation of access. They may face with strong repression. Meanwhile, there is a possibility of veto for challengers, but no substantive concessions can be expected by them. Secondly, a weak state with inclusive prevailing strategies is called full procedural integration. In such countries, challengers can access to the state system through both formal and informal channels with relatively weak repression. Because of the weakness of the state, challengers cannot rely on substantive concessions, but they may block decisions by exercising vetoes. Thirdly, we have the selective exclusion which is a combination of a strong state with exclusive dominant strategies. In these countries, challengers can access to the state system through neither formal nor informal channels. The strength of the state makes it possible for the country to ignore some challenges. But once the country does react, challengers will face with harsh repression. Moreover, challengers have neither the possibility of veto nor substantive concessions. The last type of general political context is informal cooptation, which is in strong states with inclusive prevailing strategies. Challengers in such political context can rely on informal access, not formal access. They may face with weak repression. Veto is not possible but challengers can count on substantive concessions. (Kriesi et al., 1992; Koopmans & Kriesi, 1995) These four types of general political context influence all challenging mobilizations and the strategies of collective political actors.

China as an informal cooptation country

The above classification of general political context is established on the political institutions and political cultures in western countries. However, we can still use this classification for reference to study the situation in China. Based on the classification criteria, the

Chinese general political context is informal cooptation. This characteristic has great influence on citizens' preference of the *Xinfang* system. (Feng, 2013)

Strong State

Three political arenas work together to determine the strength of the state, including the parliamentary arena, the administrative arena, and the direct-democratic arena (Koopmans & Kriesi, 1995). In the parliamentary arena, the number of parties, factions and groups, and the formation of viable policy coalitions are critical parameters of the openness of the state (Koopmans & Kriesi, 1995). China is a singly-party state. Chinese Communist Party (CCP) is the governing party, which is highly disciplined and has barely no factions within it. This makes the Chinese government have a strong capacity to act. In the administrative arena, the public administration in China is highly coherent and professional. Meanwhile, it disposes relatively large amount of available resources. In the direct-democratic arena, Chinese politicians are not elected by popular vote, and elections follow the framework of "single-party rule" (Xie & Van Der Heijden, 2010). It is considerably difficult for Chinese citizens to influence the political system or participate in politics through formal channels.

The strength of the state is also influenced by the degree of the state's (territorial) centralization and the degree of its (functional) separation of state power (Koopmans & Kriesi, 1995). The greater the separation of power between the legislature, the executive, and the judiciary, which means that the more independent these three arenas are from each other, the weaker the state is, vice versa. In China, the legislature, the executive, and the judiciary are highly consistent with each other. The central government exerts great influence on local authorities and the power of provincial governments is not based on a system of electoral

representation. The formal institutional structure in China is closed and the system is highly centralized.

Consequently, China is a strong state and has a strong capacity to act. There are few formal access for citizens to participate in politics. The formal institutional structure and the functional separation of state power provide few opportunities for challengers.

Inclusive Prevailing Strategies

China has a strong characteristic of paternalism. Unlike Western countries in which laws are extremely significant, China tolerates and even stresses the importance of informal rules and access, which may mediate the status of laws. Some claims which break the rules can be negotiated. Some behaviors which break the rules can also be accepted (Feng, 2013). Here we need to point out that the government is tolerant of many nonpolitical requests. The tolerance of political requests which break the rules and may threaten the authority of the government is still extremely limited or even not possible (Cai, 2004). This inclusive political culture affects the strategies of political actors in China. Citizens tend to count on informal access rather than formal channels to participate in politics (Shi, 1997).

