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#### **Stability maintenance at the grassroots: China's weiwen apparatus as a form of conflict resolution**

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## ***Stability maintenance at the grassroots: China's *weiwen* apparatus as a form of conflict resolution***

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### **Introduction**

This working paper explores the history and potential of “stability maintenance<sup>2</sup>” (*weiwen*) as a form of conflict resolution<sup>3</sup> in China. Its emphasis on conflict resolution is novel. Previous examinations of the *weiwen* apparatus have concentrated on its political function, namely to manage resistance within society and maintain the authority of the party-state. This avenue of investigation has proved fruitful as a means of characterising the political motivation and the higher-level strategies involved in stability maintenance. Nonetheless, there remain significant conceptual and empirical gaps relating to how stability maintenance offices and processes actually function, particularly out of larger cities and at local levels. The research described in this paper aims to consider the effectiveness of stability maintenance as a part of the “market” for conflict resolution in local China, and to test the hypothesis that conflict resolution as facilitated by *weiwen* is the most pragmatic and effective means of actually resolving conflicts in the current Chinese political context, notwithstanding the closeness of the stability maintenance discourse to state authority and its relative distance from rule of law-based methods of dispute resolution.

The paper synthesises several sources of research. Its argument relies in part on an analysis of 65 cases, reported in the Chinese media, of conflict resolution facilitated in whole or in part by stability maintenance offices (*weiwenban*). It juxtaposes this data with an analysis of the existing literature, both on *weiwen* specifically and on the linked concept of *weiquan* (rights defence). Furthermore, the paper considers—to a greater extent than previous English-language publications have done—the indigenous Chinese discourse on *weiwen* and stability maintenance policy-making. While such discourse must be regarded with a critical eye, various recent reports of stability maintenance work at grassroots level lead this paper to consider a second hypothesis: that stability maintenance work has stimulated innovation in local government in China.

The paper thus confronts a number of key issues in modern Chinese studies. It explores the means by which Chinese citizens confront their changing world in a political system based on “fragmented authoritarianism” (Mertha, 2009) or “bargained authoritarianism” (Lee and Zhang, 2013). Its findings provide extra data to support the observations made by other writers about China’s retreat from legal methods and its complex strategies to facilitate local conflict resolution. It also addresses the complicated network of connections between the central, provincial and local levels of government, in particular the practical and ideological ef-

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<sup>2</sup> I am translating *weiwen* (维稳) as “stability maintenance” (as Lee and Zhang (2013) and Kan (2013) have done). It is also translated frequently as “stability preservation” (as in Feng (2013) and Trevaskes (2013)). It would be misleading to suggest that there are substantial differences in nuance between these two translations, but I have used “stability maintenance” because I feel that it better conveys the unchanging political outlook of the party-state with respect to stability.

<sup>3</sup> The terms “dispute resolution” and “conflict resolution” will be used interchangeably below. While legal scholarship in English tends to refer to “dispute resolution”, academics from other disciplines (and the staff of the LOEWE Research Focus) sometimes use “conflict resolution”. This inevitably leads to an overlap in use of the two terms. For the purposes of this paper, I do not intend to convey any difference in meaning between the two terms.

fects of top-down campaigns, of targets imposed on local government by the centre, and the amount of freedom and innovation which the centre and the provinces permit local authorities.

The analysis in this paper begins by briefly situating stability maintenance in its historical context, as a means both of characterising the uses of the stability discourse in China and of explaining the structure of the stability maintenance apparatus at local, regional, and central levels. The paper then turns to questions of conflict resolution. Using the cases mentioned above, it assesses the effectiveness of *weiwen* strategies in resolving conflicts, particularly in comparison to the other available options, chief amongst them legal proceedings and mediation. The paper concludes by assessing three key ideas: the place of *weiwen* in a Chinese society where other means of conflict resolution are increasingly marginalised; the available space for local innovation and experimentation in forms of conflict resolution in an authoritarian milieu; and the prospects for legal conflict resolution and the rule of law in the era of stability maintenance. In examining each of these areas, it argues that stability maintenance has the potential to assist, as well as hinder, conflict resolution.

### ***Weiwen* as part of the Chinese stability discourse**

In studying the concept of stability in China, our constant challenge is to distinguish between three things which are easily conflated: stability as an official discourse; stability as measured empirically; and “stability maintenance” as a series of practical functions. As Sandby-Thomas (2011) has pointed out, stability in post-Mao China has functioned as a “cognitive filter” or framing device: the party-state has used “stability” as a justification for its responses to current events and increasingly for its policy-making, a strategy congruent with Deng Xiaoping’s famous maxim “*wending dadao yiqie*” (stability above everything else). This stability discourse arose for multiple reasons: as a reaction to growing dissent in China, as a means of characterising the party-state’s departure from Maoism, and as a response to China’s economic growth and its consequent need for reliable commercial-legal processes.

In this case, the state strategy is to conflate different types of stability, referring to all of them with an umbrella label: Sandby-Thomas (2011, p. 155) refers to this as “mystifying” the notion of stability, allowing it to be “discursively flexible”. The discourse of “stability” and consequently of “stability maintenance” implicitly implies that “national stability” (that is, the political stability of the central party-state), economic stability, social stability and psychological stability are all essentially fungible, and that increases or decreases in one form of stability will lead to parallel increases or decreases in the other forms. The empirical evidence does not support this conclusion. While China’s levels of political stability, both at a national and international level, have remained very high since the beginning of the reform period, and while China’s economic growth has generally been steady, one consequence of the high levels of these types of stability has been a substantial increase in social instability, as manifested, for example, in very high levels of “mass incidents” and other forms of public protest (Lee, 2007), as well as a steady increase in crime (Xie, 2012, p. 4). Emotional stability, a psychological outlook often promoted by the state and closely associated with the discourse of “civilisation” (Tomba, 2009), has also suffered as reform has gone on: in fact, various authors have characterised modern China as a fundamentally “angry society”, suffused with an untargeted “abstract anger” (Zheng, 2012; Yu, 2009a).

At a broad discursive level, then, the construction of the neologism *weiwen* 维稳 (an abbreviation for *weihu wending* 维护稳定), and its conceptual application to the problems that China faces, reflects the dual concern of the Chinese state: to maintain the political stability of the central government and address the many areas of instability at the local level. However, local sources of instability take many forms, whereas the genealogy of stability mainte-

nance is chiefly political. The highest administrative organisation for the management of stability maintenance, the Central Leadership Small Group for Stability Maintenance Work (*Zhongyang Weiwēn Gongzuò Língdǎo Xiǎozǔ* 中央维稳工作领导小组) was formed as a response to a substantially political problem: the perceived challenge of Falun Gong, and later other “evil cults”, to the party-state’s authority (Xie, 2012, pp. 18-19; Zhang and Yi, 2009).

That said, the Central Leadership Small Group for Stability Maintenance Work is tightly integrated with a larger and much more complex political apparatus, which can be collectively characterised as implementing the state policy of “comprehensive management of public security” (*shehui zhian zonghe zhili* 社会治安综合治理, abbreviated “CMS” in English). This policy, developed in the early 2000s under the leadership of Hu Jintao, incorporated existing strategies for crime prevention and social control (for example, the “strike hard” anti-crime campaigns) with a range of new and intensified strategies characterised by their emphasis on local communities and on non-legal measures, such as the increased use of informants and the targeted monitoring of particular groups (Xie, 2012, pp. 9-11). Many of the policy aspects of CMS were not inherently new, nor was the CMS label. Its broader significance is the shift in emphasis away from the legal promotion discourse of the 1990s to the facilitation of local conflict resolution strategies based on political, financial and personal imperatives, a trend characterised by Minzner (2011 and 2013) as a “turn against law”.

As a result of this, in tandem with the many other CMS groups, the work performed under the aegis of the Central Leadership Small Group for Stability Maintenance Work penetrates to most sectors of Chinese life. The types of work done are highly diffuse, and it is difficult to assess exactly what is and is not covered by the label *weiwēn*. Academically speaking, this has led to an over-emphasis on the political aspect of stability maintenance, and particularly on the punishment of political dissidents, perhaps because of the political origins of the stability maintenance concept. The resulting analysis is not of course inherently wrong, but can lead to a misunderstanding of the nature of the *weiwēn* policy. For example, Kan (2013, pp. 90-92) proposes an extremely broad interpretation of *weiwēn* work, categorising the re-education through labour (*laojiao*) scheme, the forcible sending of citizens to mental hospitals, and unofficial detention centres (“black jails”) as all being specific manifestations of *weiwēn*. Although each of these strategies does have the effect of “maintaining stability” from the state’s point of view, although they are ultimately administered by the CMS apparatus, and while it is certainly feasible that *weiwēn* personnel have been responsible for this work at various times and places, it seems misleading to refer to these strategies as straightforwardly *being weiwēn*. Rather, they are better interpreted as manifestations of the CMS policy apparatus, or, even more broadly, of state authoritarianism. A more specific approach to stability maintenance work which does not tar all social management activities with the *weiwēn* brush, as adopted in the recent article by Lee and Zhang (2013), seems more likely to be fruitful as a mode of analysis.

Consequently, this paper concentrates on those strategies explicitly labelled as *weiwēn*, implemented by *weiwēnban*, and with clearly traceable conceptual links to the state’s *weiwēn* policy. The structure for implementing *weiwēn* is now well established across China. At the highest policy level, the Central Leadership Small Group for Stability Maintenance Work interacts and shares members with the Central Comprehensive Management Committee and the Central Politico-Legal Committee. At a senior administrative level, the Central Office for Stability Management interacts with its parallel CMS group, the Central Office for Comprehensive Management. The Central Office for Stability Maintenance is then responsible for offices for stability maintenance—which operate in tandem with CMS offices, for example under the name of “offices for comprehensive management of petitioning and stability”, at provincial, county, town and village level (Xu and Li, 2011).

There are two key aspects to this organisational structure. The first is its administrative separateness from the main Chinese state organs of law enforcement: in particular, the Ministry of Public Security, the Ministry of State Security, the courts and procuratorate system, the police, and the coordinating National Office for Letters and Petitions (Xu and Li, 2011). The second key aspect, in part a consequence of the first, is the flexible structure and personnel that the *weiwen* organisations can have. At a senior level, the office can recruit staff from anywhere and has no fixed office (*Nanfeng chuang*, 2009). At a local level, as I discuss below, the lack of provision of operational guidelines (as distinct from conflict resolution targets) for stability maintenance processes has meant that the strategies used by local stability maintenance offices can differ substantially from place to place. However, in general terms, each *weiwen* office is staffed by five to ten official staff (often transferred from other duties) and relies on networks of informers (信息员 *xinxiyuan*) and volunteers (治安志愿者 *zhian zhiyuanzhe*) who alert the staff to relevant matters (Fu, 2013, p. 29).

The organisational structure of stability maintenance is reflective of the overall trends in Chinese political organisation. The stability maintenance structure combines an authoritative top-down approach (reflective of the party-state's fundamental unwillingness to cede its power) with an increasingly free rein provided to local officials (reflective of the increasing complexity and pluralism of the Chinese economic and social world, largely as a result of economic reform). Furthermore, the stability maintenance apparatus reflects China's so-called "turn against law", as is demonstrated by its structural separateness from the courts and even the police. Lee and Zhang (2013, pp. 1480-1) characterise the new processes of stability maintenance as reflecting "legal-bureaucratic absorption". This idea signifies that forms of conflict resolution that might (whether hypothetically or in the past) have involved explicitly legal processes are increasingly being channelled into purely bureaucratic or governmental structures: hence, disinterested and regulated legal processes (whether or not these ever actually existed in China) are replaced by negotiated "bargains" between citizen and state, with a consequent orientation towards personalised and clientelist forms of state-society interaction.

It is clear, then, that stability maintenance work—as carried out on the ground and not solely at a broad policy level or in extreme cases—involves a negotiative form of balance between a top-down form of state authoritarianism and a bottom-up range of *ad hoc* local strategies. Analysts of stability maintenance have largely acknowledged the authoritarian aspect of *weiwen*. It has been the chief focus of a number of Western studies of stability in China (see Feng, 2013; Kan, 2013; Schucher, 2013; Trevaskes, 2013; and Xie and Shan, 2011, for example). Only very recently has the flexible side of *weiwen* attracted academic attention. Lee and Zhang (2013) provide the first genuinely sophisticated analysis of stability maintenance as it is carried out in an everyday practical form, and their conclusions provide an analytical backbone for the cases described below. Even so, their overall characterisation of stability maintenance as "bargained authoritarianism" risks conflating two imperatives—namely, the desire of the state to avoid resistance, and the necessity that the state negotiate situations with its citizens at a local level—which, while closely linked, are sometimes discrete and in fact sometimes clash with each other.

By emphasising the interconnection of state and market in China, the state's intention to "depoliticise" life as it is experienced in local terms by citizens, and the importance of interpersonal and clientelist relationships to problem-solving in China, Lee and Zhang argue persuasively for stability maintenance as a natural process or consequence of modern Chinese authoritarianism. Nonetheless, as the cases discussed below begin to demonstrate, bargaining and negotiation is not necessarily a direct or inherent consequence of Chinese authoritarianism, and there are many cases where the state (whether local or central) does not intervene

in areas of public unrest, or even facilitates complaint<sup>4</sup>. In examining and analysing stability maintenance across the totality of cases in which it is used (particularly in non-urban cases, and cases which are more like interpersonal conflicts than political unrest), it can blur the key issues, and indeed unnecessarily colour the process of thinking about *weiwen*, to suggest that every feature of stability maintenance is inherently linked to authoritarianism, even in some mitigated form. Hence, by concentrating on stability maintenance as a form of conflict resolution, this paper posits an alternative view: one which is not mutually exclusive with other analyses of stability maintenance, but rather intends to shed light on it from a different angle.

### The world of conflict resolution in modern China

As I indicate above, conflict in China—interpersonal, inter-organisation, and between citizen and state—is increasing rapidly. In tandem with the “fragmentation” and increasing pluralism of Chinese society—including such factors as the diversification of economic stakeholders, the privatisation of previously state-supplied services, the demise of the work unit system, and the increasingly diversity of communication in media and the Internet—there are now more potential conflicts between people and groups of people, and more ways of expressing dissatisfaction, than ever before. The sheer size and scale of these conflicts has necessitated various policy innovations by the state, of which the *weiwen* discourse is one.

I have already noted that collective conflicts, such as labour disputes, strikes, street marches and group political activism, have been closely linked with stability maintenance by many scholars; and that, in contrast, this paper aims to examine conflict in China from a more personalised, grassroots view. In particular, the research in this paper considers small-scale, less controversial cases. Such cases, in the Western world, might be subject to non-legal or expedited legal resolution, using means such as small claims tribunals or alternative dispute resolution (ADR) methods, such as mediation. It is not the aim of this paper to consider the state’s response to the so-called “mass incidents” (*quntixing shijian* 群体性事件) involving large collectives, which have attracted so much academic attention over the past decade. The incidents examined below are consciously not “mass” in nature<sup>5</sup>.