Chinese Citizens' Preference of the Xinfang System

The strong state and the inclusive prevailing strategies determine that the general political context in China is informal cooptation. This political context shapes the way Chinese citizens express their political claims. Citizens avoid using the formal structure. They prefer to use the more flexible informal structure and tend to adopt the more paternalistic methods which is the *Xinfang* system. Compared to formal legal channels, the *Xinfang* system is highly influenced by the political cultures in China and is more tolerated by the state. Thus, petitioners believe in the

effect of the *Xinfang* system and they are not aware of (or even “blind to”) the extremely low success rate of the *Xinfang* petitions. Meanwhile the *Xinfang* petitioners tend to use fierce conflict strategies to break the limitations/ lines of formal structures to force the government to resolve their grievances through the informal channel (the *Xinfang* system). This is the so-called “NAO-DA” phenomenon mentioned above. They also ignore the risks of these fierce conflicts. (Feng, 2013)

This effect of the informal cooptation political context in China is consistent with the study results in Western countries (Kriesi et al., 1992). Petitions, as a very moderate form of action, are found to be most frequent in countries with inclusive informal strategies (Switzerland and Netherlands). In contrast, in countries with exclusive prevailing strategies (Germany and France), petitions are not widely used and people do not have much faith in the effectiveness of petitions.

In general, based on the classification of general political context, the characteristics of the strong state and the inclusive prevailing strategies of China determine the informal cooptation political context. This context has influences on Chinese government’s tolerance of challenges from different political access and citizens’ political opportunities of political participation through different channels. Therefore, combining with the nature of the *Xinfang* system in China, the informal cooptation political context can explain Chinese citizens’ preference of the *Xinfang* system.

Discussion

In the present study, we focus on the *Xinfang* system in modern China. The *Xinfang* system is a multifunctional tool for both citizens and the state. It presents a form of citizen

political participation in an otherwise closed authoritarian system. The high rate of utilization, unclear rules and low success rate are outstanding characteristics of the *Xinfang* system. These seemingly conflicting features have attracted scholars' much attention. Researchers differ in their explanations for the mechanisms behind this phenomenon. Most of the explanations do reflect some realities and have certain level explanatory powers. However, because of the complicated functions of the *Xinfang* system, few of these explanations reach agreements among scholars. Also, the individual level analysis of *Xinfang* petitioners' motivations and the study of the advantages and disadvantages of both the *Xinfang* system and formal legal channels can hardly overall reflect the diverse, complex and sometimes specific situations. Thus, an alternative state-centric explanation is provided. According to Koopmans and Kriesi's classification of four types of general political context based on the the formal and informal structures of a political system, China has the informal cooptation political context. This context shapes both governments' measures to social challenges and citizens' strategies of political participation.

Compared to previous explanations, the key feature of the present theory is that it brings "state" back to the center of the study of the *Xinfang* system. There are two main advantages of this state-centric explanation: On the one hand, compared to individual level analysis and the study of the advantages and disadvantages of different channels, the exploration of the formal and informal structures of a political system is more fundamental. The former explanations deeply root in these state characteristics of government institutions and political cultures. Secondly, the state-centric explanation avoids the concern of specific situations of both petitioners and officials. Scholars' debates of the reason for the amazing popularity of the *Xinfang* system is mainly because of the complicated nature of the *Xinfang* system. It is easy to get lost in the multiple features, functions, advantages, motivations and roles. Thus, a more

foundational study exploring the mechanisms and dynamics behind these complex performances will help to generate a more clear and essential explanation of Chinese citizens' preference of the *Xinfang* system. With these two advantages, the present study will supply existing explanations and give further study directions.

Besides the *Xinfang* system and formal legal channels, there are other ways to express political claims for citizens. In democracies, people may take noninstitutionalized actions, such as social movements, to pursue their interests. But for Chinese citizens, it is hard to participate in such disruptive activities because demonstrations and protests can only be organized after getting approval from relevant government departments. Some collective actions are illegal, such as strikes. Even when people have chance to participate in collective actions to pursue their interests, they have to face with the high risks of government punishment. (Cai, 2004) These limitations reduce the political participation opportunities for citizens and enlarge the significance of the role of the *Xinfang* system.

The aim of the present study is to provide a potential explanation of Chinese citizens' preference of the *Xinfang* system from the sociological perspective. A comprehensive understanding of Chinese *Xinfang* system needs studies from sociology, political sciences, law, history and psychology. More studies about this significant issue are needed in the future.

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