This narrowing of focus does not simplify the question of how conflicts are resolved in modern China. Rather, it complicates it. Applied at an individual level, conflict resolution methods become even more diffuse. Reports are less likely to reach public attention and scrutiny, even through informal means like blogs. The potential for informal solutions—involving

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<sup>4</sup> A previous article (Benney, 2012) discusses means by which local activists might avoid the censure of the central government (although the activist described in the article was detained earlier this year, and has now moved to a larger city). Hassid (2012) suggests that online discussion is a consciously maintained “safety valve” for dissent, whereas Woodman (2012) suggests that contentious political discussion is facilitated in a context of “segmented publics” (that is, in particular groups which can be isolated from the public as a whole, contentious dialogue is much more likely to take place). In a more general sense, Kelly (2006) describes the state’s technique of “*fang*” and “*shou*” (“releasing” and “bringing in”), which has been applied to public intellectual discourse: in essence, this involves the state deliberately allowing citizens to express controversial views and then using the opinions thus expressed either to alter policy or to target and victimise individuals. Beyond all this, the question of the resources available to the state for control of its citizens, which are large but still limited, problematizes the idea of state intervention.

<sup>5</sup> Su and He (2010, p. 162) indicate that “the official term to describe such actions has gone from ‘mobbing crowds (暴徒)’ or ‘illegal associations (非法集会)’ to the more neutral ‘mass incidents (群体性事件).’ The new terminology serves as a signal of depoliticizing the majority of citizen protests as an inevitable fact of life, ending the past taboo that banned any public discussion on the subject.” It is also worth noting that each of these abandoned terms emphasises the mass collection of individuals: the *size* of the incident is emphasised over its specific quality or nature, or the *particular* individuals involved.

money or goods changing hands, violence, intimidation, and so on—increases. Family and social networks become more important, as do personal characteristics.

All these tendencies are exacerbated by the changing landscape of conflict resolution in China. Since the beginning of the reform period, conflict resolution strategies in China have described an arc: first towards, then away from, courts and legal dispute resolution methods. As Lubman (1967 and 1997) and Fu and Cullen (2011) have described, Maoist China resolved disputes largely through mediation (*tiaojie* 调解), a process characterised largely by interpersonal bargaining and negotiation, albeit with Party officials and judges leading the negotiation and maintaining the upper hand. Written laws, rules, and processes carried relatively little weight. Personal influence and moral-political qualities (attributed to the state, to good citizens, and so on) were used as the primary justifications for the decisions that were arrived upon. In tandem with mediation at local levels, the process of *xinfang* (信访) or “letters and visits” has historically provided for dissatisfied citizens to appeal to higher authorities to intervene in their complaints against local bodies: the most symbolically powerful form of this being appeals to the central government, or *shangfang* (上方). This process is also traditional in China, and became more regulated in the 1990s (Minzner, 2006).

This traditional, and characteristically non-legal, framework has changed in two key ways during the past two decades. Law, largely for reasons of commercial necessity, became more and more important as a means of social regulation during the early 1980s. This tendency gradually spread to interpersonal disputes. Particularly under the leadership of the relatively progressive Minister for Justice, Xiao Yang (Fu, 2010, p. 170), China underwent a process of “legalisation” (*fazhigua* 法制化). As part of this, local authorities, including both government and quasi-government organisations, were funded, empowered, and encouraged to facilitate legal resolutions to problems, for example under the label of the *pufa* (普法) or “legal dissemination” program, and the earlier, government-facilitated stages of the *weiquan* (维权) movement (see Benney, 2013, pp. 41-54). This tendency never extended to a wholesale embracing of all the implications of a political system ruled by law—for example, the enforcement of the rights and freedoms in China’s constitution. As Keith and Lin (2006, pp. 28-30) point out, the reasoning behind the tendency was really a kind of “synthesis” of ideas of law, morality and virtue, and state authority. Nonetheless, it is clear that these processes gave law and lawyers greater conceptual “space” and prestige, while at the same time increasing the legal consciousness of citizens. Until the mid-2000s, then, both lawyers and citizens often made use of the law and legal rhetoric to frame their complaints, often with the tacit support of the state<sup>6</sup>. As Michelson’s work (2006 and 2007) demonstrates, these changes in framing and discourse strategy did not lead to more than a small fraction of disputes actually ending up in court; regardless, the number of cases referred to courts, together with the number of trained lawyers and legal practitioners, increased steadily during this period.

Ultimately the party-state has come to perceive “legalisation” as a threat rather than an opportunity, and, particularly under the influence of Zhou Yongkang (who, as a former Politburo member and a non-lawyer, took much less interest than Xiao Yang in the rule of law and court autonomy (see Cohen, 2008; Zang, 2010)), it has embarked upon a “turn against law”. The increasing preference for non-legal means of social control (including CMS and the *weiwen* movement) reflects the state’s mistrust of lawyers, legal forms of conflict resolution, and the discourse of law as a whole. Courts and lawyers continue to regulate high-level cases,

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<sup>6</sup> The state’s support of rights defenders like Chen Guangcheng and activist lawyers like Teng Biao was highly visible during the early 2000s. In a few years, the state’s attitude towards such activists had turned negative, as the well-known case of Chen Guangcheng’s detention and subsequent asylum in the United States demonstrates.

particularly in the commercial sphere, but there are now relatively few incentives, and many disincentives, for citizens to use the court system to resolve personal disputes. The *weiquan* cases promoted in the Chinese state media during the late 1990s and early 2000s—in which vulnerable citizens “used the law as a weapon” to solve labour disputes, cases of domestic violence, violations of the rights of the disabled, and so on (see Benney, 2013, pp. 46-7)—are now very hard to find. Such cases are now, in the opinion of the state, best solved by mediation or by a process linked with *weiwen*.

At the same time, the *xinfang* process of petitioning has become considerably less effective. During the 1990s, both petitioning and court cases were used more and more frequently. As Minzner (2006, p. 86) suggested in the mid-2000s, petitioning played a valuable role in Chinese conflict resolution, both in the sense that it allowed problems to at least reach the attention of higher levels of government, and also in that it provided a “safety valve” through which citizens could express their discontent. At the same time, the state was struggling with the question of administration and control of *xinfang* processes (Minzner, 2006, pp. 89-92). However, as Liebman (2011, p. 276) indicates, the number of petitions has been decreasing since 2006. This decrease appears largely to be the result of pressure on petitioners from a local and national level. There was a “high tide” of petitions from 2003 to 2006, during which period thousands of petitioners took the petition principle to its logical conclusion and travelled to Beijing to present their grievances to the central government (a movement which, Li et al argue, was stimulated by the changes in central leadership at the time) (Li et al, 2012, pp. 317-320).

In part this “high tide” ended because of the collective realisation by citizens that petitioning was not an especially effective way of problem solving: it was “costly, ineffective, and often counterproductive” (Li et al, 2012, p. 321). But the suppressive tactics of the state—both at a central and a local level—were even more significant. Under the supervision of Zhou Yongkang, the then Minister for Public Security, increasingly strict targets for numbers of acceptable permissions were implemented after 2005. This put pressure on local officials to prevent petitioners reaching Beijing, under threat of severe penalties which ranged from fines to criminal prosecution (Li et al, 2012, p. 325). Hence the common strategy of representatives of local government following petitioners as they travel to Beijing or provincial capitals, in an attempt to physically prevent them from lodging their complaints (Chen, 2013, p. 62).

This new situation forced local authorities to adopt a range of new and highly personalised strategies, in attempts to persuade potential petitioners not to make formal complaints. Such strategies included compensation and bargaining as well as threats and detention, and understandably put considerable extra pressure on cadres. These local strategies are conceptually labelled in the same way that the State Council’s 2005 directives on petitioning were, as means of “stabilising” potential petitioners (Li et al, 2012, p. 330), just as the “hard targets” on local government were nominally intended to “maintain political stability” (Li et al, 2012, p. 325). This is a clear manifestation of the state’s overall policy intention with respect to stability maintenance and conflict resolution: namely, to develop a overarching rhetoric based on stability, to set strict targets designed to protect the Centre from criticism from citizens, and to provide local authorities with relative flexibility in terms of how they meet these targets.

Finally, to consider the role of mediation in the present landscape of Chinese conflict resolution. Fu Hualing’s research (Fu, 1992; Fu and Choy, 2004; Fu and Cullen, 2011) has demonstrated that, during the 1990s and early 2000s, the perceived effectiveness of court-facilitated forms of mediation decreased. This, coupled with its labour-intensiveness and the relative prestige and increased availability of court adjudication, led to a gradual decrease in the use of mediation (Lu, 2011, p. 237). Since then, however, the “retreat from law” has given



mediation a complex new status. Minzner (2011, p. 945) characterises the approach as an attempt to “resuscitate” extra-judicial mediation practices that had “fallen into disrepair” with the rise of law during the 1980s and 1990s. The People’s Mediation Law, enacted in 2010, forms part of this attempt to codify and re-emphasise mediation as a form of dispute resolution. The law notes the historical embeddedness of mediation into Chinese dispute resolution and provides specifically for various permitted forms of mediation—people’s mediation, commercial mediation, administrative mediation, employment dispute mediation and industry mediation—each covered by its own set of laws and procedures.

For the purposes of this paper, the processes of administrative mediation and people’s mediation are most significant. The 2010 law represents the culmination of a series of reforms which Halegua (2005) had characterised as a attempt to revivify the People’s Mediation Commissions (PMCs) so prevalent during the Mao period. The law sets out various requirements for the makeup of the PMCs, the people allowed to work as people’s mediators, the processes of people’s mediation, and mediation agreements. Administrative mediation—that is, mediation conducted by administrative organisations, such as disputes relating to land administration and demolition, contract disputes, and public security disputes, and marriage disputes—on the other hand, does not fall under a single governing law (He and Zeng, 2011, pp. 22-3).

The Chinese party-state’s perspective on local mediation is ambivalent. First, it is clear (as Fu and Cullen (2011) and Lu (2011) demonstrate) that complainants are often suspicious of mediation, and prefer more sophisticated and legal methods such as adjudication and arbitration, as well as actual lawsuits; this has constantly worked against the state’s attempts to promote mediation after the mid-2000s. Second, the state’s attempts to reform local mediation still give a great deal of flexibility to the PMCs, who are permitted to (according to Article 22 of the People’s Mediation Law) “adopt various means to mediate disputes”, and even to the participants in the mediation, who may terminate it at any time (according to Article 23). Mediation, therefore, can still involve almost anyone and take almost any form. As the cases below demonstrate, this has often led to stagnation, both in terms of the composition of PMCs and the processes of mediation. Third, administrative mediation, despite involving a wide range of serious and increasingly important grassroots issues, has no systematic coordination or regulatory structure. Finally, despite the state’s attempts to prioritise and promote mediation, it is still necessary for it also to promote the structure of laws and courts, particularly in higher-level disputes; this, coupled with the continued intellectual promotion of ideas such as “rule of law”, means that the state cannot take a consistent discourse position on the mediation process. Ali (2013) suggests that mediators themselves are becoming more engaged with the rule of law and are increasingly inclined to incorporate legal ideas and principles into their work.

Stability maintenance, therefore, enters the Chinese landscape of dispute resolution as a conceptual newcomer. Even if the implementation of stability maintenance in conflict resolution involves identical processes and personnel to people’s mediation or administrative mediation, its novel label may lead to greater public engagement with the dispute resolution process. Also, the substantial central funding allocated to *weiwen* can potentially allow local governments to devise new means of dealing with the epidemic of public complaints and dissatisfaction. While the distinctions between stability maintenance and mediation, as well as the tracing of which government funds are allocated where in practice, is difficult if not impossible, the cases described in the next section do begin to provide us with information about how stability maintenance is functioning at the grassroots. Specifically, they provide us with information which goes some way to answering the two research questions posed at the beginning of the paper, namely whether conflict resolution as facilitated by *weiwen* is the

most pragmatic and effective means of actually resolving conflicts in the current Chinese political context, and whether stability maintenance work has stimulated innovation in local government in China.

### The data

In late 2012 and early 2013, we made a search of Chinese news databases for reports of cases where stability maintenance offices had been involved in the resolution of conflicts<sup>7</sup>. 65 cases were retrieved. The 65 cases included cases where the conflicts was not resolved at the time of writing (23 cases), cases where the dispute had been partly resolved (11 cases), and cases where it was reported that the dispute had been fully resolved, at least in the short term (31 cases).

Our coding framework (see the Appendix) was intended to clarify the nature of the complaints and the complainants, the location of the complaint, the affiliation of the relevant stability maintenance office, the type of entity complained about, the type of complaint made by the complainant, the time before the stability maintenance office intervened, the method of conflict resolution, the entities other than the stability maintenance office involved in the conflict resolution, whether the CCP or CCP members were explicitly stated to have been involved, whether the conflict was resolved in the short term, and (if known) the longer-term outcomes.

Despite this pseudo-statistical framework, the main mode of analysis of the data was essentially qualitative and discursive. The data was insufficient, both in quantity and reliability, to perform any rigorous technical analysis. In contrast, our discursive analysis of the data provoked us to identify a number of key themes, under which we present our findings below. Despite the empirical limitations of this approach, the data—particularly when coupled with an analysis of the Chinese academic discourse on stability maintenance—is sufficient to provide some preliminary answers to the research questions, as well as situating stability maintenance more clearly in the academic field of conflict resolution and providing some useful illustrative narratives of the conflict resolution process. Just as importantly, the data provides us with a useful means of focusing our future study.

The data is problematised in another important way, in that practically all of the newspaper articles we used are sourced from the Chinese media, interlinked to some extent with the party-state, and in that many of the academic critiques of stability maintenance processes, which we have used in part to analyse the data, come from Party journals or publications fundamentally designed to promote the party-state's agenda, such as policing journals. The paper does not proceed on the basis that these articles are straightforward and precise narrations of actual events<sup>8</sup>. Rather, the analysis of the data is predicated on the belief that it is possible to read Chinese academic and newspaper articles in a number of interlocking ways:

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<sup>7</sup> To be more specific, we (the author and a research assistant) used five search sources: in order of priority, the People's Daily database, the Chinese Newspaper Database, the Chinese Academic Journal database, Google News, and general searches of the web and other social networking services. We retrieved articles by using the search term 维稳办 (*weiwēnbān*, or stability maintenance office) and filtered the results so that only cases where there were conflicts between two or more parties where a *weiwēnbān* attempted to facilitate resolution. We retrieved articles within a time period beginning with 1 January 2008 and ending with the present (ie, April 2013). The filtered articles were coded based on the framework listed in the Appendix.

<sup>8</sup> In a recent article, Tsai and Kao (2013) demonstrate the complexity of the agenda-setting process facilitated by "writing teams" in the Chinese state media. Such teams of authors work collaboratively to promote particular points of view, in the process interacting with rival teams who promote different views. While we found no particular reason to presume that these writing teams wrote any of the articles we analysed, Tsai and Kao's case study demonstrates the sophisticated way in which the party-state uses the media to manage public debate.

- within reason, as depictions and critiques of events that actually took place or are taking place;
- within reason, as depictions of phenomena which the state would like people to believe are occurring;
- as moral-legal narratives designed to encourage citizens and government bodies to behave in particular ways (in the style of popular legal and policing publications such as *Zhuomuniao* and *Minzhu yu fazhi*); and
- as manipulation of units of state discourse: that is, pieces of writing designed to promote new terms and ideas, such as *weiwen*; especially pieces written less to inform an audience, but rather for the economic or strategic benefit of the author (for example, articles published in order to legitimise a local government organisation, or published by academics in order to meet publication quotas).

In keeping with this approach, we concentrate on the cases not so much as individual units of data but rather as pointers which can demonstrate useful themes and trends in the practice of *weiwen* as conflict resolution. Therefore, the analytical approach taken below is to identify various general headings which we believe best summarise the data we used, and to indicate (citing particular cases where necessary) how these trends relate to the data and what more general ideas can be deduced from them.

Such an approach is not a substitute for fieldwork. Rather, it provides different information, emphasising how discourse on stability maintenance is formed, negotiated, and expressed in different contexts. Regardless whether we take these items of data purely at face value (as depictions of actual events) or purely as a tool of the state, we can observe:

- a nexus between *weiwen* and conflict resolution, previously unexplored in Western academic analysis;
- cases of innovation in local government, stimulated by *weiwen* funding;
- deliberate flexibility and personalisation of disputes, questioning the idea of “rigid *weiwen*” popular in Chinese political discourse; and
- further shifts in “all-purpose” labels for conflict resolution: from *weiquan*, to *xinfang*, *shangfang*, *tiaojie*, and *weiwen*.

As the figure below demonstrates, the 65 cases originated from sources across China, with a particular bias towards the Pearl River Delta, which, as other authors have observed (Lee and Zhang, 2013), has experienced a particularly high level of stability maintenance cases. We observed a reasonable balance between large cities and smaller population centres, and recorded articles from a range of media sources, primarily local or provincial newspapers.



Figure 1: The 65 analysed cases, plotted on a map of China.

## The trends

This section identifies five key areas—compensation, fresh starts, informality of negotiation, interaction with other bodies, and practical facilitation—which were apparent from the cases. Specific cases are identified when useful.

### Compensation

As Lee and Zhang (2013) and Zhuo (2013) have demonstrated, the process of compensation and financial exchange is key to stability maintenance. Both modern and traditional tendencies in Chinese state-society relations have paved the way for finance-based conflict resolution. Zhuo contextualises the rise of *weiwen*, particularly at grassroots level, as being a logical progression of the development of a profit-making model for townships and villages: that is, the gradually increasing economic independence of the township and village leaderships, such that local leaders have become “profit-making model regime executives” (*moulixing zhengquan jingyingzhe*), clashing with their traditional role in conflict resolution (Zhuo, 2013, p. 42). Such a policy approach, it is argued, has led to a situation where local governments have drifted away from the “service model” (where their basic role is seen as providing services to citizens) and towards a purely profit-making model, a natural consequence of which has been increased fees for services and increased disputes over such fees (Zhuo, 2013, p. 42).

Lee and Zhang extend this analysis by situating it conceptually in what is termed the “micro-foundations of authoritarian domination” in a post-state socialist era. They suggest that tendencies which were apparent before the reform period—the patron-client relationship within the Chinese Communist state, the tacit “hidden bargaining” characteristic of socialist economic relations, and the “bureaucratic absorption” of legal functions by party-state bodies—are just as apparent within the stability maintenance regime (Lee and Zhang, 2013, p. 1478-1481). The major shift that they identify is that the bargaining now takes place on a more abstract financial plane, a phenomenon known in everyday language as *huaqian mai ping’an* or “buying stability” (Lee and Zhang, 2013, p. 1485). The cases of stability maintenance-based conflict resolution which attract most popular interest are those which involve the transfer of funds. Tang (2010), for example, discusses cases where sums of money have

been used by *weiwēnban* to break up fights and to compensate complainants who make complaints without any legal basis (for example, forcing a woman's former boyfriend to pay for the "loss of youthfulness" incurred by the woman after she had an abortion).

This tendency was borne out in the cases we analysed, although not to the very high extent suggested by the authors quoted above. In twelve of the 65 cases, it was reported that the stability maintenance office required the entity being complained about to pay compensation; in two others, it was reported that compensation was settled upon between the parties involved after a drawn-out process of discussion and mediation; in one other case (in Beiliu city, the stability maintenance system of which will be discussed below), it was reported that the stability maintenance office had voluntarily paid a sum of money to the family of a youth who had died while saving a drowning villager (Jin, 2012). In some cases the sums involved were very high: one case, in Sanya city in Anhui province, a family was paid ¥200,000 compensation after they blocked a busy highway when a relative was killed in a traffic accident (Song, 2012). This is not to say that only these twelve cases were resolved on a financial basis—many of the cases were resolved by the stability maintenance apparatus requiring organisations, such as companies, to pay outstanding wages or fees which they previously owed other people.

Cases such as this do demonstrate the extent to which local governments are prepared to draw from "stability maintenance funds" in order to prevent conflicts reaching the stage at which they must be resolved by courts or petitioning, and to prevent larger-scale mass incidents or long drawn-out public displays of dissent from occurring—a key principle of Xie (2012)'s analysis of stability maintenance. Nonetheless, it must still be acknowledged that in many of the cases we considered, financial compensation did not figure very highly. Two potential conclusions—neither mutually exclusive with the other—may flow from this. One is that, at a grass-roots level where the stability maintenance office is dealing with relatively small interpersonal conflicts, the strategy of financial compensation is used less frequently than in large-scale conflicts in larger cities with larger stability maintenance funds. Instead, negotiative strategies, characteristic both of traditional mediation and PMC-facilitated mediation, are used more frequently.

Second, it is possible that financial compensation is just as common a strategy as the field-work research performed by the authors above indicates, but that it is not emphasised when *weiwēn* cases are reported in the media. This would suggest an interesting tendency: that the state is willing to maintain a policy of compensation as the backbone of stability maintenance, but intends to *frame* stability maintenance as a quasi-mediation form of interpersonal negotiated conflict resolution, either as a response to the academic criticisms of *weiwēn* described below, or as a means of suggesting to the public that the *weiwēn* process of dispute resolution is negotiative and facilitative rather than merely financial.

The key to Zhuo's discussion of *weiwēn* bargaining, which he analyses using the language of game theory, is information asymmetry (Zhuo, 2013, p. 43-44): the local state has more information about what compensation is possible in a given situation than any complainants, because it is able to communicate with higher levels of government and because it has more information about similar cases taking place in other locations. It is thus more likely that the state will obtain a financial outcome closer to its preferred outcome (that is, minimising their own costs) than that individual complainants will get an amount of compensation that is close to what they initially wanted. Given that the state possesses this extra negotiation power, it is feasible that it is in their interests to promote the negotiative aspect of stability maintenance, as extended negotiation is likely to shift the outcomes in their favour. While this is hypothetically possible, and may be a strategy which is occurring in various places, it is not particularly

consistent with the obvious fact that the compensation aspect of stability maintenance-based conflict resolution is well known, and of course motivates many complainants to make complaints. Overall, however, in spite of these ambiguities, the data do seem to suggest that the influence of compensation is less than Western academics have previously observed, and that it is possible for the *weiwēn* process to take place without financial compensation necessarily occurring.

### *Fresh starts*

In several of the reported cases, it was suggested that the stability maintenance apparatus provided a novel means of resolving disputes that had dragged on for a long time. In such cases, complainants either sought the stability maintenance offices out, or the offices intervened themselves. In representative cases, a dispute over the remuneration of some hotel workers, which had gone on for four years without any particular resolution, was resolved by the intervention of a *weiwēnban* at the behest of the city government, apparently to the great acclaim of the public (Lü, 2013); and a long-running dispute between farmers over the sale of pigs was referred by the local police station to the local *weiwēnban*, which was able to liaise with the police and the complainants to resolve the problem to the satisfaction of all (Xiong, 2013).

While they are intended to make the point that the stability maintenance process is effective as a negotiative facilitator of dispute resolution, it is also clear from the articles that existing processes of dispute resolution, in particular quasi-legal processes like mediation and adjudication, have a tendency to stagnate, in that there are increasingly fewer options that the mediating bodies may offer the complainants, and in that the personnel involved in the mediation may lack the skills required to listen to both parties and to develop suitable outcomes. In this context, the benefit of the *weiwēn* process is first that it is relatively new and has been heavily promoted, and second that it is well funded, allowing its staff to facilitate a wider range of mediation strategies, of course including financial compensation.

### *Informality of negotiation*

As compared to the methods of dispute resolution promoted during the 1980s and 1990s, such as legal proceedings, petitioning, and judicial mediation and adjudication, the process of dispute resolution as facilitated by stability maintenance offices is characterised by its informality. In this way it is conceptually close both to the recent mediation reforms in China, particularly the use of People's Mediation Committees (see Ali, 2013), as well as to the mediation techniques characteristic of the Mao period (see Lubman, 1997; Fu, 1992). There are very few structures and rules governing mediation processes, amounts of compensation, strategies for communication, lengths of time required, interaction with other bodies, and so on. Jin and Zhao (2012, p. 98-9) suggest that weaknesses in the *weiwēn* process are often a result of the limited strategic knowledge of local governments, who tend to use either compensation or violent strategies on the grounds that they have little training in other forms of mediation<sup>9</sup>. Further, this informality has led to the predominance of bargaining discussed by Lee and Zhang and Zhuo.

A characteristic case of this bargaining, alluded to above, concerns a young woman who, after she had had an abortion, sought ¥80,000 compensation from her former boyfriend for "loss of youthfulness". The man only wanted to pay ¥10,000. The *weiwēnban* assigned the

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<sup>9</sup> The difficulty of untrained staff performing *weiwēn* processes and writing *weiwēn* reports (such as the *weiwēn gongzuo zongjie* (or yearly "stability maintenance work summary") has led to the publication of specially designed software designed to aid the work of stability maintenance officials (*tujian.org*, 2011). It is also possible to find templates for stability maintenance reports online.

head of the local police to discuss matters with the man: “no-one knows what they said” during their meeting, but the man subsequently agreed to pay ¥30,000 to the woman and ¥9,000 to the *weiwēnban* as a “coordination fee” (Tang, 2010). The arbitrariness of this bargaining, as well as its lack of transparency, has often been regarded as detrimental to the process of conflict resolution as a whole, as well as, in Lee and Zhang’s language, being a means by which the state can resist and mediate threats to its authority.

Nonetheless, it can still be argued that the very flexibility of this process can have positive effects. As in the case above, it can provide remedies where individuals have been damaged in some way but where there is no obvious legal recourse for their injury (a problem which Abel (1990) argues in his famous critique of tort law is a characteristic of rapidly changing and fragmenting capitalist societies). It allows remedies to be tailored to the particular participants in the conflict, allowing for—in contrast to legal methods—more flexible forms of remedy than financial compensation, such as apologies or restitution, and allowing these to be negotiated between the parties.

Three example cases from our data, each with a medical orientation, demonstrate this tendency. In one case, in Shenzhen in 2012 (Li Hongmei, 2012), a hospital agreed (after a “dialogue” with the *weiwēnban*) to provide free treatment to a man who needed corrective surgery after he lost an eye in an operation provided at the hospital. A second case, also in Shenzhen (Tong, 2013), involved community protest at the risk of infection spreading from a proposed women’s and children’s hospital. After negotiation, it was agreed that the hospital would not handle infectious diseases, and it would be built 34 metres away from other buildings, more than the legal minimum standard of 20 metres. Third, in a case from Guangzhou (Zhou, 2013), a hospital agreed to pay ¥350,000 compensation to the family of a man who had died during a blood transfusion.

It is particularly apparent that these processes are incongruent with Western notions of the “rule of law”, and the application of the rule of law in the Chinese context. For example, closed-door negotiations violate the principle of transparency, by which it is deemed that decision-makers’ processes of reasoning should be made obvious to outside observers (see Peerenboom, 2002, p. 425). Forms of negotiation which are dependent on what the various parties involved believe, what they can contribute, or how much bargaining power they have risks violating the principle of consistency (that is, the idea that legal decisions should be predictable and similar in similar cases), which is also held to be a key to the rule of law (Schweitzer et al., 2007, p. 621-2). However, acknowledging this deficiency does not automatically or wholly invalidate these informal negotiation processes, particularly given the lack of financial and human resources devoted in China to the development of the legal system, and the correspondingly high level of resources given to the stability maintenance project. Essentially, then, the potential critique of this aspect of *weiwēn* remains very similar to Fu’s, Lubman’s, and Ali’s critique of mediation, namely that it can and does play a role in local Chinese communities without necessarily being as consistent with legal principles as outside observers would desire.

#### *Interaction with other bodies*

One aspect of the stability maintenance apparatus which has been specifically promoted in the state media is its ability to link and coordinate with other government bodies. Being administratively separate from the courts, police, procuratorate, and so on, but frequently sharing staff and facilities with these, has evidently provided *weiwēnban* with a novel form of coordination power. As one user was reported to have said:

“Before, if people wanted to go to the government, or get divorced, or if they had a dispute, they didn’t know who to go to. They would have to go to the secretary of the

mayor. Now they know to go to the *weiwenban*, who can pass on the problem to the right people.” (Tang, 2010)

This tendency, or at least the desire of the state media to promote stability maintenance as a “one-stop shop” for conflict resolution, was evident in many of the cases we studied. There were only six of the 65 cases in which no other government organisation was reported to have been involved in the conflict resolution process. First, there was an obvious overlap between the architecture of the People’s Mediation Committees and between the work done by the *weiwenban*. When *tiaojie* (mediation) is referred to in the cases, it was often difficult or impossible to ascertain whether the PMC or the *weiwenban*, or both, was facilitating the mediation.

In resolving conflicts, the stability maintenance apparatus worked closely with local Public Security Bureaus, judicial offices, district courts, Politics and Law Committees, city development boards, economic and trade bureaus, housing construction bureaus, village committees and local government, as well as quasi-government organisations such as the All-China Federation of Trade Unions, together with the People’s Mediation Committees and other specialised mediation committees such as medical dispute mediation committees. This is not an exhaustive list, but rather is intended to represent the extent to which the stability maintenance engages with other government bodies. Xie (2013) makes the point that the very limited funding provided to local police means that the stability maintenance apparatus, which is sometimes better funded, can act as a *de facto* police force, although often over-spending on *weiwen* has had a damaging effect on local budgets.

The interaction also takes many forms. Apart from the evident ability of the *weiwenban* to refer its clients to the local body which can best fit their needs, the government organisations which cooperate with the stability maintenance apparatus can interact with *weiwenban* during the conflict resolution process (as is common with the Public Security Bureaus and local governments), as well as acting as a supervisor for the remedies that the *weiwenban* intends to enforce—for example, after a labour dispute with a bus company, the bus drivers and company came to a consensus, and the drivers agreed to go back to work. Facilitated by the *weiwenban*, in tandem with the Human Resources and Social Security Bureau and the Federation of Trade Unions (both at district level), the bus company promised changes to the drivers’ work contracts. The District Labour Department (*qu laodong bumen*) was enlisted to enforce and supervise these changes (Wei, 2013).

### *Practical facilitation*

Since the stability maintenance apparatus has such a high level of access to other government bodies, and since the process of conflict resolution is so fundamentally negotiative and non-legal, the *weiwenban*’s role tends to be extremely practical and facilitative. In contrast to the Western legal system, there is very little attempt to develop general decision-making principles or precedents which can be applied in more than one case. However, this does not simply extend to the flexible provision of financial compensation. As part of the bargaining process, the stability maintenance apparatus allows for the construction of complex facilitative solutions to problems.

Examples of these processes include mandating apologies in situations where official bodies have made mistakes, such as cremating the wrong body (Zhang, 2012; *Taizhou ribao*, 2012); promoting “rational patriotism” in a case where anti-Japanese protests by school students were perceived as having got out of hand (Li Qiping, 2012); requesting that children provide their elderly mother with “spiritual care” as well as money (she had been attempting to bring a lawsuit to require this) (*Nandu wang*, 2013); and many cases where *weiwenban* have



spearheaded or mandated the investigation by police or local government of cases of criminal conduct or financial deception.

This strategic approach is consistent with the Chinese “retreat from law” and the localised approach characteristic of the *weiwen* apparatus, as well as the recent tendency to make mediation less legalistic and more practical and facilitative. Nonetheless it is worth mentioning it specifically, as it demonstrates that the work done by stability maintenance organisations is not confined to financial compensation or bargaining between individuals. Further, even if the cases mentioned above are relatively infrequent, or if their reports have been exaggerated or constructed by the media, it is still possible to observe some vestiges of *weiwen* being taken at “face value”—that is, as a series of schemes for increasing the level of stability in society.

### Policy debates

As mentioned above, Western writers have tended to attribute the stability maintenance apparatus with unitary aims—namely, as a form of “domestic coercion” (Xie, 2013, p. 80). On a structural level this is inconsistent with the highly localised—and thus highly diverse — organisation of stability maintenance offices, and on an empirical level, the cases above demonstrate somewhat more diversity in the implementation of the basic principles of stability maintenance. Further to this, it is evident that critiques of *weiwen* from Chinese authors are having some effect on the practice of stability maintenance, particularly at local levels.

Kelly (2013, p. 52-3) identifies a key moment in the Chinese state’s attitude to *weiwen*: the publication, in July 2010, of a special issue of *Renmin Luntan* (or “People’s Forum”, an offshoot of the *People’s Daily*, reflective of the opinions of high-level Party officials) which presented critiques of the implementation of stability maintenance policy. The articles in this issue, particularly those by Sun Liping and Yang Yiyong, interact with a separate article published in 2009 by Yu Jianrong to form the basis for a critique of stability maintenance practices which is continuing to have an impact at local level. Three key concepts have attracted particular attention: Yu’s “rigid stability” versus “flexible stability” (Yu, 2009); Sun’s “spectre of instability” and “stability maintenance vicious circle” (Sun, 2010); and Yang’s criticism of “movement-based stability maintenance” (Yang, 2010). While these particular articles are short and not very empirical, they have stimulated considerable academic discussion, and I use the practical response to this academic debate to test the hypothesis that local stability maintenance offices are acting as catalysts for innovation in local government practice.

Yu’s concept of “rigid stability” (*gangxing wending* 刚性稳定) refers in essence to the idea that non-political protest is being interpreted by the state as being political and handled politically. Many mass incidents, he argues, are in fact cases of “anger venting” based on local incompetence and the perception by local citizens that they lack the ability to participate in the management of their own affairs. In response to this, he suggests that the state has taken a “high tension” approach (Yu, 2009, p. 115) characterised by suppression of public opinion, and a reliance on state violence and control as a means of government organisation—while at the same time the methods and the vigour with which the public expresses its opinions have increased. Flexible stability, he suggests, is characterised by decentralisation and “micro-politics”, where social conflicts at a local level are treated negotiatively by the state, and accepted as a normal consequence of social development (Yu, 2009, p. 116-7); thus, stability and development can co-exist.

Sun (2010) conceptualises Yu’s “high tension” society as being characterised by a “phantom of instability” (*bu wending huanxiang* 不稳定幻想)—that is, that a subjective feeling of social instability has led to excessively censorious treatment of protest and social conflict. Sun

spends some time making the argument that China is not especially unstable: “an increase in social problems is a good thing. It means that people are daring to express their demands, and society must tolerate and understand this phenomenon.” He criticises the “common practice” by government of achieving “short-term stability” by suppressing the expression of vulnerable social groups, describing this as a “stability maintenance vicious circle” (*weiwēn guaiquān* 维稳怪圈) in which “the more stability maintenance there is, the less stability there is” (*yue weiwēn yue bù wēn* 越维稳越不稳). Yang (2010) furthers this idea by criticising “campaign-based stability maintenance” (*yundòngshì de weiwēn* 运动式的维稳) and suggesting that the key to achieving long-term stability is institutional development and maintenance rather than severe action in specific circumstances.

These analyses were largely targeted towards the perceived problem of “mass incidents”. Perversely, perhaps, the treatment of mass incidents—characterised by “buying” short-term stability to avoid attenuated public conflict—has remained largely the same (as Xie (2012 and 2013) and Lee and Zhang (2013) have demonstrated), despite the evidence that some Party intellectuals doubt that this method is the most effective in the long term. But at lower levels of conflict resolution, those not likely to escalate into mass incidents, this academic discussion may have had some effect. Local responses to the academic critique of *weiwēn* demonstrate a tendency to use the structures and discourse of stability maintenance as a means of developing innovations in local government.

The case of Beiliu city<sup>10</sup> in Guangxi province, described by Yang Yuquan (2012), demonstrates the interaction that *weiwēn* can have when applied to existing governance structures. As described by Yang, Beiliu and particularly Liuqing village (the focal point of the case study) had suffered from inefficient dispute resolution processes, particularly in view of the fact that conflicts had been increasing over time. The dispute resolution process was overseen by the “two committees” (*liang wēi* 两委, the term used for the sharing of power between the Communist Party and village committee—see Sun et al (2013)). It was characterised by a lack of expertise in the cadres responsible for conflict resolution, and limited enforceability of decision-making, which resulted in many cases being referred upwards, through petitioning and legal action. In short, it had “ceased to function” (*shīlíng* 失灵). This “administrative management” (*zuzhǐ guǎnlǐ* 组织管理) was invigorated by the introduction of a system of a form of grass-roots power known as “harmony associations” (*héxié xiéhuì* 和谐协会). 28 harmony associations were developed, registered as not-for-profit social groups, and functioning under the direction of the village-level workstation for comprehensive management, letters and visits and stability management (*cūnjī zōngzhì xīnfāng weiwēn gōngzuòzhàn* 村级综治信访维稳工作站).

The harmony association project might be described as a form of microfinance for dispute resolution. Under the “thought leadership” (*sīxiāng zhīdǎo*) of the CCP leadership, the harmony associations aimed to distribute responsibility for dispute resolution and develop links to community (through “mass propaganda” or *qūnzhōng xuānchuān*). The associations received a startup fund (a *weiwēn jījīn* or stability maintenance fund) of ¥150,000. Rather than to compensate complainants, this funding was mostly used to provide greater levels of payment for mediators. The mediators thus recruited were local people who had gained the re-

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<sup>10</sup> By coincidence I performed fieldwork in the adjacent county in 2012. This fieldwork (concentrating on activism rather than dispute resolution) demonstrated that local activists regarded the *weiwēnban* as essentially indistinguishable from the local police or the national security apparatus (Benney, 2012, p. 397-8). This does not fundamentally contradict Yang’s description of what has happened in Beiliu, especially as my research pertained to the “mass incident” focus of *weiwēn* rather than its dispute resolution function, but it does place some doubt on the reliability of his findings. When asked by email whether they had heard of the Yulin *weiwēn* strategy, my informants responded in the negative.

spect of the community and were recommended by community members, often retired Party members or cadres. Their close links with the community gave them moral authority in mediation, and their local knowledge allowed them to negotiate effectively in cases relating to property and boundary disputes. Liberating the cadres from the burden of dispute resolution improved local relationships, but still provided a means of supervision for “objectivity”. Yang suggests that this method has provided a more efficient use of resources by limiting compensation, as well as providing a dispute resolution method which has gained the favour of the community. He claims that this is a manifestation of Yu’s “flexible stability”, in that it is responsive to the pluralism of the area and aims to reduce the distance between people and their government.

Reports of similar schemes can be found elsewhere in the academic literature: for example, the implementation of stability maintenance at grassroots level through “rural village offices” (*nongshi cunban* 农事村办), also in Guangxi (Huang, 2010), and the use of “stability offices” to mediate in labour disputes in Henan (Li and Wang, 2009). As Li and Zhao (2012, p. 99) identify in a longer reflection on the basic critiques outlined above, these are manifestations of a broader need: to stimulate innovation in *weiwèn* practice, to allow such innovation to improve local government practice in general, as a response to the increasing complexity of society, and to facilitate methods of dispute resolution which promote longer-term stability rather than papering over immediate problems with compensation, and causing more problems later (that is, breaking out of the “stability maintenance vicious circle”).

These various forms of local innovation do demonstrate that it is possible for the practice of stability maintenance—at local level and for personal-level conflicts—both to respond to the general criticisms of policy which have been mounted in the past few years and to create innovative practices which are consistent both with the demands of the party-state and with the specific needs of the region. These responses seem to accept that the legal and petitioning system are of limited use in the current local government milieu, and aim to work around this.

Naturally, however, there are many limits on this. Since the innovative methods described have not appeared to work well in dealing with larger-scale mass incidents, it is difficult to see that the particular distribution of funding which occurred in the Beiliu harmony associations could be applied to systems where mass incidents were more common: as the stability maintenance funds would presumably continue to be applied to “buying stability” in response to mass incidents, it is unlikely that grass-roots conflict resolution methods would be prioritised. Second, the problem of expertise remains considerable. This is so both in terms of the low capacity of local officials to resolve conflicts skilfully, which none of the proposed *weiwèn* reforms really address, as well as in terms of the harmony association model, which requires that people of sufficient skill and standing in the community can be lured into performing difficult and controversial roles on the basis of relatively small sums of money—a situation which, while it appears to have happened in various places, cannot be said to be guaranteeably replicable across the whole of China.

In a broader sense, while the debate about *weiwèn* reform is has been approved of by the state at some level, the ideas promoted by such controversial figures as Yu Jianrong and Sun Liping are unlikely to form part of the mainstream thought processes of the party-state. Observation of the overall tendency of the Chinese state under Xi Jinping, as well as within the management of the stability maintenance scheme (for example, that the responsible minister, Guo Shengkun, has a background in policing and business rather than in law), suggest that it is the authoritarian tendency and the financial tendency rather than negotiation or long-term social planning which will rule in these cases. But even if we accept this point, it re-

mains true that experimentation is the fulcrum on which Chinese policy is often developed (see Heilmann, 2008), so that local innovation in stability maintenance practice cannot merely be ignored or conceptually marginalised.

## Conclusion

On a fundamental level, this paper has aimed to study the *weiwēn* phenomenon in and of itself. That is, it has attempted not to conflate “stability maintenance” as a series of organisations and practices with the pursuit of actions which are designed to increase the level of *actual* stability—however that can be measured—or to prevent the level of stability from being lowered. On both a practical and an epistemic level, these two things are linked but ultimately discrete. *Weiwēn* has become, and was likely intended as, an all-purpose tool for solving various social and political problems (in much the same way as petitioning was in the mid-2000s (Minzner, 2005)), in a context in which, through lack of resources and political will, legal methods have been marginalised. One of its uses has been conflict resolution at a local level, an area which has perhaps been ignored by other writers because it does not always fit into a larger picture of national political stability.

The analysis of grassroots *weiwēn* highlights a society which is struggling with low-level local conflicts and in which it is difficult to resolve problems other than by financial compensation or state violence. Stability maintenance does not address these problems in an overall sense, and in some ways it exacerbates them. Nor is stability maintenance at all compatible with legal development or the rule of law, harking back as it does to traditional interpersonal means of mediation characteristic of the Mao period and earlier.

Nonetheless, considered at a grassroots level, the hypotheses posed about the effect of stability maintenance have been in part confirmed. It is clear that, although it may not be a feasible option in the long term, stability maintenance bodies have brought more to the world of conflict resolution than just extra money: they have been able, in various ways and in various places, to improve the quality of negotiation in disputes, and to facilitate outcomes which involve more than just the transfer of sums of money. The data we collected seem to demonstrate that, when the conflict is below “mass incident” level, the roles played by stability maintenance officials become increasingly flexible. This brings us to the issue of policy flexibility and innovation, in which this paper has demonstrated that local authorities have shown the capacity to respond to academic critiques of *weiwēn* by creating innovative local means of resolving conflicts.

None of the arguments made in this paper necessarily contradict the broader critique of *weiwēn* mounted by the Western authors I cite. Rather, they demonstrate first that *weiwēn* is a complicated organism difficult to generalise about, and second that *weiwēn*, together with people’s mediation, is providing a means of local conflict resolution which fills a gap in local Chinese society which other organisations and strategic approaches, whether from the state or from individuals, cannot effectively fill.

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## Appendix

### Stability maintenance and dispute resolution: a coding framework

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Databases: *Renmin Ribao* database  
Chinese Newspaper database (CNKI)  
Chinese journal database (CNKI)  
Google News  
Searches of web and SNS (tianya.cn, Weibo, etc.)  
(in order of importance)

Keywords: Key search term: 维稳办 (*weiwenban* or stability maintenance office, abbreviated WWB)  
NB: Entries must relate to *conflicts* between multiple parties where a WWB attempted *resolution*. (Note the categories of conflict in item 13.)

Timeframe: Searches begin on 1 January 2008 and continue until the present.

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Notes on coding: text is entered in the spreadsheet either in Chinese (Ch), English (E), or in coded letters/number (Co). For the fields classifying complainants and complaints (11, 12, 13, 15, 16), it will be possible to use multiple codes in single cells, in which case they should be placed in alphabetical order (eg, “ACP” for field 13).

No	Field	Description	Ch/E/Co
1	Entry number	Different for each line	Co
2	Case number	Different reports of single cases should have the same case number	Co
3	Media source	Newspaper (etc) name	Ch
4	Media date	DMY	Co
5	Media access date	Date last accessed by researcher. DMY	Co
6	Media name	Headline, title, or other identifier	Ch
7	Media citation	Web link or page number	Co
8	Incident date	MY or DMY	Co
9	Incident location	Village, county, <i>and</i> province	Ch
10	Affiliation of relevant WWB	Village, county, <i>or</i> province	E
11	Type of complainant	I – individual C – collective of individuals (family group, unofficial organisation) Q – quasi-government organisation (such as ACWF, CYL, etc.) O – cadre (government employee/official) G – government body, taken	Co

		collectively	
12	Type of entity complained about	I – individual C – collective of individuals (family group, unofficial organisation) Q – quasi-government organisation (such as ACWF, CYL, etc.) O – cadre (government employee/official) G – government body, taken collectively	Co
13	Type of complaint made by complainant (NB: legal language is used here for the purposes of classification. It is not necessary that the “offences” are actually illegal, or that they can actually be found to have occurred.)	A – physical offences against the person (assault, etc.) T – financial offences (refusing to pay compensation, fines) P – offences relating to property (theft, misuse of space, demolition) C – contractual offences (refusal to honour agreements) R – offences based on personal relationships (fights, domestic violence, sexual offences)	Co
14	Text description of complaint	A one-sentence English summary of the conflict	E
15	Time before WWB intervened	In a few English words, the length of time that the conflict went on before the WWB intervened or was consulted (eg one week, one month, unknown, etc.) It may also be possible that the WWB intervened <i>before</i> a conflict began (that is, the WWB anticipated that a conflict would occur).	E
16	Resolution method (complainant)	N – negotiation between parties is facilitated by WWB C – WWB pays compensation to complainant F – WWB requires complainant to pay L – WWB refers dispute to courts P – WWB refers dispute to police X – no resolution	Co
17	Resolution method (accused)	N – negotiation between parties is facilitated by WWB C – WWB pays compensation to accused F – WWB requires accused to pay L – WWB refers dispute to courts P – WWB refers dispute to police X – no resolution	Co
18	Non-WWB entities	Text description	E

	involved		
19	Degree of CCP involvement (as represented in the media)	0 – not mentioned 1 – alluded to 2 – mentioned frequently	Co
20	Short-term outcome	N – not resolved P – partly resolved R – resolved	Co
21	Long-term outcome (if known)	Text description	E
22	Text description of resolution/outcome	A one-sentence English summary of the resolution	E